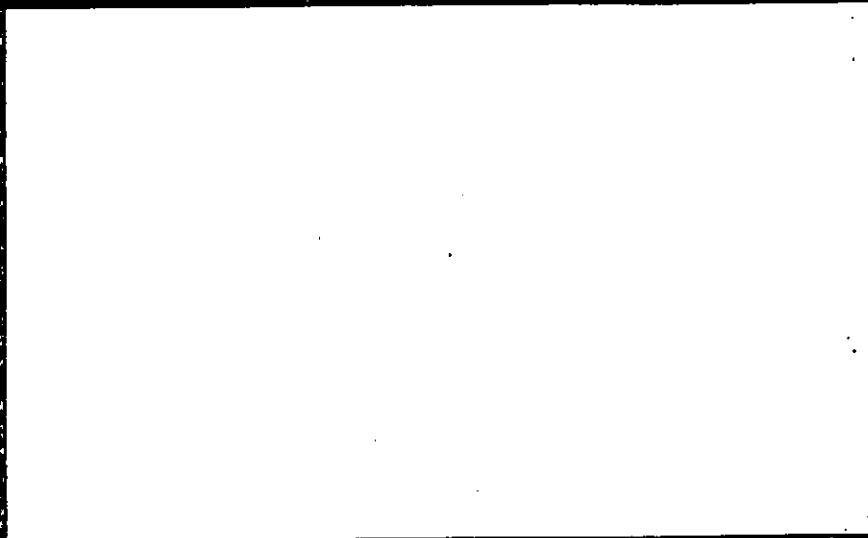


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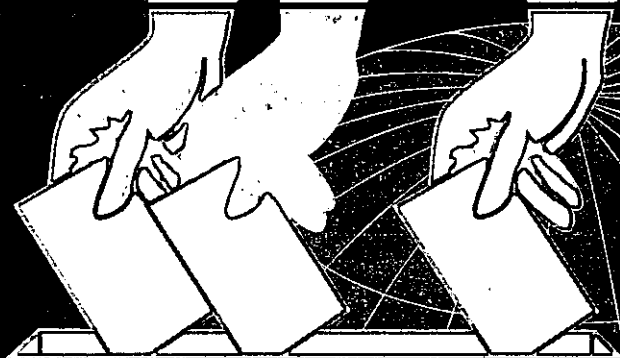
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IFES



International
Foundation
for Election
Systems



**Cambodia Electoral Assistance Project
1996-1998**

Final Report

Submitted to:

USAID/Phnom Penh

Delivery Order No. 6

IQC #: AEP 5468-I-00-6003-00

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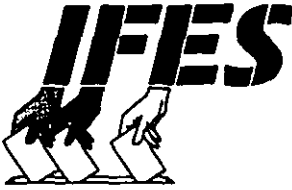
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November 25, 1998

Mr. Willard J. Pearson, Jr.
Mission Director
United States Agency for International Development
Phnom Penh, Cambodia

Dear Mr. Pearson:

Please find attached the final report on program activities carried out by the International Foundation for Election Systems (IFES) in Cambodia from August 1996 through September 1998 under the auspices of the United States Agency for International Development. This report recapitulates the impact of the technical assistance and support IFES provided, often under challenging circumstances, to the Royal Government of Cambodia in an effort to establish transparent methodologies for implementing credible elections.

IFES is very proud of its contribution in helping to establish election management systems in Cambodia and encourage a free, credible, election process there. You will see in the final report that IFES produced impact in the following areas:

- Establishment of an independent and permanent National Election Committee (NEC);
- Capacity building at the NEC, specifically on how to design an election system, ballots, and security and anti-fraud features;
- Incorporation of basic principles of democratic elections, in respect to the constitution (i.e., free, direct, individual voting), into the new election law;
- Computerization of the voter registration system following IFES' design;
- Upgrading the UNTAC computer system (in coordination with the AEC), and assembling and training a team of Cambodians to manage the computer center; and
- Providing on-the-job training to fifteen permanent staff members of the Board of Elections in creating a master election plan, conducting pre-election tasks, and working in the field in order to do realistic planning for the provincial and local levels.


The process of democratic reform and improvement in the election system of Cambodia has only just begun. The newly-elected Cambodian Parliament, the National Election Committee, and the non-governmental community all face arduous tasks ahead as planning continues for local elections in 1999. IFES hopes the United States Government will again take an active role to assist Cambodia through this challenging time. To that end, IFES recommends that further assistance be provided in the following areas:

- Development of election laws, implementing regulations, and administrative procedures to address local elections of village chiefs and commune councils (for elections to be held in May or November 1999);
- Development of rules of democratic governance for commune councils (e.g., village by-laws);
- Advancement of the legal framework and election management system for the election of provincial and district authorities;
- Assessment of the Constitution and the potential for reform and/or amendments;
- Creation of codes for administration and management of the National Assembly (e.g., provisions for forming a government if the contending parties are at an impasse);
- Reform of the election law regarding the composition of the NEC;
- Development of a school curriculum and civic education program on constitutional rights and responsibilities in concert with non-governmental organizations and appropriate ministry officials and educators; and
- Assistance to the NEC for upcoming commune elections, with particular focus on dealing with the new majoritarian system and educating the voters about it.

IFES stands ready to assist in these activities with a proven capability in Cambodia, relationships with relevant officials and NGOs, and knowledge about the systems of governance in the country. Most importantly, we are committed to the development of democracy and promotion of peace and stability in the Cambodia.

Thank you for your past support of IFES initiatives. We hope to work with you again in the near future.

Respectfully,



Mary Lou Schramm
Deputy Director for Asia

cc: Mr. Joe Clough, Democracy and Governance Program



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I. Executive Summary

A. Summary of Delivery Order No. 6

From August 1996 until July 1997 the International Foundation for Election Systems (IFES) worked closely with the Royal Government of Cambodia (RCG) to strengthen and improve Cambodia's electoral framework in preparation for July 1998 parliamentary elections. In the form of on-site technical experts, IFES provided the know-how and comparative experience to accomplish a challenging scope of work which included drafting election laws and regulations, preparing an election calendar and budget, designing a voter registration system, initiating recruitment and training programs for election officials and pollworkers, procuring and distributing election supplies and equipment, ballot design, and voter education. IFES provided this assistance in a politically volatile and troubled environment, the result of decades of political turmoil and civil strife.

Beginning in 1996, IFES' election administration expert, Theo Noel, assisted the Ministry of Interior's (MOI) Election Law Drafting Committee with the drafting of new electoral laws and regulations. This expert also worked with the MOI's Bureau of Elections (BoE) with initial planning for implementation of the election law and corresponding regulations. He was joined in March 1997 by a training specialist, Carl Slaugenhaupt, who assisted the BoE's Training Unit as it developed training programs and handbooks for election officials. Both activities focused on building the institutional capacity of the BoE and its successor National Election Committee to conduct elections and to help promote honest, impartial and efficient administration of the 1998 national elections.

Although IFES' direct assistance to the government was suspended by the United States Government (USG) after the political events of July 1997, the Canadian International Development Agency (CIDA) stepped in to financially support the bulk of the IFES-initiated project and staff. IFES, however, continued to facilitate an open dialogue with its former project staff, to provide comparative research, and to monitor the electoral environment, the development of the electoral process, and preparations for the July 1998 elections. In addition, IFES' work prior to the suspension continued to have a long-term impact in the following ways:

- ▶ In November 1996 IFES began planning for the technical and financial assistance which was conducted between July and December 1997. These activities included compiling critical information such as a master plan and calendar, conducting field research to determine information such as the number of needed polling stations, planning election mechanics and logistics, determining the cost of the elections, and preparing an elections budget and plan for raising the necessary amount of money.
- ▶ As stated above, IFES was instrumental in providing preliminary information which allowed officials who had never organized elections before to understand the magnitude of their assignment. This was critical to the BoE's decision to organize legislative elections prior to the commune elections.
- ▶ IFES spent considerable time building the capacity of Cambodian election officials during

the election law drafting process to ensure that they fully comprehended the implications (from an administrative viewpoint) of basic principles relating to election mechanics, computerization of the registration process, voting systems, counting, and allocation of seats.

As election day approached, the clamoring of the international community and Cambodian opposition groups strongly suggested that there would be problems associated with the election based on the government's reluctance to take measures to ensure an open, transparent, and credible electoral exercise. IFES, in support of the USG's approach to the elections, worked to improve the political atmosphere surrounding the process by facilitating an international observation effort. The mission reflected the concern of the international community that the elections be conducted in as free and fair a manner as possible for the long-term stability of Cambodia and for the benefit of the Cambodian people.

Throughout these activities, IFES' long-standing reputation of technical competence and experience brought with it a unique level of non-partisan, non-governmental professionalism that has long been appreciated by the Ministry of Interior and the more recent National Election Committee (NEC). This reputation and experience in Cambodia enhanced the reliability and legitimacy of IFES' work in the eyes of the Cambodian government as it struggled to administer an electoral event congruent with international norms.

B. The International Foundation for Election Systems

The International Foundation for Election Systems is a private, non-profit foundation established in 1987 to support electoral and other democratic institutions in emerging and established democracies. Nonpartisan in approach, IFES has conducted assessments, technical assistance, research, training, procurement, and conference activities in over 100 countries worldwide, largely with support from the United States Agency for International Development (USAID). IFES works in Asia, the Americas, Africa, the Near East, and Europe. It is widely known for the nonpartisan role it has maintained in elections and for the consistent quality of services it provides. In addition, IFES has an international reach, using consultants from all over the world. In 1998, IFES inaugurated an International Board of Advisors which consists of representatives from around the globe.

IFES has played a key role worldwide in assessing, designing, and managing election projects and civic education. IFES has administered dozens of pre-election missions and follow-on technical assistance projects. Governments, legislatures, multi-national organizations, nongovernmental organizations, educational institutions, political parties, and independent researchers have used IFES pre-election assessments as guides for understanding the political, social, and economic environment surrounding an electoral event and for implementing technical assistance related to the event.

IFES' strong skills and successful non-partisan approach are eminently appropriate for the tasks at hand in today's international elections arenas. IFES has developed and implemented comprehensive operating plans for electoral events for countries moving from authoritarianism and intense conflict

to democratically-elected governments, and is well positioned to assist with the transformation of the democratic process around the world.

IFES Background in Strengthening Election Administration

A lasting impact in judicial and legal reform requires attention to underlying institutions, their structures, their legal mandate, and de facto objectives. Since its creation eleven years ago, IFES has been instrumental in the development and training of constitutional bodies and election commissions. In addition, IFES has offered substantial institutional assistance to parliaments and non-governmental organizations (NGOs). Specifically, IFES has provided assistance to ad hoc supervisory election commissions in their transition to becoming permanent structures, and has also offered different models for the design and organization of election commissions according to legal provisions that comply with international norms.

Election commissions and other organizations have received assistance with designing of organization charts, defining election procedures, expediting workflow, designing documentation, planning logistics, assessing technical needs, and procuring equipment and other relevant commodities. In addition, IFES has a proven track record in training election officials at the national and local level in areas such as management practices, voter education techniques, pollworker activities, and coordination with the mass media and international monitors. IFES also has extensive experience in sub-grant administration in many of its USAID-funded projects.

IFES Background in Constitutional and Legal Reform

IFES has a strong capability in rule of law issues, including analyzing election and constitutional law and advising parliaments and election authorities on developing and revising these laws. Legal analyses and legal drafting assignments have concentrated on such areas as decentralization of election administration, voter eligibility, qualifications of candidates, election funding, campaign finance, boundaries and districting, and adjudication of grievances. Technical assistance in aspects of election law and related codes has been provided by IFES in many countries, including Armenia, Bangladesh, Bosnia-Herzegovina, Cambodia, Georgia, Kazakhstan, Kyrgyzstan, Macedonia, Moldova, Philippines, Romania, Russia, Slovakia, Ukraine, and Uzbekistan. IFES also has experience in constitutional law gained in Ukraine, Albania and Tajikistan.

IFES Background in Voter Registration

Assurance that voter registries fully represent the voting population is key to an electoral exercise. The development of an expandable voter registry and potentially the inclusion of a voter identification system will lend considerable credence to a system that has been designed to protect against voter fraud. Based on experience with voter/civic registration and the computerization of registries worldwide and specifically in Asia, IFES can assist election officials with the design and implementation of a registration plan, including the database system design, training of registration personnel, and specifying and providing necessary commodities.

IFES Background in Election Worker Training

IFES has a strong and well-respected training capability related to the electoral process, specifically, advising election commissions on developing materials and training strategies for pollworkers. Often a daunting task, the training of election day workers is not usually a top priority list for election commissions. However, since the integrity and competence of pollworkers is most often compromised, training can help ensure that the polls will be manned properly. Drawing on experience in dozens of countries, IFES recently developed "The Pollworker Training Handbook" which provides a global overview of the concepts and training methodologies which must be implemented to properly train pollworkers.

IFES Background in Educating the Electorate

Informing the voting public about the changes and/or current procedures in the electoral process is an integral part of an election commission's responsibility. IFES has worked with election commissions around the world to devise strategies to educate and inform voters about changes in the electoral process. In developing comprehensive plans to implement nationwide voter education plans, IFES has also played a lead role in assessing the public's concerns through the use of focus groups and national surveys. These methodologies have served as a guide in the development of voter education and information plans and have been useful in assessing the types of attitudes and perceptions the public holds. In addition, they have been a valuable method for testing potential messages to be part of any nationwide campaign and finding out which medium is most likely to offer the most effective way for information to reach the highest number of voters.

In addition, IFES has extensive expertise in accomplishing the following types of goals in voter education programs:

- ▶ Informing citizens about new registration and voting procedures;
- ▶ Educating citizens about their role in honest and fair elections;
- ▶ Improving citizen confidence in the election process; and
- ▶ Targeting messages and delivery systems to meet the needs of various groups of voters.

IFES Background in Election Observation

The proper and professional monitoring or observation of an electoral exercise is a key component in elections. Inclusion of international and domestic players in an observation not only enhances the breadth and sophistication of an observation, but offers a valuable opportunity for locally-led monitoring bodies to include themselves in the political dynamic. Working with other international donor groups, IFES can add to the technical competence of international and domestic monitoring efforts through the development of training materials, checklists for election day, and guidelines on the rights and responsibilities of observers. IFES can also field independent observation groups. In addition to observing the performance of election authorities, IFES can report on the mass media, local NGOs, and party activities during the critical weeks leading up to election day.

IFES can evaluate legislation regarding the formation and legal base of citizens' groups and political party representatives and their role in the election process: monitoring the campaign period, observing the voting process from the opening of polls through the full vote count, and disseminating results in the weeks after the election. IFES can also evaluate the electoral environment in this transition, specifically, access to media by all political parties, security and freedom of movement in the country, civilian control or military cooperation in a provisional government, and displacement and disenfranchisement of the voting population.

II. Background

A. Recent Democratization Efforts in Cambodia

The Southeast Asian country of Cambodia has gone through decades of strife and political turmoil since becoming an independent nation in 1953. It is also an area that experienced a brutal annihilation of one million people during the mid-1970s. However, beginning with the peace accords secured between 1990 and 1992, Cambodia embarked on a new course which its leaders hoped would move the country toward 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 led to a coalition government which initially brought a modicum of stability to the country. The 1993 election, however, was a mere beginning of the process to restore democratic processes 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.

B. IFES' Pre-Election Technical Assessment

In 1995, with funding from the United States Agency for International Development, IFES undertook a short on-site pre-election technical assessment mission to assist the government of Cambodia and the international donor community in assessing election-related needs and designing appropriate programs to support a developing electoral process. This report, available in the F. Clifton White Resource Center, presented the international community with a number of options and recommendations for designing assistance efforts.

By 1995, Cambodia had 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 was abundantly clear. The situation then allowed for a 120 member Constituent Assembly which, because it met only sporadically, did not improve the distant relationship between

the people and their government. Local elections would have provided 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 time IFES conducted its 1995 assessment, Cambodia did not have a law for national or local elections. Indeed, officials at the local and provincial levels of government were administrators appointed by the central government. In February of 1996, a seven-person committee (later expanded to 15) 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) -- worked slowly and cautiously to formulate a new election law. Their timetable called for the draft law on local elections to be completed by August 1996. The draft law was then to be submitted to the Interior Ministry which had prerogative over whether or not to involve the public, political parties, NGOs, the press and other groups in the review process. After the MOI examined the draft law on local elections, it then moved to the co-Prime Ministers who subsequently submitted it to the Constituent Assembly for approval. A similar procedure was expected to be followed for the development and approval of the draft law for the national elections which was expected to be completed by the drafting committee in November 1996.

The committee drafting the local election law had considerable details to finalize as it formulated a workable and financially feasible registration and balloting system. Indeed, the committee members welcomed the technical advice provided by IFES regarding 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 were several important issues that needed to be monitored and addressed during the next stage of development of the new laws for local and national elections. This included opening the process to public scrutiny and debate; beginning long-term preparations for implementation of the new law; and ensuring that the fiscal implications of any proposed new law were fully understood before being enacted. The process of formulating, enacting and implementing a new election law and system is a major undertaking in any country, but especially for one of the world's poorest nations. However, it was and continues to be a goal that must be accomplished if Cambodia is to achieve sustainable and real democracy.

In 1995, IFES observed that the various entities charged with the responsibility of drafting and passing a new election law needed considerable technical advice. Initially, it appeared that they were not considering enough options. Perhaps most importantly, during their deliberations, the policymakers were unaware of the cost factors regarding various elements of their proposals in light of the realization that international financial assistance would be (at best) a fraction of what was donated in 1993.

Long-term assistance to implement a new election law was considered crucial to ensure fairness and a timely development of the procedures and policies required in order to hold elections. Some of those efforts would include statute and procedural drafting; logistical planning; legal interpretation; training of election committees, pollworkers, political parties, candidates, NGOs and observers; civic and voter education; commodities assistance; communications assistance; data-processing assistance; and donor coordination and solicitation.

III. Program Description

A. D.O. #6 Phase I: Program Design and Scope of Work (Period: August 15, 1996 – February 28, 1997)

Program Design

IFES sent Mr. Theo Noel, an election administration specialist, to Cambodia to assist Ministry of Interior in the democratization process as the country prepared for local and parliamentary elections scheduled at that time for 1997 and 1998 respectively. In the absence of an electoral law, initial work focused on analyzing existing rules, regulations, and practices and then advising on new electoral laws and accompanying regulations. As requested, IFES provided legal and procedural drafting and interpretation services to the national election authority. Also under this project, IFES sought the input of a variety of governmental, NGO, and other actors on the electoral laws and regulations.

Scope of Work

- ▶ ***Primary Objectives:*** Provide day-to-day technical assistance and expertise to the MOI Election Drafting Committee including expert advice on specific election issues relevant to the development of a free and fair electoral system, including: electoral law design, elections administration calendar, voter and candidate registration, election operations and procedures, and transparency measures; and
- ▶ ***Secondary Objective:*** Enhance the expertise of those responsible for administering elections professionals within the Ministry of Interior, National Election Committee, or other appropriate body.

B. D.O. #6 Phase II: Program Design, and Scope of Work
(Period: March 1, 1997 – September 12, 1997)

Program Design

IFES continued with the technical assistance in election administration provided in Phase I. IFES provided one additional resident expert in pollworker training, Carl Slaugenhaupt, to assist the Ministry of Interior's Bureau of Elections develop and design training methods.

Scope of Work

- ▶ *Training:* Assist the BoE with a rapid assessment of the training needs and develop a master training plan and strategy for:
 - 1) Election Committee and administration staff;
 - 2) Election implementation staff;
 - 3) Voter registration clerks; and
 - 4) Pollworkers.
- ▶ *Training Manuals:* Assist in the design and development of:
 - 1) Voter registration manual; and
 - 2) Pollworker manual.
- ▶ *Voter Education.* Assist the BoE develop a comprehensive nationwide voter education program for local and national elections. Coordinate with other organizations and actors active in the field of voter education and review all existing documentation and voter education materials prior to their development to ensure against unnecessary duplication of materials or efforts.

C. D.O. #6 Phase III (Suspended¹): Program Design, and Scope of Work
(Period: Not Applicable)

Program Design

The objective of Phase III was to continue the work of Phases I and II which focused on assisting to strengthen the electoral process in Cambodia by providing technical assistance through the provision of experts in election administration and training. In addition, to the two experts who worked on

¹ IFES' official involvement in the development of Cambodia's electoral system ended on September 12, 1997 due to political events in early July 1997 which led to suspension of all direct US assistance to the Royal Government of Cambodia (which included the MoI). This section of the report outlines the program activities that IFES would have implemented during this period had the project not been suspended.

Phase II, IFES designed Phase III to include a commodities expert who would be responsible for the development of a detailed procurement plan and inventory control system for then-anticipated USAID-funded commodity procurement through IFES. In Phase III the election administration expert and the training expert would have provided daily technical advice and assistance to the BoE, the Election Law Drafting Committee, and to the National Election Committee (NEC).

Scope of Work

- ▶ Provide daily technical advice to the Election Law Drafting Committee and the BoE on specific election issues that would contribute to the development of a free and fair electoral system, including legislation, regulations, and procedures concerning:
 - 1) voter registration.
 - 2) the formation and conduct of political parties.
 - 3) the commune election.
 - 4) the national election.
 - 5) dispute resolution.
 - 6) polling stations.
- ▶ Provide daily technical assistance to the BoE on the following issues related to election administration:
 - 1) election calendar.
 - 2) voter and candidate registration process.
 - 3) election operations.
 - 4) procedures and transparency.
- ▶ Work with the Ministry of Interior's BoE in the development of the rules and regulations governing the to-be-designated NEC, the position descriptions, and the organizational structure. Once the NEC was established, focus on assisting in the development of and training in organizational management systems for the national, provincial and communal level election committees. The goal of these activities would have been to develop an indigenous capacity to organize and run elections, including, but not limited to, training in needs assessment and commodities management, organizational management, election management and civic/voter education.
- ▶ Assist in the creation of administrative structures, regulations and procedures of operation for the national, provincial and communal level election committees including:
 - 1) an operations division.
 - 2) an administration division.
 - 3) a finance division.
 - 4) a civic education and information division.

- 5) a training division.
- 6) a legal services division.
- 7) a national election computer center.

- ▶ Conduct a commodities needs assessment and develop a detailed procurement plan and inventory control system for USAID-funded commodities intended to support the local and legislative elections.

D. D.O. #6 Phase III (Modified): Program Design, and Scope of Work
(Period: July 6, 1998 – September 30, 1998)

Program Design

Cambodia's national elections on 26 July 1998 were held in a politically volatile and troubled environment. It was widely assumed by the international community that there would be problems associated with this election based on the government's reluctance to take measures to ensure an open, transparent, and credible electoral exercise. IFES concurred with the USG's approach to these elections: working to improve the political atmosphere surrounding the process -- in part through international observation -- was an important signal of USG concern that these elections must be as free and fair as possible for the long-term stability of Cambodia as well as for the benefit of the Cambodian people. IFES therefore sent 14 international observers to Cambodia to observe the July national elections.

Scope of Work

The IFES/AAEA observer mission for Cambodia's 26 July national elections had the following objectives:

- ▶ To provide Cambodians and the international community with an evaluation of the transparency and fairness of the Cambodian electoral process.
- ▶ To demonstrate support by the regional and international community for Cambodians interested establishing an open, fair, and sound electoral process in the country.

The project included ten short-term technical observers from the Association of Asian Election Authorities (AAEA). The remaining four coordinators/observers included a senior-level election administrator, one senior IFES program staff member, an IFES logistics coordinator, and a Russian interpreter from IFES' Kazakhstan field office.

Association of Asian Election Authorities (AAEA)

The *Association of Asian Election Authorities* was founded in February 1998 to promote and institutionalize open and transparent elections, independent and impartial election authorities, professional development of Asian election authorities, citizen participation in the electoral and civic process, information sharing, and the development of resources for election-related information and

research. These objectives can be achieved through an exchange of experiences and information relating to election law and procedure, technology, administrative practice, and voter/civic education programs among Asian election administrators and civic leaders.

There are presently eleven charter members of the AAEA, representing election authorities from South and East Asia, and the Central Asian Republics. The General Assembly of the *Association* has set out activities to be undertaken by the membership. Upcoming activities will include developing an Asian-based election resource center, conducting election observation missions and staff exchanges, distributing election-related materials, arranging for professional development opportunities, etc.

One proposed activity was voiced by the Vice Chairman of the Cambodian National Election Committee at the 1998 AAEA founding conference. Realizing the important role international observers can play in increasing the transparency of elections, he requested that the AAEA observe the national elections in Cambodia. By participating in this election observation mission the AAEA members offered a valuable regional perspective, enhanced their long-term capacity through training and participation, helped lend legitimacy to the concept of intra-regional observation, and got exposure to international observation norms and practices.

IV. Program Implementation

A. D.O. #6 Phase I: Deliverables, Personnel, and Reports *(Period: August 15, 1996 – February 28, 1997)*

IFES Consultant Theo Noel landed in Phnom Penh on August 19, 1996. After meeting with COTR Sue Nelson, Director of USAID Office of Democracy and Governance/Cambodia Edward Greeley, and U.S. Ambassador Patrick Quinn to discuss the mission, he joined Ron Gould of Elections Canada and Mike Maley of the Australian Electoral Commission to form a team of three international experts. Mr. Noel was an active participant of the team during the last two weeks of August. Coordinated by the MOI, the experts were to provide the co-Ministers of the Interior with a report detailing recommendations for the local and national elections. These recommendations covered legal and administrative issues. The group evaluated the concerns of all interested parties including: the MOI's Bureau of Elections; the Election Laws Drafting Committee; COFFREL and COMFREL (two federations of domestic NGOs involved in civic education and human rights monitoring); the Co-Ministers of Interior; the electoral committees of CPP and FUNCINPEC; the Director of the Computer System of the Council of Ministers; and the UN Center for Human Rights. SEREI Sopheak, advisor to 2nd Co-Prime Minister Hun Sen, Chief of Cabinet to Co-Minister of Interior SAR Kheng, and Coordinator for Electoral Matters (responsible for the liaison between the Bureau of Elections, the drafting committee and the MOI) was the primary liaison for the experts.

The report of the three international experts was delivered to Co-Minister of the Interior SAR Kheng on August 30, Co-Minister YOU Hockry on September 4, and First Prime Minister Ranariddh on September 16.

Upon presentation of the experts' report, Mr. Maley and Mr. Gould departed Cambodia. Mr. Noel, meanwhile, began his work to implement the team's recommendations by working with the MOI and the BoE through February 1997.

Deliverables

In the form of a resident election administration expert, IFES provided technical assistance to the Royal Cambodian Government. The purpose of this assistance was to provide day to day technical assistance to the MOI and BoE, as well as expert advice on specific electoral issues in order to promote honest, impartial and efficient administration of the elections and public understanding of, and participation in, the local and national elections. Considerable effort was dedicated to providing legal analysis and support as Cambodian authorities drafted election laws, and issued supplementary regulations.

In addition to day to day technical assistance, expert advice was needed in the following areas:

- ▶ electoral law.
- ▶ election administration structure and procedures.
- ▶ electoral calendar.
- ▶ districting.
- ▶ voter registration.
- ▶ operational and logistical planning.
- ▶ polling site procedures.
- ▶ ballot security and vote fraud.
- ▶ candidate registration.
- ▶ training of election officials and pollworkers.
- ▶ count and announcement of official results.
- ▶ adjudication of grievances.
- ▶ voter education.
- ▶ transparency.

IFES proposed that the success of this project be self-evaluated, based on the following indicators which were met:

- ▶ A record of involvement of IFES team members in meetings with those persons responsible for drafting Cambodian election laws and regulations.
- ▶ Distribution of a report based on the team of international experts' findings and recommendations (to include suggestions on how to improve coordination and how to refocus IFES' technical assistance if needed) to USAID, and if appropriate, other donors,

local and international NGOs, as well as other interested individuals and organizations in the U.S., Cambodia and elsewhere.

- ▶ Adoption of new Cambodian electoral laws consistent with international standards.

Personnel

IFES sent Mr. Noel, an election administration expert, to Cambodia to work in the MOI to assist in the democratization process as the country prepared (at that time) for local elections in 1997 and parliamentary elections in 1998. In the absence of an electoral law, initial work focused on:

- ▶ Analyzing existing rules, regulations, and practices and advising on new electoral laws and accompanying regulations.
- ▶ Providing legal and procedural drafting and interpretation services to the national election authority.
- ▶ Seeking the input of a variety of governmental, NGO, and other actors on electoral laws and regulations.

Reports

- ▶ Cambodia Quarterly Report (4th Quarter--FY1996: 07/01/96 to 09/30/96)--Appendix B
- ▶ Cambodia Quarterly Report (1st Quarter--FY1997: 10/01/96 to 12/31/96)--Appendix C
- ▶ Cambodia Quarterly Report (2nd Quarter--FY1997: 01/01/97 to 3/31/97)--Appendix D

B. D.O. #6 Phase II: Deliverables, Personnel, and Reports

(Period: March 1, 1997 – September 12, 1997)

Unlike the UN initiative in 1993, when the elections were comprehensively planned and managed by UN personnel leaving little indigenous capacity behind, IFES' project focused significantly on building such local capacity through its technical assistance. Because the elections IFES helped prepare for were the first indigenously-run elections since the early 1970s, Cambodians involved in the process had little or no practical experience in electoral work aside from their back-seat participation in the 1993 UN-led process. Therefore, in close cooperation with the Cambodian officials IFES continued placing considerable emphasis on planning and costing the elections, designing the electoral system, and drafting the laws and regulations.

Deliverables

The following outputs were based on the scope of work for Phase II:

- ▶ *Pre-election work:* Project Manager Theo Noel was primarily involved with the pre-election work of the MoI's BoE in developing the structure, regulations and personnel capabilities of election administration at the national and provincial levels.

- ▶ *Training of MOI staff to conduct pre-election tasks:* Noel and Slaughaupt assisted with a rapid assessment of the training needs of the BoE and assisted as the Cambodian officials developed a training plan and strategy. They assisted in the training of national and provincial electoral staff on the pre-election tasks of collecting the population data and establishing the registration/polling stations. They also trained the staff in recruitment of registrars and pollworkers, hiring criteria, pay systems for temporary employees, as well as on issues such as professionalism, impartiality and the need for a transparent and credible electoral process. In addition, they assisted in the development of pollworker training manuals. All of these manuals can be institutionalized by the Cambodian officials in order to be easily replicated in future elections.
- ▶ *Capacity building:* Mr. Noel in particular spent considerable time during each step of this project building the capacity of his Cambodian colleagues to administer future elections. By working always in tandem with those responsible for implementing these programs and fully engaging them in the process, he ensured that they understood the rationale behind the decisions they ultimately made and, by this ownership of the process, became more responsible for their conduct.
- ▶ *Capacity building of local staff:* Local administrative support personnel were computer literate and served multi-purpose roles including program facilitators, training and event coordinators, interpretation and translation. By serving as long-term local project staff, they acquired unique knowledge of the administering elections in their country -- an asset which will further serve future generations of Cambodians as they lay the foundation for a new, productive, and developing electoral system. Their participation was crucial to the future success of the system. Unlike assistance provided by UNTAC in 1993, their daily and active participation in the program will be but one step in building an indigenous capacity sorely lacking in Cambodia today. In order to provide regular and timely assistance, in addition to building a professional relationship which will impart professional, non-partisan technical assistance, all IFES resident field staff worked a six-day work week, matching that of their colleagues in the Bureau of Elections.

Personnel

IFES Cambodia field staff consisted of two full-time resident experts -- an election administration expert and a training specialist and three local administrative support personnel.

Reports

- ▶ Cambodia Quarterly Report (2nd Quarter--FY1997: 4/01/97 to 6/30/97)--Appendix E
- ▶ Cambodia Quarterly Report (3rd Quarter--FY1997: 7/01/97 to 9/30/97)--Appendix F

C. D.O. #6 Phase III (Suspended): Deliverables, Personnel, and Reports
(Period: Not Applicable)

IFES' official involvement in the development of Cambodia's electoral system ended on September 12, 1997 due to political events in early July 1997 which led to suspension of all direct US assistance to the Royal Government of Cambodia (which included the MoI). Therefore, no deliverables were met, although a summary of IFES' long-term impact is included in Section VI.

Reports

- ▶ Cambodia Quarterly Report (1st Quarter--FY1998: 10/01/97 to 12/31/97)--Appendix G
- ▶ Cambodia Quarterly Report (2nd Quarter--FY1998: 1/01/98 to 3/31/98)--Appendix H
- ▶ Cambodia Quarterly Report (3rd Quarter--FY1998: 4/01/98 to 6/30/98)--Appendix I

D. D.O. #6 Phase III (Modified): Deliverables, Personnel, and Reports
(Period: July 6, 1998 – September 30, 1998)

Deliverables

- ▶ *Briefing and training:* IFES prepared full briefing materials and training sessions for its team including information on election rules and regulations, the Cambodian election law, AAEA/IFES observers' rights and responsibilities, specific observation targets, and appropriate country-specific background (political and economic).
- ▶ *Observation:* AAEA/IFES observers held informal meetings with election workers and officials, political party representatives, and others prior to 26 July in the regions where they were to observe. On election day, team members observed the opening of polling stations, visited as many polling stations as possible throughout the course of the day, and observed the closing of a station. They were given IFES-developed observer checklists to assist them in compiling their observations at each of the polling places. The AAEA/IFES observers followed the vote counting and tabulation process through all stages on the evening of 26 July and into 27 July.
- ▶ *Debriefing:* On 28 July, the observation team returned to Phnom Penh where it participated in a debriefing session with other international observer contingents. Team members submitted written election observation reports and checklists to IFES staff prior to departing Cambodia. Departure for most AAEA observers commenced on 29 July. IFES staff and designated senior observers remained for at least one additional day to continue observations of the tabulation of election results, consolidate observer reports, and debrief the U.S. Embassy, USAID, and the UN, as requested. The team also released its observer statement during this time.

- ▶ *Reporting:* IFES staff prepared a final observation report on the 26 July elections, with input from the AAEA observers, that was released after the team's departure from Cambodia. This report included observations and findings regarding election day as well as copies of individual observer reports. The report also included recommendations for improvement of the electoral process applicable to future elections and possible on-site assistance efforts envisioned in the post-election period (Appendix L).

Personnel

The project included ten short-term technical observers from the Association of Asian Election Authorities. The remaining four coordinators/observers included a senior-level election administrator, one senior IFES program staff member, an IFES logistics coordinator, and a Russian interpreter from IFES' Kazakhstan field office. In Cambodia, the AAEA/IFES team closely coordinated with other international and domestic observation efforts principally through the United Nations. The AAEA/IFES observers, with the exception of the logistics coordinator who arrived a week earlier, arrived on 22 July and departed on 29 July. The AAEA/IFES contingent participated in briefings and debriefings with other international observers.

Reports

- ▶ Cambodia Quarterly Report (4th Quarter--FY1998: 07/01/98 to 09/30/98)--Appendix J
- ▶ AAEA Observation Mission Report: Cambodian Elections--Appendix L

V. Issues and Recommendations

A. D.O. #6 Phase I: Election Administration (Period: August 15, 1996 – February 28, 1997)

Recommendations by the Experts

The international group of experts (Noel, Maley, Gould) recommended the establishment of a National Election Committee that was in accordance with Cambodia's political realities. Thus, this Committee would be co-chaired by the co-Ministers rather than be an Independent Commission. Committees would be established at the provincial and communal levels. Appointments to the national and provincial Committees would be ratified by the National Assembly and would be comprised of representatives of the political parties in the National Assembly, the NGOs and the Bar Association.

However, extensive political decisions needed to be made before substantive progress could be made. First and foremost was the decision regarding what type of electoral system to pursue. A majoritarian system had been approved for the communal elections but extensive negotiations needed to occur prior to reaching an agreement on the draft of the communal election law and

regulations. A decision was yet to be made on what system to pursue at the national level, preventing any substantive work on the legislative election law and regulations.

More than 50% of the original draft of the Commune Administration and Commune Chief Election Laws was modified following the advice given by the team of experts. Based on input by IFES' representative, the principles for fair and free election were incorporated in the draft including:

- Election and control commissions replacing the MOI as the election management body.
- Checks and balances instituted through the composition of Commissions (government, political parties and civil society).
- Full-scale registration of voters process conducted by the Election Committee rather than by the Commune authorities was approved.
- Registration of candidates directly at the Commune Election Committee.
- Counting at the polling station.
- Consolidation of results at the Commune Election Committee.
- Grievances managed by the Control Commission.

Issues Resolved and Issues Remaining

IFES' Phase I Mission proved successful. If the issues of the composition and authority of the Committees were to be resolved in January 1997, drafts of each Law could be approved by the Council of Ministers later that month to be sent to the National Assembly immediately thereafter. If all the recommendations approved by the Drafting Commission were approved by the Co-Ministers and the Council of Ministers, a sound legal framework would be in place to conduct fair and free elections in 1998.

Taking into consideration Cambodia's political situation -- the fragile balance of power between the CPP and FUNCINPEC, and the tight grip of the CPP on local administration and justice -- a good deal of thought went into the decision to bypass civilian and judicial authorities in the management of the elections in favor of Election Committees and Control Commissions. At the completion of Phase I, IFES observed that before any election could take place, additional legislation needed to be passed by the National Assembly -- including a political party law and legislation on the appointment of a Constitutional Council and Council of Magistrates.

Even with the existence of a sound legal framework, only a strong commitment supported by unwavering leadership from both major parties would guarantee fairness and freedom. IFES recognized that the respect of rights was of utmost importance at the district and commune level and that politicians did not always back their words with actions. Intimidation had already surfaced in Cambodia and the resurgence of violence to sway votes hung over those identified as opposition. One positive signal was the determination of Co-Minister of Interior SAR Kheng to organize fair and free elections, as spelled out in his October 1995 speech at the closing of a seminar in Phnom Penh.

B. D.O. #6 Phase II: Poll Worker Training & Voter Education
(Period: March 1, 1997 – September 12, 1997)

As previously mentioned, IFES' pre-election tasks not only included logistical development, but involved the establishment of laws and regulations which were designed to guide them. Unfortunately, political loggerheads at the highest levels of the RCG prevented smooth and rapid development of these electoral codes. A prime example of this is the Commune Chief Election Law. This law, anticipated to have been completed in the 4th calendar quarter of 1996, remained in a draft stage during that period. It was IFES' hope that it would be submitted to the Council of Ministers for their approval in April 1997, but a split in FUNCINPEC paralyzed the National Assembly which was not able to convene as scheduled.

In addition to drafting legal language, regulations, procedures, and ensuring proper training for all Cambodian personnel involved in the electoral process, the task of capacity-building was complicated by growing hostilities between the two major parties, the CPP and FUNCINPEC in addition to a notable lack of direction from the leadership. There also seemed to be a lack of intra-party communication, particularly within FUNCINPEC.

Although IFES recognized that successful involvement in Cambodia in 1996-1998 relied on more than providing technical advice and assistance on procedures, logistics, and training, assistance efforts were dependent, and therefore complicated by, the active participation (or lack thereof) of primary parties at all planning and development stages (national level) and on the implementation stages at the local level.

Of great concern during the drafting of the laws and regulations was that each of the two major parties (CPP and FUNCINPEC), were equally represented and equally consulted with regard to the composition of the National Election Committee in particular and election officials as a whole. Without political leadership and guidance, and in many cases directive, from the party heads, movement and participation at the middle levels, where the real work was done, was very slow and often sporadic. This led to severe delays in the legislative drafting process and the necessary pre-election work. It also led to unequal training and consultations with each party representative, which in turn opened the door to accusations of unequal access to technical advice.

In its role as a nonpartisan technical organization, IFES continued to work to establish itself as an impartial mediator and advisor -- bridging the gap between the two parties and providing a forum at regular weekly meetings, at which progress in election work was discussed and points of contention in the development of this process were worked through. Attendees of these meetings include representatives of the Co-Ministers of the Interior, the Bureau of Elections and the Election Law Drafting Committee. IFES also provided briefings and distributed discussion documents to parties requesting information.

OK SEREI Sopheak, advisor to Co-Minister of the Interior SAR Kheng, spoke at a luncheon in late March in Washington, D.C. on the need for active participation of donor nations at the middle-level of the government. In particular he cited the weekly meetings established and coordinated by IFES. He clearly stated that it was because of these meetings that significant progress had been made. In his opinion, donor involvement at this level of the bureaucracy provided the guidance necessary to form a consensus. In turn, consensus-backed lobbying by middle-level bureaucrats directed at their political superiors forced their superiors to make important immediate decisions and allow various departmental personnel to complete their tasks. IFES' advice and participation in the election planning and preparation process was well received as noted in a letter from the Co-Ministers of the Interior.

Funding for pre-election work continued to be an issue. Due in part to the high cost of the 1993 UN-sponsored elections, donor nations paid close attention to funding for the 1997-98 process and focussed on maintaining control over these costs. While the community showed a willingness to purchase necessary commodities or provide funding for necessary training, it was very reluctant to fund salaries for local staff directly involved in election planning. Normally such rates were approximately \$25/month. The level of this salary was of great concern in this process, particularly with regard to ensuring neutrality and impartiality of those election workers. As a result of this low wage, government staffers in effect worked part-time, spending the majority of their working day running their private businesses or employed elsewhere. Impartiality and neutrality, particularly on the part of Election Committee members, may have been difficult to maintain if wages continued at a level where officials might be faced with illegal "financial incentives" which could help feed their families while compromising the integrity of their position. Those forced to take on second jobs were also open to undue influence due to their dependance on those positions.

Prospects for the Future

Despite open confrontations in the press, political progress on the election front continued. The Co-Ministers of the Interior [H.E. SAR Kheng (CPP) and H.E. YOU Hockry (FUNCINPEC)] gave the Committee established to resolve the Battambang Crisis (where FUNCINPEC and CPP forces clashed) a mandate to resolve outstanding election-related issues. On March 24 this Coordination Committee announced that an agreement had been reached on three major issues:

- The CPP dropped its opposition to Cambodian citizens with dual nationality holding elected office.
- FUNCINPEC agreed to the establishment of one electoral administration body (as opposed to one administrative body and one control body).
- Both parties agreed on the proportional representation system.

Four major political hurdles remained:

- Agreement on the Political Party Law.
- Composition of the Constitutional Council.
- Composition of the Election Committees.

In addition, at this time the CPP proposed November 1998 for the legislative elections while FUNCINPEC proposed May 1998 for the polls. Eventually, because scheduling the elections for May was not in accordance with the Constitutional requirement, the National Assembly; on December 19, 1997, settled on July 26 1998 as the date for legislative elections.

Issues and Problems Related to the Events of July 1997

On 5 July 1997, CPP Co-Prime Minister Hun Sen initiated actions "to control anarchic forces" -- what many in the international community have labeled a coup -- aimed at consolidating his control of the government of Cambodia. He then, Hun Sen declared his intention to hold "...free and fair elections..." in 1998. As no election laws had been ratified by the National Assembly, Hun Sen announced his intention to call that body into session to begin the process in the months ahead. These events had serious negative ramifications on the technical work IFES had provided.

Hun Sen's "consolidation" created the impression that he was working to mold the domestic political situation to ensure his election -- not by rigging the rules but by removing key opposition figures and preventing opposition parties from functioning in an independent and competitive manner. Before requesting that FUNCINPEC put forward a replacement for the rightfully elected First Prime Minister Norodom Ranariddh, Hun Sen's troops conducted a nationwide campaign to hunt down those members of the opposition parties -- both political and military, from the national level down to the communes -- who offered the greatest level of threat to his consolidation of power. There were numerous reports of widespread extra-judicial killings in the conduct of this campaign. The actions of those members of FUNCINPEC left to participate in the remains of the coalition government under such coercive conditions -- those who were not killed or who did not flee the country or go into hiding -- could in no way be considered free of duress and undue influence. In addition, any FUNCINPEC MPs remaining in the National Assembly -- assuming enough remained to form a quorum -- could be replaced by the same questionable precedent used by Prince Ranariddh to expel Sam Rainsy two years ago and replace him with a more compliant MP.

Because of this atmosphere of oppression and coercion, any law drafted or ratified after 5 July could be considered suspect. Despite the fact that the local election law was all but ready for ratification and the majority of the decisions on the national election law and political party law were agreed upon prior to 5 July, their integrity would be in doubt because the necessary final debate, deliberation, drafting and ratification did not occur in an atmosphere seen as free of oppression by political parties and free of manipulation.

In order for a political opposition to emerge to challenge the CPP and legitimately participate in scheduled 1998 elections, it was imperative that a proper electoral framework be in place so that, technically, the electoral process could be within international standards. Donor assistance was critical to establishing such a framework. Under an agreement coordinated between USAID/Cambodia and the Canadian International Development Agency, CIDA took over funding of the assistance program being provided to the Bureau of Elections and the Ministry of Interior.

IFES' election administration expert, Theo Noel, returned to Cambodia on August 12 to resume his work with the Ministry and the Bureau of Elections.

The importance of an on-site advisor to the Ministry cannot be over-emphasized. Nor can the importance of maintaining the same advisor for the duration of the project. Despite his previous experience working in Cambodia during the 1993 UN-organized elections, it took four months for Noel to gain the acceptance and trust of the MOI. Since then he worked intimately with the MOI -- specifically with the Bureau of Elections, the Drafting and Ad-Hoc Committees and the Co-Ministers of Interior -- providing advice on the laws and regulations and their impact, both on the domestic elections process and on the reaction of the international community (particularly the donors) to those laws and regulations.

Because of his acceptance by the Ministry, the IFES advisor also played an important role in costing the election and providing financial information to the donors in order to coordinate aid efforts. It was originally envisioned that the United Nations (UN) might take on this role. In actuality, little coordination by the UN actually occurred until it became involved in coordinating the international election observation effort through the UNEAS. By having IFES as its on-site advisor, the Ministry was better equipped to draft the election budget, negotiate with the donors and coordinate their efforts with the goal of preventing overlap and establishing a coherent process. A by-product of this coordination added to the primary goal of this product -- institutional capacity-building. With IFES mobilizing a single advisor working with the MOI from the beginning of preparations, facilitation of the following tasks was made simpler and more objective:

- Advising the MOI on the merits and demerits of various systems and approaches.
- Providing the MOI with the knowledge necessary to put them in a position to negotiate the types of aid rather than having it undertaken for them (as in 1993).
- Assisting the MOI to coordinate international assistance afforded to it.
- Enhancing the MOI/BoE's control and understanding of the process.

Unfortunately, funding for IFES' support of those involved in structuring and implementing the electoral process was suspended on September 12, 1997. Although the bulk of IFES' project activities were carried out through other donors such as CIDA, IFES could have played a pivotal role by helping to create a level playing field for all political parties contesting the election. In addition, IFES would have provided assistance in the areas of civic education and commodities procurement. IFES feared that a suspension of its project would lead to the implementation of a technically flawed electoral and administrative system.

The translations of the draft laws were completed, compared for consistency, and forwarded to the proper authorities by August 12. Theo Noel was granted an extra three days to report and consult with USAID/Cambodia. This expired September 12, marking the end of IFES' official involvement in the development of Cambodia's electoral system. IFES continued to support efforts within the Bureau and in the drafting process by providing materials from the F. Clifton White Resource

Center. From Washington, IFES continued to monitor the electoral climate in Cambodia and was ready at any time to recommence activities.

C. D.O. #6 Phase III (Suspended): Logistics and Commodities
(Period: Not Applicable)

Continuing Recommendations

Specifically, technical advice continued (by CIDA because of the suspension of USAID funding) to be shared on the following topics:

- Electoral law development and drafting;
- Election administrative structure and procedures;
- Electoral calendar development;
- Districting;
- Voter registration procedures;
- Operational and logistical planning;
- Polling site procedures;
- Ballot security and vote fraud;
- Candidate registration procedures;
- Training design for election officials and poll workers;
- Vote counting and announcement of official results;
- Adjudication of grievances;
- Voter education planning; and
- Transparency.

D. D.O. #6 Phase III (Modified): AAEA Election Observation Mission
(Period: July 6, 1998 -- September 30, 1998)

Networking Between AAEA and NEC Officials

The AAEA observation mission provided an important opportunity for AAEA members to network with fellow election administrators, share experiences, and develop relationships with the National Election Committee. The NEC officials, who had met many of the AAEA observers at an IFES-sponsored conference in Manila, Philippines, briefed the AAEA observers on several occasions. The Chairman of the Association, Mr. Bishnu Pratap Shah, used the occasion to explain in detail the AAEA mission and the planning that had been undertaken for future activities such as training seminars, observation missions, election official staff exchanges, and resource development. He and the other AAEA members also invited NEC officials to join the Association. Mr. Kassie Neou, Vice-Chairman of the National Election Committee, pledged his support of the NEC joining the AAEA after the election cycle had concluded.

The NEC appeared to appreciate what the AAEA observers brought to the observation effort as a whole in that the AAEA was the only professional organization of election practitioners to observe the elections. It was not politically motivated, and it looked beyond politics to observe the details

of the elections. As election administrators, the AAEA members knew what to look for and how to understand the election process. As Asian commissioners they could evaluate the Cambodian election in its cultural, historical, and developmental context.

As a result of the mission, IFES believes that the AAEA and the NEC will increase communications and the sharing of resources. The AAEA hopes that the NEC will soon become a member so that election administrators in Cambodia can enjoy the benefits of membership in a professional association and seek, through shared experiences, to find methods to overcome obstacles faced in the Cambodian context.

Benefits of Observation to AAEA Members

The AAEA's mission is to promote orderly and transparent elections in the region, with the objective of supporting good governance and democracy. To this end, the Asian election commissioners who participated in this observation mission believe that they genuinely assisted in this effort in Cambodia. Not only did the AAEA delegates think that they benefitted from the mission, they also thought that the program was very important and beneficial to the Cambodian voters and election officials.

The presence of Asian observers showed that democracy and free and fair elections are not just western ideals, but global ones. Their presence brought pressure to ASEAN and other Asian countries to institute democracy. A joint observation mission promotes constitutional democracy for all countries involved, not just the host country. This proved particularly true for countries on this mission such as Kazakhstan and Tajikistan, because they are beginning to build their own democratic systems. In this instance, commissioners from these countries were able to witness a multi-party system in practice; a system that they don't yet have in their own countries.

The mission was a learning experience for AAEA team members as well. Members of the delegation shared information and experiences among themselves, taking the best ideas back to their own countries. This included ideas and information on training programs for pollworkers, voter education materials, features of the party list system, and security features during the voting process (e.g., inking voters' fingers to prevent repeat voting and posting voters lists). This learning experience will enable them to improve election processes in their home countries, and raise their countries' practices closer to international standards.

VI. Conclusion

Although political considerations abruptly ended the direct involvement of IFES in the Cambodian political process nearly one year prior to the July 1998 parliamentary elections, IFES was nevertheless able to have a significant impact on the democratization process in Cambodia. In most countries, planning for elections can take years -- especially when the electoral framework requires major revision. In Cambodia, IFES played an integral role by supplying technical advice and expertise two years in advance. From offices within the Ministry of Interior and later from within the National Election Committee, IFES provided day-to-day support to the government. This support was essential in the development of open and straightforward laws which were designed to minimize fraudulent activities and maximize transparency. IFES also provided the necessary support to officials new to elections by assisting in drawing district lines, mapping out a voter registration system, preparing an election calendar and budget, designing voter education campaigns, training pollworkers and local level election officials, designing methodology to adjudicate election disputes, etc. The Secretary General of the NEC stated in September 1998, that if it hadn't been for the pre-election tasks conducted in 1997, the election couldn't have taken place on July 26, 1998.

In a country which has endured major political and social upheaval, bringing the implementation of elections back to the people marked a critical juncture in the process of rebuilding democracy in Cambodia. In addition to the technical knowledge of election administration IFES brought to Cambodia, IFES by its very presence offered a clear demonstration of the sincerity of the United States government in supporting the restoration of democracy to Cambodia. With the support of American taxpayers through the USAID funds provided for IFES, it can be argued that the monumental task of implementing an open democratic process seemed more realizable to nationals who may have lost faith in the prospect that democracy would return to Cambodia. It was perhaps a way to undo some of the enormous tragedy that befell this country, which the United States was unable to prevent more than two decades ago.

IFES was well positioned to be an important player in the democratic assistance to Cambodia. Due to its proximity to the decision making process in Cambodia, IFES was able to provide guidance to the international donor community as a whole. This guidance allowed donors to make necessary adjustments to projects associated with the elections focused on election monitoring, human rights, or voter education.

Finally, when IFES was asked to facilitate the observation by the Association of Asian Election Authorities of the July 1998 elections, it eagerly took on the task. Through this mission, which consisted of 14 professional election administrators and IFES staff, IFES and the United States government displayed a strong signal of support to the people of Cambodia -- that the outcome of the parliamentary elections affected not only Cambodia, but also its neighbors and the global community, and that we would work to ensure that open and transparent elections took place. This

mission was also significant in that professional election administrators carried it out -- people who understand the complications of elections and who could provide unique insights into the process and important recommendations for future improvements.

In conclusion, IFES is proud of its accomplishments in Cambodia and is grateful to the Canadian International Development Agency for continuing to provide the assistance that had been initiated by the United States. The process of building open and transparent election systems is never a simple matter. IFES hopes that the Cambodian people will continue to make improvements in its electoral system and stands ready to assist in the future.

VII. Appendices

- ▶ Appendix A: USAID Requests for Proposals (Phases I, II, III, and III Modified)
- ▶ Appendix B: Cambodia Quarterly Report (4th Quarter--FY1996: 07/01/96 to 09/30/96)
- ▶ Appendix C: Cambodia Quarterly Report (1st Quarter--FY1997: 10/01/96 to 12/31/96)
- ▶ Appendix D: Cambodia Quarterly Report (2nd Quarter--FY1997: 01/01/97 to 03/31/97)
- ▶ Appendix E: Cambodia Quarterly Report (3rd Quarter--FY1997: 04/01/97 to 06/30/97)
- ▶ Appendix F: Cambodia Quarterly Report (4th Quarter--FY1997: 07/01/97 to 09/30/97)
- ▶ Appendix G: Cambodia Quarterly Report (1st Quarter--FY1998: 10/01/97 to 12/31/97)
- ▶ Appendix H: Cambodia Quarterly Report (2nd Quarter--FY1998: 1/01/98 to 3/31/98)
- ▶ Appendix I: Cambodia Quarterly Report (3rd Quarter--FY1998: 4/01/98 to 6/30/98)
- ▶ Appendix J: Cambodia Quarterly Report (4th Quarter--FY1998: 7/01/98 to 9/30/98)
- ▶ Appendix K: Planning for Local and National Assembly Elections: Report to the RGC
- ▶ Appendix L: AAEA Observation Mission Report: Cambodian Elections July 1998
- ▶ Appendix M: Regulations and Procedures for the Commune Elections in Cambodia
- ▶ Appendix N: Law on Election of the National Assembly
- ▶ Appendix O: Law on Political Parties



**Appendix A: USAID Requests for Proposals
IFES IQC DO#6 Phases I, II, III, and III Modified**

From: Sue Nelson <snelson@usaid.gov>
To: IFES.IFES (chris)
Date: 08/06/96 3:26 am
Subject: IFES IQC

Chris, I have been asked by the Regional Contracting Officer to request that you send the following documents to his office in Manila.

--proposal which includes the proposed time schedule and a Contract Pricing Proposal Cover Sheet (SF 1411).

--AID biodata forms

--certification of salary for all proposed personnel

--detailed budget plan for accomplishing the work (cost should be very detailed, ie: by trip, number of days per diem, by person, by individual number of consulting days, etc.) Costs to be incurred before September 1 should be detailed separately.

This email should be considered as the formal request for a proposal under the IQC in order to provide technical assistance to the Cambodian electoral process.

--the RCO will review your proposal and budget and will contact you directly for any negotiations. His initial comments were that USAID prefers economy class travel unless policies support cost justification otherwise (such as no travel per diem and no salary enroute).

The RCO's contact numbers are:

Mr. Neil Edin
Regional Contracting Officer
USAID/Manila
email: nedin@usaid.gov
fax: 362-522-4337

If you use email attachment, please specify the word processing format used.

Thank you

cc: Neil Edin <nedin@usaid.gov>



To: smtp@basal1033@servers [hugh#ifes.org]
Cc: RCO@PROGRAM@Phnom Penh
From: Evarista Varela@ORP@MANILA
Subject: Contract No. AEP 5468 I-00-6003/DO #6: Proposal for Phase II
Date: Friday, December 20, 1996 at 4:03:16 pm MNT
Attachment: None
Certify: N

Mr. Hugh Ivory
Program Assistant / Asia
International Foundation for Election Systems

Dear Mr. Ivory

This is to request IFES to submit a proposal for accomplishing the work under Phase II of the subject delivery order by January 3, 1997. Please refer to the scope of work specified for the Phase in the delivery order document. The proposal should contain the following:

1. A proposed time schedule for completion of the work;
2. AID Biographical Data Sheets (Form AID 1420-17) for the proposed new personnel only, containing salary history for the previous three years. (Bio data forms must be signed by both employee and contractor);
3. A certification that no AID employee has recommended the use of an individual for this Phase who was not initially located and identified by your organization;
4. A certification of salary for all proposed personnel in the following form:

"I/We certify that the fixed daily rate proposed herein, are based on actual salaries or fees which the proposed personnel will receive for each day of service covered by this proposal."

Signed

Date

5. A detailed level of effort estimate. Please provide a separate line item for each proposed individual and identify each by name and by the functional labor category as set forth in the contract;
6. A detailed estimate of other direct costs, travel, etc. Please explain the basis for the estimate for each category of cost; and
7. Any proposed changes to the scope of work.

Questions of a technical nature should be addressed to Ms. Sue Nelson, USAID/Cambodia, at telephone no. (855-23) 428-166 or fax no. (855-23) 427-638.



Questions of a contractual nature should be addressed to me or Mr. Michael Nicholas,
Contracting Officer, USAID/Philippines, at telephone no. (632) 522-4411 or fax no. (632) 522-
4337.

Sincerely,

Evaristo F. Varela, Jr.

Contract specialist

Office of Regional Procurement



From: Evaristo Varela <evarela@usaid.gov>
To: IFES.IFES(hugh,scott)
Date: 6/10/97 6:31pm
Subject: IQC AEP-5468-I-06-6003, Request for Proposal for Phase III

Attached is the scope of work for Phase III to the subject IQC with IFES. Please provide us the following by June 18, 1997 for accomplishing the work:

1. A Contract Pricing Proposal Cover Sheet (SF 1411);
2. A proposed time schedule for the work;
3. Contractor Employee Biographical Data Sheet (Form AID 1420-17) for the proposed personnel, containing salary history for the previous three (3) years;
4. A certification that no USAID employee has recommended the use of an individual for use under Phase III who was not initially located and identified by your organization;
5. A certification of salary for all proposed personnel in the following form:

"I/We certify that the fixed daily rates proposed herein, are based on actual salaries or fees which the proposed personnel will receive for each day of service covered by this proposal.

Signed: _____
Date: _____

6. A detailed level of effort estimate. Please provide a separate line item for each proposed individual and identify each by name and by the functional labor category as set forth in the contract. The position titles for all proposed personnel must coincide with those in the basic contract.
7. A detailed estimate of the other direct costs - travel, etc. Please provide estimating basis for each category of cost; and
8. Any proposed changes to the attached scope of work.

The estimated period of performance for Phase III shall be from July 1, 1997 to December 31, 1997. Please be advised that you may only perform the services for Phase III within the



effective period of performance and upon the issuance of a formal modification to Delivery Order No. 06.

If you have any questions, please do not hesitate to contact me or Mr. Michael Nicholas, Contracting Officer, at emails' "evarela@usaid.gov" or "mnicholas@usaid.gov".

CC: Michael Nicholas <mnicholas@usaid.gov>



Received: by BARRB0205.usaid.gov with VINES-ISMTP; Thu, 18 Jun 98 6:58:01 -0400
Date: Thu, 18 Jun 98 6:01:17 -0400
Message-ID: <vines.nR29+hJCWpA@BARRB0205.usaid.gov>
X-Priority: 3 (Normal)
To: <jessica@ifes.org>, <marylou@ifes.org>
Cc: "Aissatou Kane" <akane@usaid.gov>, "Sue Nelson" <snelson@usaid.gov>
From: "Carey Gordon" <cagordon@usaid.gov>
Return-Receipt-To: <cagordon@usaid.gov>
Subject: D.O. no. 6, IQC AEP-5468-I-00-6003-00

Proposed Statement of Work

I. Revised Statement of Work

A. Purpose

The purpose of this revised delivery order statement of work is to provide funding for the fielding of approximately 11 short term electoral observers from the Asian Association of Electoral Authorities (AAEA) for the national elections in Cambodia, expected on or about July 26, 1998.

B. Duration

Observation is required for a one week period during the election. IFES preparation for the observation mission will start o/a June 23, 1998 and administration of the observation mission will be completed by August 31, 1998.

II. Observation Description

A. Objective

The objective of the activities funded under this revised statement of work is to strengthen the electoral process in Cambodia through objective observation and reporting on the election. The contractor shall provide 13 short term observers for the July 1998 national election, 11 of these observers will be from the AAEA and 2 will be from IFES. The findings of the observers will be compiled by IFES in an election observation report.

B. Statement of Work



IFES will organize and field an IFES/AAEA election observation team. This team will be in Cambodia for approximately one week to observe the 1998 national elections expected on July 26, 1998. The 11 AAEA observers will be members of the Association of Asian Election Authorities. Preference will be given to Election Commissioners or senior level election authorities. The team will select a spokesperson who will read the IFES/AAEA statement of observations to the press following the elections and the count.

IFES will coordinate with the UN Electoral Assistance Secretariat on the deployment of the IFES/AAEA observation team. However, IFES will be responsible for all logistical and operational needs of the IFES/AAEA team.

IFES will ensure the deployment of all 13 observers prior to election day. Observers will observe the preparations for vote, voting and the count. Before leaving the country, the observers will prepare a short statement on their findings which will be released to the press and other observation delegations.

IFES will prepare a comprehensive report on the election which will include the number of polling/counting sites visited, the number and type of irregularities observed, findings of observers and their recommendations for improvements.

C. Outputs

A team of 13 observers (11 senior AAEA members and 2 IFES election professionals) briefed and deployed in time to observe the July 26, 1998 election and count.

A statement with the initial findings of the team issued by the IFES/AAEA spokesperson prior to the departure of the team.

A final report issued by IFES within 4 weeks of the elections which included quantitative and qualitative information on the observations of the team and practical recommendations for improvement of the electoral process.

III. Implementation

The contractor shall be responsible for the implementation of the activities described in this revised statement of work and will work in close coordination with the UN Electoral Assistance Secretariat (UN EAS), USAID, USAID election-related grantees and other relevant participants.





Appendix B: Cambodia Quarterly Report
4th Quarter FY 1996: 07/01/96 to 09/30/96

Cambodia

FY 1996 QUARTERLY REPORT (4th Quarter - FY96)

Concerning the USAID Indefinite Quantity Contract (IQC)

Delivery Order No. 6

AEP-5468-I-00-6003-00

Technical Assistance to Cambodia

Submitted to the

**U.S. AGENCY FOR INTERNATIONAL DEVELOPMENT
by the International Foundation for Election Systems (IFES)**

July 1, 1996 - September, 1996

II Mission Objective

The objective of this activity is to strengthen the electoral process in Cambodia by improving the electoral framework for the upcoming local and national elections. This is to be achieved in four phases. Phase I is currently being implemented. Should USAID decide to proceed, Phases II-IV involve the administration of USAID-funded training, commodity and financial support to the electoral process.

A. Background

The 1993 elections, which brought the current government into power, was run by the United Nations Transitional Authority for Cambodia (UNTAC) and did not develop an indigenous capacity or electoral system to run or manage subsequent elections. The Cambodian constitution, promulgated in September 1993 by the new constituent assembly, calls for free and fair elections every 4 to 5 years. The Royal Cambodian Government (RCG) is planning for local elections by December 1997 with national elections in May 1998. The upcoming local and national elections will be the first nationally run elections since the 1970s.

The code and procedures used for the 1993 Constituent Assembly election were developed under the auspices of the United Nations. At present, Cambodia has not yet adopted a law covering national or local elections. In June 1995, a seven-person committee was appointed by the co-Ministers of the Interior to begin the process of drafting new election laws. 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 almost completed the draft local election law. The process of formulating, enacting and implementing new election laws and their corresponding administrative systems will be a major undertaking and requires expert electoral assistance.

B. Phase I

Phase I involves working with the Ministry of Interior (MOI) Election Law Drafting Committee and the MOI Bureau of Elections to formulate and enact the new election laws and their corresponding administrative systems. Phase I provides for technical assistance through the provision of an expert in election administration and implementation. Generally, that expert will provide technical assistance to the Ministry of Interior (MOI) Election Law Drafting Committee and the MOI Bureau of Elections to:

- a) ensure that international standards on election law are incorporated into the electoral law;
- b) work towards continued openness of the process to public scrutiny and debate;
- c) assist with the beginning of long-term preparations for the implementation of the election law; and;

- d) ensure that the financial implications of any proposed new law are fully understood by the RCG before enactment.

Phase I began on August 15, 1996 and is scheduled to end on January 15, 1997.

II Scope of Work

The technical assistance to the MOI Election Law Drafting Committee (hereafter referred to as the Committee) and the MOI Bureau of Elections (BoE) is to be provided by a resident expert in Election Administration. The purpose of this assistance is to build the institutional capacity of the Election Commission and Administration as well as to provide day to day technical assistance to the Committee and the BoE on specific electoral issues. This support to the Committee and BoE is to be coordinated with the other bilateral and multilateral electoral experts who will be working with the Committee and BoE. The focus of this assistance will be to assure that the systems established by the law are technologically adapted to Cambodian culture and conditions, are cost effective, transparent and credible and will result in elections that are compatible with international standards with the results accepted by the primary participants.

Specifically, advice is expected to be given, upon request, on the following:

1. Electoral Law
2. Election Administration Structure and Procedures
3. Electoral Calendar
4. Districting
5. Voter Registration
6. Operational and Logistical Planning
7. Polling Site Procedures
8. Ballot Security and Vote Fraud
9. Candidate Registration
10. Training Planning for Election Officials and Poll Workers
11. Count and Announcement of the Official Results
12. Adjudication of Grievances
13. Voter Education Planning
14. Transparency

III Progress

IFES Consultant Theo Noel landed in Phnom Penh on August 19, 1996. After meeting with COTR Sue Nelson, Director of USAID Office of Democracy and Governance/Cambodia Edward Greeley, and U.S. Ambassador Patrick Quinn to discuss the mission, he joined Ron Gould of Elections Canada and Mike Maley of the Australian Election Commission to form the International Group of Experts. The Experts Program was the focus of Mr. Noel's work for the last two weeks of August.

Coordinated by the MOI, the Experts Program was intended to provide to the co-Ministers of the Interior with a report detailing recommendations for the local and national election. These recommendations covered legal and administrative issues. The group evaluated the concerns of all interested parties, including: the MOI's Bureau of Elections; the Election Laws Drafting Committee; COFFEL and COMFREL (two federations of domestic NGOs involved in civic education and human rights monitoring); the Co-Ministers of Interior; the electoral committees of CPP and FUNCINPEC, the Director of the Computer System of the Council of Ministers, and the UN Center for Human Rights. SEREI Sopheak, advisor to 2nd Co-Prime Minister Hun Sen, Chief of Cabinet to Co-Minister of Interior SAR Kheng, and Coordinator for Electoral Matters (responsible for the liaison between the Bureau of Elections, the Drafting Committee and the Ministry in charge of coordinating the Experts Program) was the primary liaison for the Group. The Report was delivered to Co-Minister of the Interior SAR Kheng on August 30, Co-Minister YOU Hockry on September 4, and First Prime Minister Ranariddh on September 16. The Ministry is still considering the recommendations and the report has not yet been released to the public.

The Experts have recommended the establishment of a National Electoral Commission that is in accordance with Cambodia's political realities. Thus, this Commission would be co-chaired by the co-Ministers rather than be an Independent Commission. Commissions would be established at the Provincial and Communal levels. Appointments to the National and Provincial Commissions would be ratified by the National Assembly and would be comprised of representatives of the political parties in the National Assembly, the NGOs and the Bar Association.

Following the submission of the report and the termination of the Experts Program, Mr. Noel moved into his office at the MOI and has been in daily contact with the Committee and the BoE. He has begun collecting samples of election related materials for review by the BoE and has advised the BoE to begin giving thought to finding a building large enough to house the National Election Commission staff and computer center, and buildings to house the Provincial and Communal commissions. Buildings to be used as warehouses must also be identified in Phnom Penh and in each of the provinces and communes.

IV Evaluation and Analysis

Election System and Regulations

Extensive political negotiations and decisions must occur before substantive progress can be made. First and foremost, a decision must be made on what type of electoral system to pursue. A majoritarian system has been approved for the communal elections but extensive negotiations must occur before an agreement on the draft of the communal election law and regulations is reached. A decision has yet to be made on what system to pursue at the national level, preventing any substantive work on the Legislative Election Law and regulations.

Electoral Commission

No decision has yet been made.

Voter Registration

The French seem committed to establishing a voter registration system despite the absence of a legal framework. Mr. Noel and the other Experts do not support this proposal "because the voter registration is a crucial step in the electoral process, one open to fraud and manipulation, and should be controlled by an Electoral Body and conducted in the presence of the parties and observers. Efforts should be made by the diplomatic corps to convince the French and the RGC not to proceed with registration without a legal framework and in the absence of an election commission. We have experienced too many failures to establish reliable voter registration in Western Africa, where the French system prevails. This should not be replicated here."



Appendix C: Cambodia Quarterly Report
1st Quarter FY 1997: 10/01/96 to 12/31/96

IFES *International Foundation for Election Systems*

1101 15th Street, N.W. • 3rd Floor • Washington, D.C. 20005 • (202) 828-8507 • FAX (202) 452-0804

Cambodia

FY 1997 QUARTERLY REPORT (1st Quarter - FY97)

Concerning the USAID Indefinite Quantity Contract (IQC)

IFES Delivery Order No. 6

AEP-5468-I-00-6003-00

Technical Assistance to Cambodia

Submitted to the

**U.S. AGENCY FOR INTERNATIONAL DEVELOPMENT
by the International Foundation for Election Systems (IFES)**

October 1, 1996 - December 31, 1996

I. MISSION OBJECTIVE

The objective of this activity is to strengthen the electoral process in Cambodia by improving the electoral framework for the upcoming local and national elections. This is to be achieved in four phases. Phase I has been implemented. Should USAID decide to proceed, Phases II-IV are to involve the administration of USAID-funded training, commodity and financial support to the electoral process.

A. Background

The 1993 elections, which brought the current government into power, was run by the United Nations Transitional Authority for Cambodia (UNTAC). An indigenous capacity or electoral system to run or manage subsequent elections was not brought into place. The Cambodian constitution, promulgated in September 1993 by the new constituent assembly, calls for free and fair elections every 4 to 5 years. The Royal Cambodian Government (RCG) is planning for local elections by December 1997 with national elections in May 1998. The upcoming local and national elections will be the first nationally run elections since the 1970s.

The code and procedures used for the 1993 Constituent Assembly election were developed under the auspices of the United Nations. At present, Cambodia has not yet adopted a law covering national or local elections. In June 1995, a seven-person committee was appointed by the co-Ministers of the Interior to begin the process of drafting new election laws. 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 almost completed the draft local election law. The process of formulating, enacting and implementing new election laws and their corresponding administrative systems will be a major undertaking and requires expert electoral assistance.

B. Phase I

Phase I involved working with the Ministry of Interior (MOI) Election Law Drafting Committee and the MOI Bureau of Elections to formulate and enact the new election laws and their corresponding administrative systems. Phase I provided for technical assistance through the provision of one Resident Expert in election administration and implementation. Generally, the Expert provided technical assistance to the Ministry of Interior (MOI) Election Law Drafting Committee and the MOI Bureau of Elections as they:

- a) ensured that international standards on election law are incorporated into the electoral law;
- b) worked towards continued openness of the process to public scrutiny and debate;
- c) assisted with the beginning of long-term preparations for the implementation of the election law; and;

d) ensured that the financial implications of any proposed new law are fully understood by the RCG before enactment.

Phase I began on August 15, 1996 and ended on January 15, 1997.

II. SCOPE OF WORK

The technical assistance to the MOI Election Law Drafting Committee (hereafter referred to as the Committee) and the MOI Bureau of Elections (BoE) has been provided a resident expert in Election Administration. The purpose of this assistance has been to build the institutional capacity of the Election Commission and Administration as well as to provide day-to-day technical assistance to the Committee and the BoE on specific electoral issues. This support to the Committee and BoE has been coordinated with experts from other bilateral and multilateral electoral institutions which are working with the Committee and BoE. The focus of this assistance has been developed to ensure that the systems established by the law are technologically adapted to Cambodian culture and conditions, are cost effective, transparent and credible, and will result in elections that are compatible with international standards with the results accepted by the primary participants.

Specifically, advice was given, as requested or deemed appropriate, on the following:

1. Electoral Law
2. Election Administration Structure and Procedures
3. Electoral Calendar
4. Districting
5. Voter Registration
6. Operational and Logistical Planning
7. Polling Site Procedures
8. Ballot Security and Vote Fraud
9. Candidate Registration
10. Training Planning for Election Officials and Poll Workers
11. Count and Announcement of the Official Results
12. Adjudication of Grievances
13. Voter Education Planning
14. Transparency

III. PROGRESS

From mid-September until his departure on December 16, IFES Resident Expert and Project Manager Theo Noel worked daily with the MOI's BoE and the Committee providing assistance in the drafting versions of both the Commune Chief Election Law and Legislative Election Law, the creation of the election management bodies, the voter registration process, and regulations governing registration. He held regular meetings with various donor organizations and those NGOs involved in the electoral process, including the UNDP, USAID, IRI, and TAF.

More specifically, assistance was provided and progress was observed in the following areas:

A. Election Laws

Following the Co-Ministers of the Interior agreement to the separation of the Commune Administration Law from the Commune Chiefs Election Law, Noel delivered to the Drafting Commission a version of the Commune Administration Law both in English and Khmer. The Co-Ministers then tasked the Drafting Committee to make a final review of the draft. It was decided that the Election Commission will plan, organize and manage both the commune chief and legislative elections. A Control Commission will be responsible for handling grievances and monitoring the electoral process. After being approved by the Co-Ministers, drafts will be delivered to the Council of Ministers. At this point in time, it is uncertain when the Council of Ministers will approve and forward them to the National Assembly.

The National Election Law has been drafted in two versions (with assistance from the IFES Expert) for the Drafting Committee. The first version (drafted by the Committee) is based on a majoritarian system - the second (drafted by IFES at the request of the Co-Ministers) follows a proportional representation system. A final decision on the election system by the two Prime Ministers has not been made as of this date. The Cambodian People's Party (CPP) currently favors a proportional system, while FUNCINPEC generally supports a majoritarian system.

A chapter on Candidacies (using the majoritarian system) for the legislative election was drafted by IFES and was submitted on October 28, 1996. This chapter incorporates the principles of objection to a candidacy and appeal, with a last recourse being an appeal to the Constitutional Council, should one be appointed.

B. Election Administrative Structure and Procedures

National, provincial and commune election commissions will be established to plan, organize, and manage each elections (Khum and National). It was agreed that the two major parties would co-chair the election commission but there continues to be disagreement on how the Control Commission will be chaired. The designs of electoral systems, specifically management, accounting, and inventory, are to be carried over in early 1997. A proposal has been put forward to create national, provincial and commune level Sub-Commissions for Security and Logistics. No further progress had been registered on this issue by the date of this quarterly report. Paralleling the Election Commissions, Control Commissions will monitor the electoral process and manage the grievance mechanism.

Procedures for the Commune Chiefs Election were drafted by IFES and delivered to the Drafting Commission. These procedures will require significant review in that they were prepared under the premise that a single election commission process would be used. Most of these procedures can be applied to the National Elections scheduled for 1998.

C. Electoral Calendar

IFES has prepared and submitted a draft electoral calendar which targets the Commune Chiefs elections (Khum) tentatively scheduled for the spring of 1998. This calendar allows the Commune Chief and National Elections to be held either independently or simultaneously - the first in March/April 1998 and the second in October/November 1998 (see attached). A proposal has been submitted to the MOI requesting funds to support the MOI's Bureau of Elections so they might conduct technical pre-election tasks, draft an election commission calendar, and develop a master plan for the elections.

D. Districting

The principle of establishing polling divisions according to current administrative boundaries has been accepted. As for constituencies, the electoral system chosen will determine if districting will be necessary. Integrated and cost effective planning, and shared use of infrastructure (polling divisions, polling stations, and registration of voters) for each election was recommended and approved in principle. The Bureau of Elections, if appropriately funded, will begin to establish the borders/location of polling divisions in early 1997.

E. Voter Registration

The Drafting Committee has retained an International Experts' proposal (IFES serves on this group) for a full-scale voter registration system at the polling divisions using hard-copy documentation and computerization at the central level. The French Government has reached an agreement with the Ministry of Interior to send four missions between January and April 1997 to design and develop software for the registration of voters, creation of a central registry, and voters' cards. The Regulations and Procedures for the registration of voters, including a grievances mechanism, were drafted based on the Experts' proposal and submitted to the Drafting Committee. The National Election Commission will be empowered to cancel a registration if the voter violates specific articles of the Electoral Law.

F. Operational and Logistical Planning

Discussions were held with the Bureau of Elections and the Co-Ministers' advisors on methods of planning electoral operations and logistics and the experience of 1992-93 election, and a field visit to Sihanoukville was organized for 28-30 November 1996 to verify the quality of the data collected at the commune level. Population data was collected from the authorities of the three city districts. The findings of this visit revealed a 20% increase in the population since 1992 and that the method of data collection varied from one commune to the next. Subsequently, a standard form containing the basic information to plan the elections was designed and is to be distributed to each commune

in early 1997. Information collected will then be shared with NGO's tasked with Civic Education and political party development.

A meeting was organized with the Geographic Department, which has established a Code System for each province, district, and commune, which can then be integrated into the electoral system logistics. Diskettes of the *Gazeteer* were obtained from the Director of the Geographic Department on 4 November 1996. It was discovered that the spelling of many names of villages listed are different from those used by the General Administration. A reconciliation of those names is currently underway. At least four different Khmer fonts were also used. The list of Communes, Districts and Provinces retrieved from the *Gazeteer* will become the official election and administrative listings for the Kingdom of Cambodia.

A proposal was then put forward to create Sub-Commissions for Security and Logistics at the National, Provincial and Commune levels. These Sub-Commissions, to be chaired by the head of the competent Election Commission, will bring together the civilian, military, and police authorities to ensure security and assist with logistics.

G. Polling Site Procedures

Draft polling site procedures were completed on 31 October 1996 and were submitted to the Drafting Committee. These procedures will be reviewed before deciding on the appointments to the Election and Control Commissions. Included with the polling site procedures are all the procedures for the steps of the electoral process.

H. Ballot Security and Vote Fraud

Ballot Security and Vote Fraud were addressed in the Regulations and Procedures where the use of numbered stub ballots, indelible ink, result sheets, tamper evident bags, party agents and observers are recommended. An Electronic Voting Machine (EVM) was put on display 12-16 November 1996 (facilitated by IFES) in addition to a complete unit left in-country for trial and test. *Bharat Electronics*, the machine's manufacturer, offered an EVM to each Co-Minister with a video explaining the operation of the EVM.

Emphasis has also been placed on the development of a strong national observation force rather than extensive international presence.

I. Candidate Registration

The principle followed in the draft of the Regulations and Procedures for the candidacies to the Commune Chief election includes bypassing local authorities and dealing directly with the election commission at the commune level. This includes the declaration of candidacy and the complaints process as well as the publication and posting of candidate lists and photographs. For the legislative election, a draft of the Candidacies Chapter for the majoritarian election system was submitted to the Drafting Committee. A draft of

candidate registration, along with the party registration is included in the draft of the law using the PR system - using the UNTAC (United Nation's) rules and regulations as a reference. It has been proposed that the National Election Commission be empowered to cancel a candidacy or disenfranchise a party which violates specific articles of the Electoral Law.

A recommendation was made that eligibility as a candidate be limited to two factors: be an eligible voter, and meet the constitutional requirement of being "Cambodian by birth." This is a major unresolved issue for both parties.

J. Training for Election Officials, Registration and Pollworkers

The design of a training program is one of the tasks to be initiated by IFES in early 1997 during its Phase II programming (once approved). Training sessions for the Bureau of Elections staff originally planned for December 1996 have been postponed to early 1997 due to the fact that the majority (95%) of election staff within the Bureau represent only one party. As soon as the Commissions are appointed, training sessions for members and staff will begin and are to continue on a regular basis following the each step of the electoral process.

K. Count and Announcement of the Official Results

Procedures include counting of the vote, return of the statement, consolidation of the polling station statements at the commune level, and their transmission to the Provincial and National Election Commissions for computerization. Announcement of official results is to occur once the grievance period is over and the Control Commission has certified the results. Should voting machines be used, results will be provided immediately after the closure of polling stations and will be recorded both on the statement of the count and the result sheets. Procedures will need to be adapted accordingly. Candidate/Party agents and Observers shall observe the count at the polling stations and the operation of consolidation of the statements at the commune or provincial levels.

L. Adjudication of Grievances

Regulations and Procedures for Grievances were drafted for the registration of voters, candidacies and campaigning. The mechanism proposed is a step-by-step grievance process made directly to Control Commission - complaint, objection, and appeal are to occur within a specified period of time. The public would be entitled to be present at meetings convened to deal with these complaints. The final recourse would be the National Control Commission for the Commune Chief Elections and a Constitutional Council, if appointed, for the National Elections. It is critical that this Council be appointed as soon as possible.

M. Voter Education Planning

Voter Education Planning has been briefly discussed with the Bureau of Elections. Its importance has been emphasized as a necessity since the beginning of IFES' presence in Cambodia. The Electoral Commission would coordinate the voter education program, approve its content, and provide support materials. It is understood that NGO's may be deeply involved in civic and voter education, as was proposed in the draft of each Law. Many donors and international organizations are interested in funding this program, with several NGO's already starting civic education activities.

N. Transparency

The Experts Report recommended that the National Election Commission hold weekly meetings with the political parties and NGO's in order to distribute information on the electoral process and discuss electoral issues. It was the understanding of the Experts that if Commissions are appointed, this exercise would be replicated at the provincial and commune levels. The National Election Commission will be invited to disseminate information on the elections by publishing such relevant documents as the electoral calendar, the list and addresses of the polling stations, the list of candidates and the regulations and procedures. In the grievance process, it has been recommended that the public be entitled to be present at meetings convened by Control Commission to deal with the complaints, objections and/or appeals.

There remains a ban on publicizing draft documents on laws or procedures, although interviews were conducted with some members of the Drafting Committee. H.E. SAR Kheng wishes to meet the international donors only when the draft of the Commune Chief Election Law is finalized and signed by both Co-Ministers. Political parties and NGO's have not had access to the drafts of the proposed laws.

IV. EVALUATION AND ANALYSIS

After months of effort and daily interaction and contact, information flow from the Commission to the IFES consultant has been well established. Except for election administrative procedures and structures, recommendations on each of the fourteen (14) topics listed above have been accepted in concept. In addition, advice on composition and authority of each commission has been considered.

More than 50% of the original draft of the Commune Administration and Commune Chief Election Laws was modified following the advice given and the assistance provided. The principles for fair and free election were incorporated in the draft including:

- Election and Control Commissions replacing the MOI as the election management body;
- Checks and balances instituted through the composition of the Commissions (Government, Political Parties and Civil Society);
- Full-scale registration of voters process conducted by the Election Commission rather

- than by the Commune authorities was approved; the
- Registration of candidates directly at the Commune Election Commission;
- Counting at the polling station;
- Consolidation at the Commune Election Commission; and
- Grievances managed by the Control Commission.

IFES Phase I Mission has been proven successful. If the issues of the composition and authority of the Commissions are resolved in January 1997, drafts of each Law could be approved by the Council of Ministers later that month to be sent to the National Assembly immediately thereafter. If all the recommendations approved by the Drafting Commission are approved by the Co-Ministers and the Council of Ministers, a sound legal framework will be in place to conduct fair and free elections in 1998.

Taking into consideration the Cambodia's political situation -- the fragile balance of power between the CPP and FUNCINPEC, and the tight grip of the CPP on local administration and justice -- a good deal of thought went into the decision to bypass civilian and judicial authorities in the management of the elections in favor of the Election Administration and Control Commissions.

Before any election can take place, additional legislation must be passed by the National Assembly-- including a Political Party Law and legislation on the appointment of a Constitutional Council and Council of Magistracy.

Even with the existence of a sound legal framework, only a strong commitment supported by unwavering leadership from both major parties will guarantee fairness and freedom. Actions should follow words and respect of rights should prevail mainly in the Districts and Communes. Intimidation has already surfaced in Cambodia and the resurgence of violence to sway votes hangs over those identified as opposition. One positive signal has been the determination of Co-Minister of Interior SAR Kheng to organize fair and free elections, as spelled out in his October 1995 speech at the closing of the Seminar in Phnom Penh.

Phase II is scheduled to begin 15 January, 1997.



Appendix D: Cambodia Quarterly Report
2nd Quarter FY 1997: 01/01/97 to 03/31/97

Cambodia

FY 1997 QUARTERLY REPORT (2nd Quarter - FY97)

**Concerning the USAID Indefinite Quantity Contract (IQC)
IFES Delivery Order No. 6 (Phase II)
AEP-5468-I-00-6003-00
Technical Assistance to Cambodia**

Submitted to the

**U.S. AGENCY FOR INTERNATIONAL DEVELOPMENT
by the International Foundation for Election Systems (IFES)**

January 1, 1997 - March 31, 1997

II Mission Objective

The objective of the IFES on-site technical activity continues to be to strengthen the electoral process in Cambodia by improving the electoral framework for the upcoming local and national elections. This has been developed for achievement in four (4) Phases. Phase I was completed on January 15, 1997. Phase II is underway and the topic of this quarterly report. Should USAID decide to proceed, Phases III and IV may involve the administration of USAID-funded training and commodity and financial support of the electoral process.

A. Background

The 1993 election, which brought the current government into power, was run by the United Nations Transitional Authority for Cambodia (UNTAC) and did not develop an indigenous capacity or electoral system to run or manage subsequent elections. The Cambodian constitution, promulgated in September 1993 by the new constituent assembly, calls for free and fair elections every 4 to 5 years. The Royal Cambodian Government (RCG) is planning for local elections by December 1997 with national elections in May 1998. The upcoming local and national elections will be the first nationally run elections since the 1970s.

The code and procedures used for the 1993 Constituent Assembly election were developed under the auspices of the United Nations. At present, Cambodia has not yet adopted a law covering national or local elections. In June 1995, a seven-person committee was appointed by the co-Ministers of the Interior to begin the process of drafting new election laws. 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 almost completed the draft local election law. The process of formulating, enacting and implementing new election laws and their corresponding administrative systems will be a major undertaking and requires expert electoral assistance.

B. Phase I

Phase I of IFES' on-site technical assistance project involved working closely with the Ministry of Interior (MOI) Election Law Drafting Committee and the MOI Bureau of Elections as they formulated and prepared to enact new election laws (khum and national) and their corresponding administrative structures and systems. Phase I provided for technical assistance through the provision of one Resident Expert (Theo Noel) in election administration and implementation. Generally, Mr. Noel provided technical assistance to the Ministry of Interior (MOI) Election Law Drafting Committee and the MOI Bureau of Elections as they:

- a) Ensured that international standards on election law are incorporated into the electoral law;
- b) Worked toward continued openness of the process to public scrutiny and debate;

- c) Assisted with the beginning of long-term preparations for the implementation of the election law; and;
- d) Ensured that the financial implications of any proposed new law are fully understood by the RCG before enactment.

Phase I began on August 15, 1996 and ended on January 15, 1997. Phase II begins March 1, 1997.

II. Scope of Work (Phase II)

The technical assistance to the MOI Election Law Drafting Committee (hereafter referred to as the Committee) and the MOI Bureau of Elections (BoE) is now provided with two resident experts in Phnom Penh. The purpose of the current assistance is focused on building an institutional capacity within the Election Commission and its administration and provide day-to-day technical advice and assistance to the Committee and the BoE on a number of specific electoral and administrative issues.

This support to the Committee and BoE has been fully coordinated with several other bilateral and multilateral electoral experts who are now working with the Committee and BoE. The focus of this joint assistance has been undertaken to assure that electoral systems established under the law are technologically and culturally adapted to Cambodian conditions, are cost effective, transparent and credible, and will result in elections that are compatible with international standards and exhibit results accepted by each of the primary participants and the voting public.

Specifically, technical advice continues to be shared on the following topics:

1. Electoral Law development and drafting
2. Election Administrative Structure and Procedures
3. Electoral Calendar development
4. Districting
5. Voter Registration Procedures
6. Operational and Logistical Planning
7. Polling Site Procedures
8. Ballot Security and Vote Fraud
9. Candidate Registration Procedures
10. Training Planning for Election Officials and Poll Workers
11. Vote Counting and Announcement of the Official Results
12. Adjudication of Grievances
13. Voter Education Planning
14. Transparency

III. Progress

Assistance has been provided and progress has been observed in the following areas:

Pre-Election Tasks

The Bureau of Elections, working with the IFES team, has developed a work plan for the elections. The primary donor nations (US, Canada, Australia, and France) have supplied the basic equipment necessary to complete these tasks. The BoE does not have an operational (and approved) budget to complete all the necessary tasks. Without proper funding, local field teams cannot be organized to collect adequate population data on each *commune* necessary for accurate planning and election costing. Accurate voter population data is absolutely necessary to provide a basis for estimates of polling divisions and the appropriate number of Commune Election Commissions.

Election Laws

Following recommendations from IFES and the UN Center for Human Rights, a Draft of the Commune Chiefs Election Law was sent back to the Drafting Committee for revision. The IFES Advisor (Noel) prepared and submitted comments on those Articles recommended for redrafting to the Drafting Committee.

Mr. Noel continues to consult with CHHAY Kim, Chairman of the Drafting Commission, on the method for determining the number of seats for the National Assembly and the allocation of those seats by province regarding the Legislative Election Law.

Election Administrative Structure and Procedures

On March 24 it was announced that both Parties (FUNCINPEC and CPP) had agreed on the formation of a single Election Administration Commission. IFES continues to advise that this body must include a significant NGO and civilian representation in order to accomplish the parameters outlined above.

IFES also continues to work with the Bureau of Elections as it develops a number of draft regulations which govern local and national elections and the election commission. Its review and completion await the adoption of the laws governing those areas.

Mr. Noel continues to meet regularly with CPP and FUNCINPEC Election Committees to discuss the Draft Law and has focussed on the IFES/UNCHR comments on the Law and the Articles set for re-draft.

Electoral Calendar

Having reviewed the time line for the Commune Elections, Noel believes that insufficient progress has been made on required pre-election tasks to allow for Commune-level Elections to be held in December 1997. It should be noted that this technical review of the calendar has been shared only with USAID/Cambodia.

On March 5, Noel submitted a revised electoral calendar based on the latest developments in the legal framework to IM Sousdey, Director of the Bureau of Elections. This revised calendar was developed to indicate the feasibility of Commune Chief elections in 1997 and National elections in 1998. It also laid out the possibility for both elections to be held simultaneously or separately in 1998. The electoral timetable assumes that bodies appointed to plan, organize, manage, monitor, and control both elections will be in place and that integrated planning would be used for both elections. It also assumes that a formal registration process for voters will be in accepted and in

place.

Voter Registration

The registration period has been extended from 3 months to 4. IFES has recommended the adoption of a Voter Registry rather than relying on the existing Civil Registry.

Election Costing

A team from the European Union reviewed the costing of the elections which was prepared by IFES' Noel and concluded that the cost for combined elections would be between \$22 million and \$26 million. This estimate is \$5 million below IFES' original estimate due to the fact that the EU team cut the operational time of the Commune Election Commissions, allowing only 4 ½ months. It is IFES' position that the process as a whole should last at least 7 months. If the Commissions are to manage the elections, they should be active throughout the full electoral process.

Co-Minister SAR Kheng informed the IFES Advisor Noel that the Royal Cambodian Government was considering contributing between 5% and 10% of the total cost of the elections.

Polling Site Procedures

IFES continues to recommend reducing the number of polling station commission members from 7 to 5. Procedures will be reviewed and finalized on adoption of the governing laws.

Training for Election Officials, Registration and Pollworkers

A second IFES team member, Training Advisor, Mr. Carl Slaughenaut, arrived in Phnom Penh on March 20 to advise the Education Unit of the Bureau of Elections on its development of training programs. As of this reporting period, he has met with major members of the election-support community (foreign and local), RCG officials, and active international NGOs. He has begun working with the Education Unit as they assess existing programs and perceived needs leading up to the registration and election periods.

IV. Evaluation and Analysis

A. Pre-Election Tasks and Funding

Unlike the UN initiative in 1993, when the elections were planned and run by UN personnel with little done in the way of developing indigenous capacity to run elections, capacity-building is one of the primary objectives of IFES' technical assistance project. Because the upcoming elections are to be the first indigenously-run elections since the early 1970s, Cambodians involved in the current process have little or no practical experience in electoral work aside from their participation in the 1993 UN-led process. IFES' Pre-Election Tasks have not only included logistical development, but have involved the establishment of laws and regulations which are being designed to guide them. Political loggerheads at the highest levels of the RCG have prevented smooth and rapid development of these electoral codes. A prime example of this is the Commune Chief Election Law. This law, anticipated to have been completed in the 4th calendar quarter of 1996, remains in a draft stage. It is IFES' hope that it will be submitted to the Council of Ministers for their approval in April 1997.

In addition to drafting legal language, regulations, procedures, and ensuring proper training for all Cambodian personnel involved in the electoral process, the task of capacity-building has been complicated by growing hostilities between the two major parties, the CPP and FUNCINPEC in addition to a notable lack of direction from the leadership. There also seems to be a lack of intra-party communication, particularly within FUNCINPEC.

It is clear that the success of IFES' involvement in Cambodia in 1996-1998 relies on more than providing technical advice and assistance on procedures, logistics, and training. It also is dependent on the active participation by primary parties at all planning and development stages (national level) and on the implementation stages at the local level.

Of great concern in the drafting of the laws and regulations, the composition of the Election Commission in particular and election officials as a whole is the fact that each of the two major parties (CPP and FUNCINPEC), are equally represented and equally consulted. Without political leadership and guidance, and in many cases directive, from the party heads, movement and participation at the middle levels, where the real work is done, is very slow and often sporadic. This has led to severe delays in the legislative drafting process and the necessary pre-election work. It has also led to unequal training and consultations with each party representative, which could in turn open the door to accusations of unequal treatment or access.

In its role as a nonpartisan technical organization, IFES continues to work to establish itself as an impartial mediator and advisor - bridging the gap between the two parties and providing a forum in the form of regular weekly meetings, at which progress in election work is discussed and points of contention in the development of this process are worked through. Attendees of these meetings include representatives of the Co-Ministers of the Interior, the Bureau of Elections and the Election Law Drafting Committee.

OK SEREI Sopheak, advisor to Co-Minister of the Interior SAR Kheng, spoke at a luncheon in late March in Washington, D.C. on the need for active participation of donor nations at the middle-level. In particular he cited the weekly meetings established and coordinated by IFES. He clearly stated that it was because of these meetings that significant progress had been made. In his opinion, donor involvement at this level of the bureaucracy has provided the guidance necessary to form a consensus. In turn, consensus-backed lobbying by middle-level bureaucrats directed at their political superiors forces their superiors to make the immediate decisions and allow various departmental personnel to complete their tasks. IFES' advice and participation in the election planning and preparation process has been well received as noted in the attached letter from the Co-Ministers of the Interior - one copy in English, the other in Khmer.

Funding for Pre-Election work continues to be an issue. Due in part to the high cost of the 1993 UN-sponsored elections, the Donor Nations have been paying close attention to funding for the 1997-98 process and has focussed on maintaining control over these costs. While the community has shown a willingness to purchase necessary commodities or provide funding for necessary training, it has been very reluctant to fund salaries for local staff directly involved in planning of the elections - whose rate currently stands at approximately \$25/month. The level of this salary is of great concern in this process, particularly when it comes to ensuring neutrality and impartiality of those election

workers. As a result of this low wage, government staffers in effect work part-time, spending the majority of their working day running their private businesses or on another job. Impartiality and neutrality, particularly on the part of Election Commission members, may be difficult to maintain if wages continue at a level where officials might be faced with illegal "financial incentives" which could help feed their families or maintain the integrity of their position. Those forced to take on second jobs are also open to undue influence exerted due to their dependance on those positions.

B. Outlook

Despite open confrontations in the press, political progress on the election front continues. The Co-Ministers of the Interior (H.E. SAR Kheng (CPP) and H.E. YOU Hockry (FUNCINPEC)) have given the Committee established to resolve the Battambang Crisis (where FUNCINPEC and CPP forces clashed) a mandate to resolve outstanding election-related issues. On March 24 this Coordination Committee announced that an agreement had been reached on three major issues:

- The CPP had dropped its opposition to Cambodian citizens with dual nationality holding elected office;
- FUNCINPEC agreed to the establishment of one electoral administration body (as opposed to two - one administrative and one control); and
- Both parties agreed on November 1998 for the national elections.

Three major political hurdles remain:

- Agreement on the Political Party Law;
- Composition of the Constitutional Council; and
- Composition of the Electoral Commissions.



Appendix E: Cambodia Quarterly Report
3rd Quarter FY 1997: 04/01/97 to 06/30/97

Cambodia

FY 1997 QUARTERLY REPORT (3rd Quarter)

**Concerning the USAID Indefinite Quantity Contract (IQC)
IFES Delivery Order No. 6 (Phase II)
AEP-5468-I-00-6003-00
Technical Assistance to Cambodia**

Submitted to the

**U.S. AGENCY FOR INTERNATIONAL DEVELOPMENT
by the International Foundation for Election Systems (IFES)**

April 1 - June 30, 1997

I. OBJECTIVE

The objective of the IFES on-site technical activity continues to be strengthening of the electoral process in Cambodia by assisting in the Royal Government of Cambodia's efforts to develop an indigenous electoral framework for the upcoming local and national elections. This project is broken into four (4) Phases. Phase I ended 15 January 1997. Phase II ended 30 June 1997. The second half of Phase II is the subject of this quarterly report. Should USAID decide to proceed, Phase III and IV may involve the administration of USAID-funded training, commodity, and financial support of the electoral process.

A. Background

The 1993 election, which brought the current government into power, was run by the United Nations Transitional Authority for Cambodia (UNTAC). The code and procedures used for the election were also developed under the auspices of the United Nations. As a consequence of the way this election was developed and conducted, Cambodia was left without an indigenously developed electoral system nor an indigenous capacity to run or manage subsequent elections.

The Cambodian constitution, promulgated in September 1993 by the new constituent assembly, calls for free and fair elections every 4 to 5 years. Cambodia has not yet adopted a law covering national or local elections. In June 1995, a seven-person committee was appointed by the co-Ministers of the Interior to begin the process of drafting new election laws. 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) -- has been working since its appointment to complete those laws necessary for the conduct of elections. The process of formulating, enacting and implementing new election laws and their corresponding administrative systems is a major undertaking that requires expert electoral assistance. The Royal Cambodian Government (RCG) was originally planning for local elections by December 1977 with national elections in May 1988. The upcoming local and national elections will be the first nationally run elections since the 1970s.

B. Phase I

Phase I of IFES' on-site technical assistance project involved working closely with the Ministry of Interior (MOI) Election Law Drafting Committee and the MOI Bureau of Elections as they formulated the necessary election laws (khum and national) and their corresponding administrative structures and systems. Phase I provided for technical assistance through the provision of one resident expert (Theo Noel) in election administration and implementation. Generally, Mr. Noel provided technical assistance to the Ministry of Interior (MOI) Election Law Drafting Committee and the MOI Bureau of Elections as they:

- a) Ensured that international standards on election law are incorporated into the electoral law;
- b) Worked toward continued openness of the process to public scrutiny and debate;
- c) Assisted with the beginning of long-term preparations for the implementation of the election law; and,
- d) Ensured that the financial implications of any proposed new law are fully understood by the RCG before enactment.

Major delays in the drafting process were caused by the inability of FUNCINPEC and the CPP to reach the necessary political decisions required to provide the basis of any electoral system and thus the guidelines for the development of the required laws.

Phase I began on August 15, 1996 and ended on January 15, 1997.

II. PHASE II – SCOPE OF WORK

The Scope of Work for Phase II called for the provision of two resident experts to assist the MOI Election Law Drafting Committee (hereafter referred to as the Committee) and the MOI Bureau of Elections (BoE) in their activities. The purpose of the current assistance was to build institutional capacity within the Election Commission and its administration and provide day-to-day technical advice and assistance to the Committee and the BoE on a number of specific electoral and administrative issues. This support to the Committee and BoE was fully coordinated with several other electoral experts from bilateral and multilateral organizations which are now working with the Committee and BoE. The focus of this joint assistance, as in Phase I, was to ensure that electoral systems established under the law are technologically and culturally adapted to Cambodian conditions, are cost effective, transparent and credible. Further, the program seeks to provide assistance which will lead to elections that are compatible with international standards and produce results accepted by each of the primary participants and the voting public.

Specifically, technical advice continued to be shared on the following topics:

- Electoral Law Development and Drafting
- Election Administrative Structure and Procedures
- Electoral Calendar Development
- Districting
- Voter Registration Procedures
- Operational and Logistical Planning
- Polling Site Procedures
- Ballot Security and Vote Fraud
- Candidate Registration Procedures
- Training Planning for Election Officials and Poll Workers
- Vote Counting and Announcement of the Official Results
- Adjudication of Grievances

- Voter Education Planning
- Transparency

Phase II began March 1, 1997 and ended June 30, 1997.1

III. PHASE II ACTIVITIES

On April 28, IFES Advisor Theo Noel met with the Co-Ministers of the Interior Sar Kheng (CPP) and You Hockry (FUNCINPEC) to discuss the status of a number of election related issues. The results of this meeting opened the way for a number of major developments this quarter. Specifically, the Co-Ministers agreed:

- With the necessity for clear delineation of the status of the election commission members and staff;
- To fully support the National Election Computer Center;
- To take steps to obtain an operational budget for the Bureau of Elections for the completion of pre-election tasks; and
- To meet weekly at a fixed day and time with the IFES advisors to discuss election matters.

These agreements led to developments in the following areas:

Ad Hoc Committees

In an attempt to speed the process along, IFES recommended the creation of three Ad Hoc Committees to work on the Legal Frame, the Budget and the Institutional Frame of the elections process. These committees were created on June 6 with mandates to:

- prepare all documents related to the legal frame, prepare presentations for the Council of Ministers and the Chair of the National Assembly, and organize meetings with the political parties, civil society, and the international community;
- study and design the budget, prepare proposals for the salary and travel policies, prepare presentations for the Ministry of Finance and present a proposal to determine the contribution of the RGC to the elections;
- study and design the composition of the Election Commissions, determine the selection criteria for candidates and recommend candidates for the National and Provincial Commissions.

National Election Computer Center

In April, an evaluation of the UNTAC computer system by Ron Medew of the Australian Election Commission determined that the 1993 system could be rehabilitated to a usable level in preparation for the upcoming elections. Of the 100 terminals donated in 1992 for the 1993 UNTAC elections, only 48 could be found as of this writing. The remainder are believed to be in storage in New York and Brindisi, Italy.

In May, a preliminary "needs assessment" was conducted during a visit to the proposed Election Commission building. The assessment concluded that rooms needed reconfiguration to accommodate the Computer Center, the capacity of the electrical system needs to be checked, and air-conditioning units are needed. In response to this information, the Co-Ministers suggested constructing a separate structure to house the Computer Center rather than renovate the new building. With specifications for this structure, a new building could be constructed in two months.

In June, PAN Sorasak, Advisor to H.E. SAR Kheng, recommended to the Co-Ministers the rehabilitation of the UNTAC Computer system for use in computerizing the Register of Voters. The Co-Ministers have accepted the proposal and a letter from the Co-Ministers was sent to the Council of Ministers requesting their permission to use the system. Letters were also sent to the UN requesting return of the missing X-terminals and other equipment believed to be stored either in Brindisi or in New York. AUSAID will send Rod Medew in August to undertake modification to the software and USAID will send SEQUENT engineer P. Marinelli to Phnom Penh to restart the system, provide any missing or needed hardware and to assist in training the Cambodian team.

Election Commission Building

Plans for the assignment of offices to the various election services and to furnish them accordingly are progressing. One wing is being occupied by the Bureau of Election Staff and the Ad Hoc Committees. A preliminary needs assessment for furniture was conducted and presented to the Administration for action. Plans are being drafted to build the Computer Center.

Pre-Election Tasks

The Co-Ministers have accepted IFES' recommendation to grant administrative autonomy to the Bureau. Under this administrative autonomy, an account will be opened for the Bureau and managed by the Bureau, allowing the Bureau greater freedom to complete its work in a timely and efficient manner. It will also allow the design and implementation, on a small scale, of a bookkeeping/accounting system which will be later copied by the Election Commission. The Co-Ministers also accepted a recommendation to establish a six-day work week beginning June 14. This will allow for a more timely completion of the pre-election tasks.

A letter for signature was presented to the Co-Ministers requesting the Minister of Finance to provide an operating budget for the Bureau of Elections. Disbursement of \$120,000 for pre-election tasks requested by the Co-Ministers of the Interior was delayed by the Ministry of Finance, which claimed that the election budget needed approval from the National Assembly. Following an explanation that pre-election tasks are funded not through an election budget but through special credits, the Minister promised that the funds would be made available in early June.

A short training session on the use of the Population Data Collection Form was held on May 12 and was followed by a field trip to test the use of the Form the following day. If feasible, the Bureau's teams will then visit individual provinces and check the quality of collected data. The

estimated time to collect this data and determine the number of polling stations may be as long as three months. A database to process the data collected was designed and tested and Canada Fund has provided US\$20,785 to buy the remaining necessary computer equipment for the Bureau of Elections.

Training sessions were organized in June for the Provincial Deputy Governors and their Chiefs of Planning, those officials responsible for statistics in each province. The sessions were organized to train those officials in the use of the forms developed by the Bureau of Elections to collect data on the number of eligible voters and possible locations of registration and polling stations.

Representatives from fifteen provinces attended the first of these sessions held in Phnom Penh on June 11. Two teams later traveled to three provinces to complete the training of the officials in Kampong Chhnang, Banteay Meanchey and Siem Reap and officials from the province of Mondulakiri were trained in Phnom Penh at a separate session. Officials from the three remaining provinces -- Ratanakiri, Stung Treng and Preah Vihear -- will be trained during the first week of July. The Ministry of Interior has sent a letter to the Ministry of Defense requesting opening of military bases in order to complete data collection.

The Bureau of Elections bought three vehicles to conduct pre-election tasks. One of those vehicles, however, was misappropriated by the 1st Deputy General Director (FUNCINPEC) of the General Administration of the Ministry. Efforts were made to recover this vehicle, which was returned to the Bureau of Elections later in the month.

Mr. Michael Maley, Director of Research and International Services of the Australian Election Commission, on a two week mission in Phnom Penh in mid-June, worked with the Bureau of Election and the IFES mission in developing the grievance mechanism to be used during the election process. He also identified 688 tasks necessary for the organization and completion of the first elections.

Election Laws

Much progress has been made on this front since the Co-Ministers accepted an IFES proposal that a six-person Ad Hoc Committee review the drafts of the Commune/Quarter Chiefs Election Law and the Legislative Election Law. A final review of a draft election law using a single Election Commission structure was conducted on May 13. FUNCINPEC has stated its support of a single commission format if an independent body is set up to address complaints and validate the results. An Election Tribunal was discussed as a possibility in the absence of the Constitutional Council and was included in the draft of the local election law. For their reference, IFES and USAID/Cambodia supplied the Drafting Committee with laws from five countries which use such tribunals.

In late June, review and amendment of the Commune and Quarter Chiefs Election Law was finally completed in both Khmer and English, a Code of Conduct and provisions for an Election Disputes Tribunal were added to the Draft, and the English and Khmer versions have been

harmonized.

The next step is the finalization of the draft of the Legislative Election Law, its Regulations and Procedures. Much of the work on this draft was completed in December 1996. Efforts to complete this draft will continue in Phase III, which is scheduled to begin on or about July 1 and continue through to December 31, 1997. Although many members of the Drafting Committee and the Bureau of Elections are going to Japan for training, it is expected that efforts will be made during July to finish this draft.

With regard to the Political Party Law, the Bi-Partisan Commission on Conflict Resolution has decided to include in the draft of the Political Party Law a provision requiring the army and police to take a neutral stance and prohibit their participation in political activities even though they retain the right of party membership.

Election Administration Structure and Procedures

On April 10, IFES Advisor Theo Noel delivered a technical note on the status of election commission members and staff to the Co-Ministers of the Interior. The technical note stressed the importance of the independence of electoral commissions and summarized the Cambodian situation. It also outlined measures necessary to produce such an election commission, including:

- Releasing all members and staff from all previous official duties with right to return at the end of their term;
- Relinquishment of civil servant status and ties with all previous employers for duration of appointment;
- Rights of political party and civil society organizations to provide their own nominations for their representatives to the commission;
- Setting fixed terms for members and staff;
- Removal only in cases where the election law or procedures have been violated;
- Public advertising for staff positions and subsequent hiring after testing and reviews;
- Contribution to the pension fund by the commission in an amount equal to the civil service contributions; and
- Separation of commission offices from other government offices.

According to the Draft of the Commune/Quarter Chiefs Election Law, members of the National and Provincial commissions are nominated by the Co-Ministers of the Interior, appointed by the Prime Ministers, and ratified by the National Assembly.

The Co-Ministers confirmed that the votes will be counted at polling stations for both the local and national elections. Consolidation of the results of the communal elections will take place at the Commune Election Commissions then forwarded to the Provincial Election Commissions (PEC). The PECs will then verify the results before forwarding them to the National Election Commission. For the legislative elections, consolidation will take place at the Provincial Election Commission.

Election Logo

After considerable delay, the Co-Ministers approved a proposed public contest for the development of the official Election logo for use by the Commissions.

Training for Election Officials and Civic Education

IFES Training Advisor Carl Slaughaupt completed a draft of a Registration Official Training Manual and a manual on a Human Resources Management System for use by the election commission once formed. Personnel still have yet to be assigned to the Bureau's Training Unit, however. This lack of a "training partner" prevented IFES technical trainer Carl Slaughaupt from completing his original mission. IFES and Slaughaupt determined that without an appropriate "partner" there was no reason for him to remain to the end of Phase II of the project. He departed at the end of May.

Election Date

Both Co-Ministers of the Interior have agreed to begin registration of voters in October 1997. They also agreed that an 8-9 month preparation time will be necessary to hold the first elections and, if conducted separately, 5 months between each. They both stated their belief that elections can only be held if there is political stability. The Co-Ministers have confirmed during the weekly Friday meeting of June 13 that the registration system defined in the January 1 version of the draft law is the one that will be implemented. The European Union has proposed to fund close to 90% of the estimated cost of the registration of voters (US\$9 million), the total estimated cost being US\$11 million.

A contingency plan was proposed to the Co-Ministers to conduct the registration of voters without a legal frame in case the National Assembly does not reconvene on time. If the plan is implemented, the process shall start late October or early November. A letter was sent to the Co-Prime Ministers to obtain their approval. In the meantime, the Co-Ministers have appointed three Ad Hoc Committees to deal with the frame of the registration process, the budget and the appointment of the members of the Election Commissions.

On June 26, The Royal Government of Cambodia announced its intention to hold national elections on May 23, 1998. According to the Constitution of the Kingdom, the term of office of the members of the National Assembly is five years, thus determining September 24 as the swearing in day of the newly elected Assembly. A period of thirty (30) days is technically necessary between the election and the announcement of the official results, setting August the 25, the peak of the rainy season, as the latest date for an election.

Each commune will be subdivided in polling divisions, each containing one polling station of approximately 600 voters. The Commune Election Commission will register the voters of each polling station and establish a register of voters which will be computerized and approved by the National Election Commission.

Since the organization of an election during the monsoon season is practically impossible, the Royal Government proposes to hold elections for the National Assembly before the rainy season, that is in May 1998. The newly elected Assembly will be sworn in September when the

mandate of the 1993 Assembly ends.

CGC Meeting in July

The Consultative Group of Cambodia (CGC) composed of the donors is holding a crucial meeting on July 2 in Paris. IFES, at the request of the Secretary of State for the Ministry of Interior IM Chim Lim, assisted the Bureau of Elections in preparing its presentation to the CGC. A first meeting was held on June 10 with the Secretary, Mike Maley and IFES' Noel. A draft was reviewed and amended. The presentation was finalized on June 25.

IV PHASE II -- IMPACT AND DELIVERABLES

Election Laws

The draft Law on Commune/Quarter Chiefs Election was reviewed and found to contain a number of provisions contrary to the concept of free and fair elections, such as:

- registry of voters established by the Provisional Election Commissions
- powers vested directly in the Provincial/Communal Election Commissions
- candidacies and complaints channeled through the District Governors
- registration of voters conducted by a Registration commission distinct from the commune commission
- a residency requirement of six months
- Provincial and Commune Election Commission members appointed from the civil service and government officials
- criminalization of administrative misdeeds

Solution

Comments and redrafted Articles were submitted to the Co-Ministers and to the Drafting Commission with recommendations to appoint an Ad Hoc Committee to review the draft law.

Result

The Ad Hoc Committee was appointed, the review conducted with the IFES Technical Advisor and a revised version completed on 23 May 1997, correction of the above mentioned insistencies.

Election Administration

Initially the first draft Law empowered the Ministry of Interior to organize and manage the election the Commune/Quarter Chiefs Election relying on the Ministry Civil Servants to conduct the polls.

Solution

A recommendation to have a body distinct from the MOI to manage the election was submitted, calling for checks and balance in the composition of this body: National Election Commission, a Provincial Election Commission for each province and a Commune Election Commission for each commune and a Polling Station Commission together with an administrative chart (Five

main divisions to address the five main electoral tasks) supported by a National Election Computer Center. Simultaneously, a Technical Note was submitted recommending to adopt Regulations to appoint the members and staffs of the Commissions and to determine their status. A Human Resource Management System is being designed.

Result

The principle of having a body distinct from MOI to manage the election was approved but the decision to have a second Commission to monitor the process has yet to be finalized. The last development on this issue was to create an Election Tribunal as a transitional measure to replace the Constitutional Council and to drop the proposal for a Monitoring Commission.

Districting

The first draft Law planned to have polling stations containing a maximum of 500 voters established through the Kingdom once the Registration of voters was completed.

Solution

A proposal was made to adopt an electoral infrastructure based on polling divisions with each commune subdivided into geographic areas containing one or more villages and tallying not more than 600 voters and one polling station. The districting is to be done with the cooperation of the Commune Administration.

Result

The proposal was accepted and incorporated in the last version of the Draft Law. The information to establish the polling divisions will be collected simultaneously with the pre-election tasks.

Electoral Calender

It was announced the Commune election will be held in December 1997 and the Legislative in 1998. FUNCINPEC proposed lately to hold the Commune election in February 1998 and the Legislative in May 1998.

Solution

Various scenarios were developed and the final one including the computerization of the Registry of voters technically requires from 8 to 9 months to organize and manage an election with a period of 5 to 6 months between the first and second election. Lately, a proposal was submitted to the Co-Ministers to set the date for the start of registration of voters on October 13, 1997.

Result

The proposal was accepted and a letter was drafted requested the approval of the Co-Prime Ministers to set October as a target date for registration and to prepare a contingency plan to conduct the registration without a legal frame. Legislative Elections have been officially scheduled for May 1998.

Voter and candidate registration

Originally the registration of voters was to be conducted at the Commune level and computerized at the district and province levels. There was a residence requirement of six months. The French later insisted on own system, which channels candidate registration through District governors.

Solution

IFES proposed registering the voters in each polling division using hard copy documents, issuing photo I.D. voter's card and transmitting a double of the registration to the National Election Computer Center to be computerized. Registration was to be conducted by the Commune Election Commission Members traveling to each polling division under the authority of the National Election Commission, which will approve the official Registry of voters. IFES also recommended dropping the residency requirement as a transitional provision for this coming round of elections only. Meetings were organized to study the French proposal and determine if the two systems could be amalgamated.

For the candidates, a recommendation was made to deliver the candidacy to the Commune Election Commission or to the Provincial Election Commission.

Result

The IFES proposal for the registration system was accepted and incorporated in the Draft law, except that there was a Registration Commission in each polling division and the Provincial Election Commission was to establish the Registry of voters. These provisions were changed later by the Ad Hoc Committee to respect the original expert's proposal. The residence requirement was dropped as a transitional measure for this coming election only, but a fixed date for future commune/ quarter chiefs election will be incorporated in the Law. The recommendation for the candidates was accepted and incorporated in the Law as well.

Election operations, procedures and transparency

The Co-ministers requested that Regulations and Procedures be drafted. Transparency was identified as one characteristic of a good election commission.

Solution

Provisions in the Regulations and Procedures to implement the election laws which were drafted in Phase I were to be clarified. No action was taken, however, because the policy decisions concerning the number of commissions to manage the election, the registration of voter and the electoral system had not been made.

Concerning transparency, a proposal was made for the National Commission to open the meeting dealing with grievances to the public and to hold monthly meetings with the political parties and the media. If the Registration of voters is to be conducted without a legal frame, the Co-Ministers were advised to hold meetings with the actors of the process to explain the frame and obtain their agreement, that is the political parties and the civil society.

Results

Eighty three pages of Regulations and Procedures were drafted. Four more chapters have to be added. Once the last version of the Draft Law is approved by the Co-Ministers, then this activity will be completed.

The provision for meetings dealing with grievances opened to public was included in the Draft Law.

The steps to implement the registration of voters without a legal frame will be submitted to the Co-ministers during the week May 26-30.

Polling site procedures

Polling site procedures were discussed with the Drafting Commission and the Draft Law was found to contain very detailed steps, leaving no freedom for the Election Commission to react to unforeseen circumstances.

Solution

A recommendation was made to avoid detailing the steps of voting and to provide rather a frame, leaving implementation to the National Election Commission.

Results

The recommendation was accepted and instead of a fixed number of polling station members, a minimum number will be specified, leaving the National Commission to make the final decision; similarly, the regular hours are from 7am to 4pm but the Commission can extend or modify those hours to meet specific situations. The wording will offer flexibility on the polling materials avoiding to restrict polling through ballots only or ballot boxes.

Ballot security and vote fraud

Except for instructions and penalties, there was no specific provision to ensure ballot security and to counter vote fraud.

Solution

Recommendations were made to implement a control system in the distribution and the reconciliation of the ballots, including a numbered stub, balance of used , unused and rejected ballots, indelible ink and polling division registry of voters.

Results

The recommendations were accepted; the voter's eligibility will be determined by his voter's card correspondence to the registry while the other provisions will be included in the procedures.

Count and Announcement of Official Results

The initial Draft Law didn't contain any provision for the singing of the Statements by the Party Agents/Observers, the posting of the preliminary results, the direct delivery of the Statements of

the Polling and Counting and the security of the ballots in the case of non-delivery on polling day.

Solution

Recommendations were made to include provisions inviting the Party Agents and the observers to sign the Statements, to post the preliminary results at the polling station, to use tamper evident bags, to request the President of the Polling Station Commission to deliver, personally, the Statements to the Commune Election Commission, and, if it is impossible, to deliver them the same day, secure the ballots and Statements.

Results

All those recommendations were accepted and incorporated either in the Draft Law or in the Procedures by the Ad Hoc Committee.

Adjudication of grievances

According to the first and second versions of the Draft Law, the grievances were the competence of the Monitoring Commission in an advisory role to the Election Commission, the Constitutional Council having the last say and they were to be channeled through the District chiefs. There was a disagreement on the authority of the Monitoring Commission as being fully empowered to adjudicate grievances or having an advisory role.

Solutions

Technical Notes were prepared recommending that if there were two commissions, that the Monitoring shall be fully empowered because there was no regulatory neither financial justification for an advisory body. Another note recommended to drop the requirement for a monitoring Commission if the composition of the National Election Commission was broadened to include more political parties and civil society representatives and if an independent body was created to have the last say on grievances and the validation of the results.

Results

The grievance system was designed as a four stage process. Complaints would first be lodged with the Commune Election Commission, then appeal to the Provincial Election Commission, the National Election Commission and finally to the Constitutional Council or the Election Tribunal.

The composition of the National Election Commission was broadened to include the two representatives of the non-elected parties and four citizens at large rather than four civil servants. Discussions are being held to establish an Election Tribunal to decide on the appeals against the decisions of the National Election Commission and to validate the results, in the absence of the Constitutional Council. Co-Minister YOU Hockry supported the proposal and an agreement should be reached next week.

IV. EVALUATION AND ANALYSIS

Developments to Date

The constant on-site presence of the IFES expert(s) has played a crucial factor in the developments to date, including the coordination donor aid. Michael Maley, Director of Research and International Services of the Australian Electoral Commission, made the comment that the single most important contribution the foreign donors have made in the development of the election process was installing a resident technical advisor in the MOI (Theo Noel). In fact, because of his position as resident advisor and the lack of leadership amongst the donor organizations, Field Manager Noel, in addition to being able to provide daily advice to the MOI, the various Committees and BoE, has in effect been coordinating the assistance of the other donors, clearly fulfilling the deliverable of filling the gap in the TA by filling in the leadership gap. As the resident advisor, Theo seems to have a great deal of influence on where and in what form any given donor country will aid in the development of the electoral process.

The Ad Hoc Committee formula has proven to be an efficient one, if slower than anticipated. This slowness was due to the fact that Committee members can devote only four hours a day to Committee work. The other factor which has proven very helpful in speeding along the process is the weekly Friday meetings with the Co-Ministers. It is at these consultative meetings that the Co-Ministers provide guidance to the Ad Hoc and Drafting Committees and the Bureau of Elections on outstanding issues.

Resident Advisor and Field Manager Noel has noticed the development of a certain *esprit de corps* within the Bureau of Elections and the Drafting Committee which crosses party lines. This has been particularly so during the late May and throughout June, when much of the progress for this Quarter was made. It is hoped that as the elections draw closer and the members are more focused on the work at hand than on politics, this spirit will continue to grow into a professionalism that will affect the quality of the election preparation and administration.

Voter Education

There are many NGOs involved in the Civic Education, but the voter education is a responsibility of the Election Commissions. Because the legal framework has not yet been agreed upon, program cannots be designed. Nonetheless, IFES has recommended to the NGOs and the Foreign Agencies supporting them to consider drafting a National Civic Education Plan.

Assessment Mission

IFES/Washington Cambodia Project Manager Hugh Ivory arrived in Phnom Penh on June 15 on a two week mission to assess the program and its future needs and work out the details of Phase III with the Mission. As part of his mission he accompanied the Bureau of Election Officials on their training mission to the provinces of Banteay Meanchey and Siem Reap. In Banteay Meanchey, the team met with the Chief of Cabinet of the Office of the Governor, who has been assigned by the Governor to oversee electoral affairs, and the Chief Deputy of the Provincial Police Bureau of Statistics. After the briefing by BoE Vice-Director CHEM Vuthicar, the Chief of Cabinet voiced a number of his own concerns, particularly the districts for which he was responsible. One district was being removed from Banteay Meanchey's administration and turned over to a newly created province (Udom Meanchey) being made up of districts from both Banteay Meanchey and Siem Reap. Banteay Meanchey is being asked to collect the necessary

data from that district and absorb the costs for it. Furthermore, and of greater concern, is the district of An Long Veng. Not only is An Long Veng a Khmer Rouge strong-hold, it is physically removed from the rest of Banteay Meanchey (located in north-central Siem Reap on the Thai border). The Ministry of Interior insists that An Long Veng be administered from Banteay Meanchey. Banteay Meanchey, on the other hand, refuses to have anything to do with it.

In Siem Reap, the team met with the Chief Administrator of the Governor's Cabinet. Unlike Banteay Meanchey, no individual has been tasked by the governor, Gen. TOAN Chhay. The governor has not been to Siem Reap since his announced defection from FUNCINPEC. Siem Reap is contributing four districts to the new (and as yet unformed) province of Udom Meanchey and is responsible for the collection of data in those districts.

European Union Delegation

Two EU experts who were on a fact finding mission in March returned in June to finalize the EU proposal for 7 million ecus. Meetings were held on June 18, 19 and 21. After consultations with the Ministry of the Interior, the Bureau of Elections and IFES Field Manager Theo Noel, they will return to Brussels with a recommendation to cover most of the registration costs, with the exception of the rehabilitation of the UNTAC system.

Voter Education

While there are many NGOs involved in Civic/Voter Education, this activity remains a responsibility of the Election Commissions. Because the legal framework has not yet been finalized, a program cannot yet be designed. Nonetheless, IFES has recommended to the NGOs and the foreign agencies supporting them to consider drafting a National Civic Education Plan.

ISSUES AND PROBLEMS

Although the following section technically falls outside the scope of this quarter because it occurred after 30 June, it has serious ramifications for the TA being supplied to the RCG. On 5 July 1997, CPP Co-Prime Minister Hun Sen initiated actions - what many in the international community have labeled a coup - aimed at consolidating his control of the government of Cambodia. Since then, Hun Sen declared his intention to hold "...free and fair elections..." in 1998. As no election laws have been ratified by the National Assembly, Hun Sen has announced his intention to call that body into session to begin the process in the months ahead.

In the meantime, it is the impression of a number of Cambodia-watchers that Hun Sen is working to mold the domestic political situation to ensure his election - not by rigging the rules but by removing key opposition figures or preventing opposition parties from functioning in an independent and competitive manner. Before requesting that FUNCINPEC put forward a replacement for the rightfully elected First Prime Minister Norodom Ranariddh, Hun Sen's troops conducted a nationwide campaign to hunt down those members of the opposition parties - both political and military, from the national level down to the communes - who offered the greatest level of threat to his consolidation of power. There have been numerous reports of

widespread extra-judicial killings in the conduct of this campaign. The actions of those members of FUNCINPEC left to participate in the remains of the coalition government under such coercive conditions - those who have not been killed, fled the country or gone into hiding - could in no way be considered free of duress and undue influence. In addition, any FUNCINPEC MPs remaining in the National Assembly - assuming there are enough to form a quorum - could be replaced by the same questionable precedent used to expel Sam Rainsy two years ago and replace him with a more compliant MP.

Because of this atmosphere of oppression and coercion, any law drafted or ratified after 5 July could be considered suspect. Despite the fact that the local election law is all but ready for ratification and the majority of the decisions on the national election law and political party law were agreed upon prior to 5 July, their integrity would be in doubt because the necessary final debate, deliberation, drafting and ratification did not occur in an atmosphere seen as free of oppression by political parties and free of manipulation.

In order for the legal and regulatory structure of Cambodia's future election laws to be internationally recognized as free and fair, in light of the actions taken by Hun Sen beginning 5 July, the political context and atmosphere in which those elections take place have made it unlikely that Cambodian citizens will be allowed to participate in an electoral environment congruent with international standards. Should a political opposition emerge to challenge the CPP and legitimately participate in scheduled 1998 elections, it is imperative that a proper electoral framework be in place so that, technically, the electoral process is within international standards.



Appendix F: Cambodia Quarterly Report
4th Quarter FY 1997: 07/01/97 to 09/30/97

Cambodia

FY 1997 QUARTERLY REPORT (4th Quarter)

**Concerning the USAID Indefinite Quantity Contract (IQC)
IFES Delivery Order No. 6 (Phase II)
AEP-5468-I-00-6003-00
Technical Assistance to Cambodia**

Submitted to the

**U.S. AGENCY FOR INTERNATIONAL DEVELOPMENT
by the International Foundation for Election Systems (IFES)**

July 1 - September 30, 1997

I. OBJECTIVE

The objective of the IFES on-site technical activity has been designed to strengthen the electoral process and capacity in Cambodia by assisting in the Royal Government of Cambodia's efforts to develop an indigenous electoral framework for the upcoming local and national elections. This project is broken into four (4) Phases. Phase I ended 15 January 1997. Phase II was originally scheduled to end 30 June 1997. Negotiations for Phase III were interrupted by the events of July 5-6. A thirty-day no-cost extension was granted so that translations of the draft political party law and draft legislative election law could be completed and the Field Manager had reporting time. This extension expired September 12.

The second half of Phase II is the subject of this quarterly report. Should the suspension to US aid to Cambodia be lifted and USAID decide to proceed, Phases III and IV may involve the administration of USAID-funded training, commodity, and financial support of the electoral process.

A. Background

The 1993 election, which brought the current government into power, was run by the United Nations Transitional Authority for Cambodia (UNTAC). The code and procedures used for the election were also developed under the auspices of the United Nations. As a consequence of the way this election was developed and conducted, Cambodia was left without an indigenously developed electoral system nor an indigenous capacity to run or manage subsequent elections.

The Cambodian constitution, promulgated in September 1993 by the new constituent assembly, calls for free and fair elections every 4 to 5 years. Cambodia has not yet adopted a law covering national or local elections. In June 1995, a seven-person committee was appointed by the co-Ministers of the Interior to begin the process of drafting new election laws. 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) -- has been working since its appointment to complete those laws necessary for the conduct of elections. The process of formulating, enacting and implementing new election laws and their corresponding administrative systems is a major undertaking that requires expert electoral assistance. The Royal Cambodian Government (RCG) was originally planning for local elections by December 1977 with national elections in May 1988. The upcoming local and national elections will be the first nationally run elections since the 1970s.

B. Phase I

Phase I of IFES' on-site technical assistance project involved working closely with the Ministry of Interior (MOI) Election Law Drafting Committee and the MOI Bureau of

Elections as they formulated the necessary election laws (khum and national) and their corresponding administrative structures and systems. Phase I provided for technical assistance through the provision of one resident expert (Theo Noel) in election administration and implementation. Generally, Mr. Noel provided technical assistance to the Ministry of Interior (MOI) Election Law Drafting Committee and the MOI Bureau of Elections as they:

- a) Ensured that international standards on election law are incorporated into the electoral law;
- b) Worked toward continued openness of the process to public scrutiny and debate;
- c) Assisted with the beginning of long-term preparations for the implementation of the election law; and,
- d) Ensured that the financial implications of any proposed new law are fully understood by the RCG before enactment.

Major delays in the drafting process were caused by the inability of FUNCINPEC and the CPP to reach the necessary political decisions required to provide the basis of any electoral system and thus the guidelines for the development of the required laws.

Phase I began on August 15, 1996 and ended on January 15, 1997.

II. PHASE II -- SCOPE OF WORK

The Scope of Work for Phase II called for the provision of two resident experts to assist the MOI Election Law Drafting Committee (hereafter referred to as the Committee) and the MOI Bureau of Elections (BoE) in their activities. The purpose of the current assistance was to build institutional capacity within the Election Commission and its administration and provide day-to-day technical advice and assistance to the Committee and the BoE on a number of specific electoral and administrative issues. This support to the Committee and BoE was fully coordinated with several other electoral experts from bilateral and multilateral organizations which are now working with the Committee and BoE. The focus of this joint assistance, as in Phase I, was to ensure that electoral systems established under the law are technologically and culturally adapted to Cambodian conditions, are cost effective, transparent and credible. Further, the program seeks to provide assistance which will lead to elections that are compatible with international standards and produce results accepted by each of the primary participants and the voting public.

Specifically, technical advice continued to be shared on the following topics:

- Electoral Law Development and Drafting
- Election Administrative Structure and Procedures
- Electoral Calendar Development
- Districting
- Voter Registration Procedures

- Operational and Logistical Planning
- Polling Site Procedures
- Ballot Security and Vote Fraud
- Candidate Registration Procedures
- Training Planning for Election Officials and Poll Workers
- Vote Counting and Announcement of the Official Results
- Adjudication of Grievances
- Voter Education Planning
- Transparency

Phase II began March 1, 1997 and ended June 30, 1997.1

III. PHASE II EXTENSION - ACTIVITIES

The translations of the draft laws were completed, compared for consistency, and forwarded to the proper authorities by August 12. Theo Noel was granted an extra three days to report and consult with USAID/Cambodia. This expired September 12, marking the end of IFES' official involvement in the development of Cambodia's electoral system. It continued to support efforts within the Bureau and in the drafting process through materials from the F. Clifton White Resource Center.

IV PHASE II EXTENSION -- IMPACT AND DELIVERABLES

The draft legislative election law that forwarded by the Ministry of Interior to the Council of Ministers was considered a document which would technically ensure free and fair elections. The document forwarded by the Council to the National Assembly, however, contained a number of revisions which gave the government greater influence over the elections process, the most important of which was limiting the independence of the Election Commission. Both the Ministry of the Interior and Cambodian NGO leaders are preparing to lobby the National Assembly to reverse those restrictions.

IV. EVALUATION AND ANALYSIS

Under an agreement coordinated between USAID/Cambodia and the Canadian International Development Agency (CIDA), CIDA took over funding of the assistance program being provided to the Bureau of Elections and the Ministry of Interior. Theo Noel returned to Cambodia on August 12 to resume his work with the Ministry and the Bureau of Elections

The importance of an on-site advisor to the Ministry cannot be over-emphasized. Nor can the importance of maintaining the same advisor for the duration of the project. Despite his previous experience working in Cambodia during the 1993 UN-organized elections, it took four months for Noel to gain the acceptance and trust of the MOI. Since then he has been working intimately with the MOI - specifically with the Bureau of Elections, the Drafting and Ad-Hoc Committees

and the Co-Ministers of Interior - providing advice on the laws and regulations and their impact, both on the domestic elections process and on the reaction of the international community (particularly the Donors) to those laws and regulations.

Because of his acceptance by the Ministry, the IFES advisor has also played an important role as election-aid coordinator. It was originally envisioned that the UN might take on this role. In actuality, little coordination by the UN actually occurred. By having IFES as its on-site advisor, the Ministry was better equipped to negotiate with the donors and coordinate their efforts which was aimed at producing a more uniform and coherent process. A by-product of this coordination added to the primary goal of this product - institutional capacity-building. With IFES mobilizing a single advisor working with the MOI from the beginning of preparations facilitation of the following tasks was made simpler and more objective:

- Advising the MOI on the merits and demerits of various systems and approaches;
- Providing the MOI with the knowledge necessary to put them in a position to negotiate the types of aid rather than having it undertaken for them (as in 1993);
- Assisting the MOI to coordinate international assistance afforded to it; and
- Enhancing the MOI/BoE's control and understanding of the process.

Should funding for this type of activity cease the following aspects of the IFES/Cambodia Project may be lost:

- The Ministry of Interior, specifically the Bureau of Elections, loses its key resource and widely accepted advisor for development of a more open elections process;
- International donors lose a key coordinator of electoral assistance and advocate within the Ministry;
- The National Assembly loses access to information while developing a more equitable process; and
- The U.S. Embassy/USAID lose a primary source of information within the Ministry and the National Assembly.

IFES feels that it is important to maintain a presence in Phnom Penh should the time come when the opposition parties agree to participate in the election process, the playing field be ready for them, technically speaking. IFES believes that should there be a gap in its presence the political parties (opposition and government) may face a technically flawed electoral and administrative system - or an undue delay in the election process while flaws are corrected.

Appendix G: Cambodia Quarterly Report
1st Quarter FY 1998: 10/01/97 to 12/31/97

Cambodia

FY 1998 QUARTERLY REPORT (1st Quarter)

**Concerning the USAID Indefinite Quantity Contract (IQC)
IFES Delivery Order No. 6
AEP-5468-I-00-6003-00
Technical Assistance to Cambodia**

Submitted to the

**U.S. AGENCY FOR INTERNATIONAL DEVELOPMENT
by the International Foundation for Election Systems (IFES)**

October 1 - December 31, 1997

I. INTRODUCTION

The objective of the IFES on-site technical activity has been designed to strengthen the electoral process and capacity in Cambodia by assisting in the Royal Government of Cambodia's efforts to develop an indigenous electoral framework for the upcoming local and national elections. This project is broken into four (4) Phases. Phase I ended 15 January 1997. Phase II was originally scheduled to end 30 June 1997. Negotiations for Phase III were interrupted by the events of July 5-6. A thirty-day no-cost extension was granted so that translations of the draft political party law and draft legislative election law could be completed and to allow reporting time for the Field Manager. This extension expired September 12.

The second half of Phase II is the subject of this quarterly report. Should the suspension of US aid to Cambodia be lifted and USAID decide to proceed, Phases III and IV may involve the administration of USAID-funded training, commodity, and financial support of the electoral process.

A. Background

The 1993 election, which brought the current government into power, was run by the United Nations Transitional Authority for Cambodia (UNTAC). The code and procedures used for the election were also developed under the auspices of the United Nations. As a consequence of the way this election was developed and conducted, Cambodia was left without an indigenously developed electoral system and an indigenous capacity to run or manage subsequent elections.

The Cambodian constitution, promulgated in September 1993 by the new constituent assembly, calls for free and fair elections every 4 to 5 years. Cambodia has not yet adopted a law covering national or local elections. In June 1995, a seven-person committee was appointed by the co-Ministers of the Interior to begin the process of drafting new election laws. 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) -- has been working since its appointment to complete those laws necessary for the conduct of elections. The process of formulating, enacting and implementing new election laws and their corresponding administrative systems is a major undertaking that requires expert electoral assistance. The Royal Cambodian Government (RCG) was originally planning for local elections by December 1997 with national elections in May 1998. The upcoming local and national elections will be the first nationally run elections since the 1970s.

B. Phase I

Phase I of IFES' on-site technical assistance project involved working closely with the Ministry of Interior (MOI) Election Law Drafting Committee and the MOI Bureau of Elections as they formulated the necessary election laws (khum and national) and their corresponding administrative structures and systems. Phase I provided for technical assistance through the provision of one resident expert (Theo Noel) in election administration and implementation. Generally, Mr. Noel provided technical assistance to the Ministry of Interior (MOI) Election Law Drafting Committee

and the MOI Bureau of Elections as they:

- a) Ensured that international standards on election law are incorporated into the electoral law;
- b) Worked toward continued openness of the process to public scrutiny and debate;
- c) Assisted with the beginning of long-term preparations for the implementation of the election law; and,
- d) Ensured that the financial implications of any proposed new law are fully understood by the RCG before enactment.

Major delays in the drafting process were caused by the inability of FUNCINPEC and the CPP to reach the necessary political decisions required to provide the basis of any electoral system and thus the guidelines for the development of the required laws. Phase I began on August 15, 1996 and ended on January 15, 1997.

C. Phase II

The Scope of Work for Phase II called for the provision of two resident experts to assist the MOI Election Law Drafting Committee (hereafter referred to as the Committee) and the MOI Bureau of Elections (BoE) in their activities. The purpose of the current assistance was to build institutional capacity within the Election Commission and its administration and provide day-to-day technical advice and assistance to the Committee and the BoE on a number of specific electoral and administrative issues. This support to the Committee and BoE was fully coordinated with several other electoral experts from bilateral and multilateral organizations which are now working with the Committee and BoE. The focus of this joint assistance, as in Phase I, was to ensure that electoral systems established under the law are technologically and culturally adapted to Cambodian conditions, and are cost effective, transparent and credible. Further, the program sought to provide assistance which will lead to elections that are compatible with international standards and produce results accepted by each of the primary participants and the voting public.

Specifically, technical advice continued to be shared on the following topics:

- Electoral Law Development and Drafting;
- Election Administrative Structure and Procedures;
- Electoral Calendar Development;
- Districting;
- Voter Registration Procedures;
- Operational and Logistical Planning;
- Polling Site Procedures;
- Ballot Security and Vote Fraud;
- Candidate Registration Procedures;
- Training Planning for Election Officials and Poll Workers;
- Vote Counting and Announcement of the Official Results;
- Adjudication of Grievances;
- Voter Education Planning; and

- Transparency.

Phase II began March 1, 1997 and ended June 30, 1997.¹

D. PHASE II EXTENSION

The translations of the draft laws were completed, compared for consistency, and forwarded to the proper authorities by August 12. Theo Noel was granted an extra three days to report and consult with USAID/Cambodia. This expired September 12, marking the end of IFES' official involvement in the development of Cambodia's electoral system. It continued to support efforts within the Bureau and in the drafting process through materials from the F. Clifton White Resource Center.

II. ACTIVITIES

As US aid to the RCG is still under suspension, no activities were undertaken during this quarter. IFES continues to monitor the situation and events in Cambodia and is ready at any time to recommence activities should it be appropriate.

¹Due to the political situation which resulted in the suspension of aid, Phase II was granted a no-cost extension ending September 12 in order to allow completion of the translations of the election laws and regulations that were underway at the end of June. This extension was limited to the funding the local staff at a five day work week plus basic expenses. This extension was later changed to include reporting and consultation.



Appendix H: Cambodia Quarterly Report
2nd Quarter FY 1998: 01/01/98 to 03/31/98

Cambodia

FY 1998 QUARTERLY REPORT (2nd Quarter)

Concerning the USAID Indefinite Quantity Contract (IQC)

IFES Delivery Order No. 6

AEP-5468-I-00-6003-00

Technical Assistance to Cambodia

Submitted to the

**U.S. AGENCY FOR INTERNATIONAL DEVELOPMENT
by the International Foundation for Election Systems (IFES)**

January 1 - March 31, 1998

SUSPENDED STATUS REPORT

Although contact was continued with the former IFES office and field staff supported by funding from CIDA, no programming under this Delivery Order was undertaken due to the on-going suspension of assistance to the Royal Cambodian Government (RCG) as a result of political events in early July 1997.

End 2nd Quarterly Report FY98



Appendix I: Cambodia Quarterly Report
3rd Quarter FY 1998: 04/01/98 to 06/30/98

Cambodia

FY 1998 QUARTERLY REPORT (3rd Quarter)

Concerning the USAID Indefinite Quantity Contract (IQC)

IFES Delivery Order No. 6

AEP-5468-I-00-6003-00

Technical Assistance to Cambodia

Submitted to the

**U.S. AGENCY FOR INTERNATIONAL DEVELOPMENT
by the International Foundation for Election Systems (IFES)**

April 1 - June 30, 1998

SUSPENDED STATUS REPORT

Although contact was continued with the former IFES office and field staff supported by funding from CIDA, no programming under this Delivery Order was undertaken due to the on-going suspension of assistance to the Royal Cambodian Government (RCG) as a result of political events in early July 1997.

End 3rd Quarterly Report FY98

The contractor will provide an election administrator one week prior to the arrival of the IFES/AAEA observers to ensure the logistical and operational arrangements for the team. This administrator will be experienced in the logistical aspects of fielding observation teams in developing nations.

IFES will select, invite and arrange for the transportation, accommodation and deployment of the IFES/AAEA team.

IFES will coordinate with the UN EAS on briefing materials, reporting formats and training. If necessary, IFES will provide materials, formats and training to the team. IFES will share election observations with the UN EAS.

IV. Reporting Requirements

A. Copies of observation reports

IFES will provide USAID/Cambodia, Office of Democracy and Human Resources with one copy of all observation reports made by its team members.

B. Elections Statement

IFES/AAEA will make a short public statement on its observation findings following the voting and count. IFES will provide a copy of the statement to USAID/Cambodia, Office of Democracy and Human Resources before its public release.

C. Observation Report

IFES will submit an observation report on its election observation mission within 4 weeks of the end of the observation mission. Two copies of this report will be submitted to the Director, Office of Democracy and Human Resources.

D. Final Report

IFES is required to provide two final reports for this delivery order:

1. A final report for the initial activities undertaken under the delivery order- specifically the



provision of technical assistance to the Ministry of Interior, Bureau of Elections. The details for this report are listed in the original Scope of Work, Section III.D.

2. A final report on the fielding of the observation mission. This report will include an IFES assessment as to the value of the observation mission. The assessment should include:

- if the AAEA observation mission helped improve linkages between Cambodian electoral organizations and the AAEA; and
- if the AAEA observation mission was useful given the number and different types of other international observation missions.

These reports are due before the September 30, 1998 end date of the delivery order.



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Appendix J: Cambodia Quarterly Report
4th Quarter FY 1998: 07/01/98 to 09/30/98

Cambodia

**FY 1998 QUARTERLY REPORT (4th Quarter)
Concerning the USAID Indefinite Quantity Contract (IQC)
IFES Delivery Order No. 6
AEP-5468-I-00-6003-00
Technical Assistance to Cambodia**

**Submitted to the
U.S. AGENCY FOR INTERNATIONAL DEVELOPMENT
by the International Foundation for Election Systems (IFES)**

July 1 - September 30, 1998

AAEA Cambodian Election Observation

As its first formal activity, the AAEA responded to an invitation by the Cambodian National Election Committee (NEC) to observe national elections on 26 July. Realizing the important role international observers can play in increasing the transparency of elections, the Vice-Chairman of the NEC requested that the AAEA take part in the observation. By participating, the AAEA members offered valuable regional perspectives, enhanced their long-term capacities in training and participation, lent legitimacy to the concept of intra-regional observation, and gained exposure to internationally-accepted observation norms and practices. The AAEA issued a statement after the election and produced an observation report at the conclusion of the mission.

AAEA observers arrived in Cambodia approximately one week before the election to meet with government officials and political parties, and spent a few days in the regions where the members observed the 26 July elections. After the election, the observers reconvened in Phnom Penh to prepare and distribute a statement of findings.

The AAEA observation team, led by Bishnu Pratap Shah, included: Ashkok Kumar Basu (India), Chief Electoral Officer, State of Bihar; Kuandyk Turgankulov (Kazakhstan), Deputy Chairman, Central Election Commission; Kokumbay Turusbekov (Kyrgyzstan), Member, Central Election Commission; Ijaz Hussain Raja (Pakistan), Deputy Election Commissioner, Election Commission of Pakistan; Andrew Sean Trawen (Papua New Guinea), Deputy Electoral Commissioner, Electoral Commission; Rex Borra (Philippines), Executive Director, Philippine Commission on Elections; Dayananda Dissanayake (Sri Lanka), Commissioner of Elections, Department of Elections, Elections Secretariat; Abdumanon Khalikov (Tajikistan), Deputy Chairman, Legal Committee of Majilis Oli; Mary Lou Schramm, Deputy Director for Europe and Asia, IFES; Jessica Hunter, Program Officer for Asia, IFES; Saule Buldekbaeva, Regional Program Coordinator, IFES/Almaty; George Russell, Executive Director, Kentucky State Board of Elections and IFES Consultant.

Preparations for the Observation Mission

IFES, serving as interim secretariat of the AAEA, facilitated the mission funded by the U.S. Agency for International Development (USAID). Under the observation mission, each AAEA member was invited to send one representative to Cambodia. IFES assembled a team of professional election administrators from throughout Asia. These observers provided unique insights into the election process due to their shared experience in administering elections. Participants came from as far away as Kazakhstan, Kyrgyzstan, Tajikistan, Papua New Guinea, Philippines, Nepal, India, and Pakistan. IFES also invited a representative of the Indonesian Political Reform Team to join the mission as a way to prepare for anticipated elections in Indonesia.

Upon arrival in Phnom Penh, the team spent 4 days in United Nations and IFES training for the mission. This training addressed safety concerns, land mine awareness, ballot box design, pollworker training methodology, radio communications and other issues. AAEA team members also met with political party representatives, local NGO leaders, and other observer groups.

Deployment and Observation

Two days prior to the elections, AAEA deployed 5 teams of observers to 4 provinces. The teams met with local political party leaders, provincial and local election officials, local NGO groups, and long-term observers in those areas. They also observed the pre-poll preparations at local polling stations. On election day, AAEA observers visited polling stations and witnessed the voting and ballot counting process.

Members spoke with officials from the NEC, provincial election commissions, commune election commissions, polling station commissions, domestic observer organizations, and political parties. Cooperation between these officials and the AAEA observers was quite good.

The AAEA Statement

Based on findings during the election observation, the AAEA issued a statement that it considers the Cambodian elections to be credible and acceptable. The elections served as an important first step to put Cambodia on the path to democracy. The AAEA also recognized reports by non-governmental organizations and political parties of intimidation of voters, misuse of state media by the government, and inaccessibility to media by opposition parties during the election campaign.

Although efforts to educate the voters about the election process are to be applauded, there is room for a more intensive voter education effort in the future. The AAEA realized that, due to the large number of parties involved in the campaign, and unequal media access, it was impossible for the electorate to receive a balanced view of all party platforms. However, the AAEA understands that political parties, through provincial and district offices, were able to spread their messages at the grassroots level by word of mouth.

The AAEA observers felt that the Cambodian election officials, especially the National Election Committee, should be commended for a job well done in preparing for the elections.

The officials showed great resolve in overcoming obstacles to complete the voter registration process, to provide training to election officials at the provincial, commune, and polling station levels, and to distribute election materials in a timely and efficient way. Some irregularities were observed during the voting and counting process, but these were minor infractions. They were due in large part to confusion about procedures and regulations. They were not intentional or malicious, and did not impact the results of the vote, as observed by AAEA members. These irregularities, however, suggest uneven training of commune and polling station workers, and indicate a need for uniform training at the commune and polling station level throughout the country.

Voter turnout for the election, now estimated at 93%, was impressively large, with the great majority of Cambodian voters exercising their right to vote. They started gathering at some polling stations by 6 a.m. The vote was secret, and despite previously mentioned attempts at intimidation, voters were generally able to express their will and vote their conscience. The polls were organized, the poll workers maintained control inside the polling stations, and voting took place in an orderly fashion. Voting procedures were followed well in the stations observed by

AAEA.

Nearly 11,000 polling stations were in operation on election day, and no problems were cited by AAEA observers in opening and closing the stations on time. The electorate had adequate time to vote between 7 a.m. and 4 p.m. AAEA members observed no serious violations of the voting process. There was a large showing of Cambodian observers and political party agents at the polling sites. Security was good.

The counting process following election day went well at the commune counting centers visited by AAEA observers. The process was transparent and well-attended by observers and political party agents. The reporting forms provided accountability of the vote, insured its accuracy, and provided the means for investigating allegations of fraud. In fact, AAEA thinks this reporting process is in need of simplification in order to make the procedure easier and smoother for the polling station commissions and the commune election commissions. Regarding election-related allegations, the government must now process complaints and adjudicate election grievances in a fair manner.

In summary, the AAEA found the election credible and acceptable, particularly in the context of Cambodia's history, its internal strife, and its inexperience with the democratic process. This credibility is due in large part to the organized administration of the election, the large voter turnout, and the ability of the voters to cast their ballots freely and secretly. Elections do not guarantee democracy. It is the hope of AAEA that this election will lay the foundation for democracy and peace in Cambodia. This formal statement and press release was shared with USAID, the U.S. Embassy in Cambodia, and international media immediately after the elections, and was released on the AAEA homepage on the Internet along with other valuable information pertaining to the elections in Cambodia and the AAEA (www.ifes.org/cambodia/index.html).



**Appendix K: Planning for Local and National Assembly
Elections--Report to ther Royal Government of Cambodia**

**PLANNING FOR LOCAL AND
NATIONAL ASSEMBLY
ELECTIONS**

**REPORT TO THE ROYAL
GOVERNMENT OF CAMBODIA**

AUGUST 1996

His Excellency Mr Sar Khém
the Deputy Prime Minister
and Co-Minister of the Interior

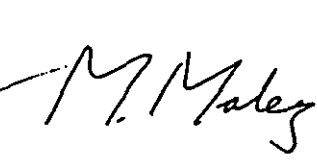

His Excellency Mr You Hockry
the Co-Minister of the Interior

Excellencies

We have the honour to convey to you the attached Report which outlines our findings, views and recommendations concerning the legislation and planning for the forthcoming local and National Assembly elections in the Kingdom of Cambodia.

We respectfully suggest that this Report be reviewed in relation to any proposed or draft legislation related to the election, given the significant implications of the electoral laws on the future conduct and costs of the elections.

Accept, Excellencies, the assurances of our highest consideration.



Ronald A. Gould
Assistant Chief Electoral
Officer
Elections Canada

Michael Maley
Director, Research and
International Services
Australian Electoral
Commission



Théo Noël
Technical Adviser
International Foundation for
Election Systems

30 August 1996

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PLANNING FOR LOCAL AND NATIONAL ASSEMBLY ELECTIONS - REPORT TO THE ROYAL GOVERNMENT OF CAMBODIA

Introduction

This Report on planning for local and National Assembly elections in Cambodia has been prepared for the Royal Government of Cambodia by a three-member team consisting of Mr Ronald A. Gould (Assistant Chief Electoral Officer, Elections Canada); Mr Michael Maley (Director, Research and International Services, Australian Electoral Commission); and Mr Théo Noël (Technical Adviser, International Foundation for Election Systems). Funding for the work of the team was provided by the Canadian International Development Agency, Elections Canada, the Australian Agency for International Development (AusAID), and the United States Agency for International Development (USAID).

2. The Report consists of the following parts.

- Background and terms of reference
- Outline of approach adopted
- Outstanding critical policy issues
- Electoral system
- Development of a project plan, and election dates
- Establishment of an electoral administration
- Development of electoral laws
- Determination of constituency boundaries, cartography, and allocation of seats to constituencies
- Development of computer systems
- Voter education, and training of electoral staff
- Registration of political parties and candidates, party liaison, and training for agents, candidates and cadres
- Registration of voters
- Planning for and conduct of the polling
- Management of the election campaign

- Security arrangements
- Determination of election results
- Dispute resolution
- Election budget
- Electoral support (human, material, financial)
- Summary of major recommendations and findings

Background and terms of reference

3. From 21 to 29 October 1995, a Seminar and follow-up Workshop on "Electoral Systems and Administration", (hereinafter "the October 1995 Seminar") organised by the Cambodian Ministry of Interior (MOI) and the Khmer Institute of Democracy (KID) with the support of the Konrad-Adenauer-Foundation and The Asia Foundation, was held in Phnom Penh. Among those serving on the panel of experts for the Seminar and Workshop were Messrs Gould and Maley, and M. Jean Fuerxer, Secretary-General of the French National Commission on Campaign Accounts and Political Finances. At the conclusion of the Seminar and Workshop, the expert panel provided to the Co-Ministers of the Interior, their Excellencies Sar Khéng and You Hockry, a Proposed Plan for Further Action. Part 2 of that Plan identified 15 tasks which will have to be performed to ensure the effective conduct of Cambodia's forthcoming local and national elections. All of these are covered by the topics listed in paragraph 2 above.

4. With financial support from the French Government, M. Fuerxer was able to remain in Cambodia for several months following the Seminar and Workshop. During that period, he worked extensively with officials of the MOI, and produced a Report dated 14 March 1996 (hereinafter "the Fuerxer Report") which addressed in detail many aspects of and options for the administration of the forthcoming elections in Cambodia. M. Fuerxer returned to Cambodia in July 1996 to carry out further work with the MOI.

5. In early July 1996, the Cambodian Co-Ministers of the Interior requested the Governments of Canada, Australia and the United States to provide experts to serve on a three-to-four week mission to Cambodia to work with the Bureau of Elections established within the MOI. The Chef de Cabinet of Co-Minister Sar Khéng, Mr Ok Serei Sopheak, subsequently identified the following tasks as those which the team of experts would be asked to initiate:

"Help to prepare the setting up of the Electoral Commission for 1998

Comprehensive plan with : (1) tasks breakdown; (2) timetable; (3) review the costs

Assist to review the laws

Train MOI Officials (central and provincial) about the process

Assist in the setting up of the boundary of the constituencies

Assist in the planning of the registration of voters

Assist in the planning of the voters' education".

6. At the time when these tasks were identified, it was understood that it would be unlikely that the team would be able to conclude them all within the period of its initial mission, but it was nevertheless hoped that significant progress could be made in relation to a number of them.

Outline of approach adopted

7. In undertaking its mission the team has based its analysis and recommendations on the fundamental fact that the forthcoming local and National Assembly elections will be totally under the jurisdiction of Cambodian authorities who will organise and manage every aspect of the process. It is also the team's understanding that the Royal Government of Cambodia:

- wishes that the elections be designed and carried out keeping in mind the political realities and special circumstances which exist in the country; and
- expects that the election process and associated procedures will accord with eleven principles, compatible with internationally accepted norms of electoral administration, which were set out by HE Sar Khéng, Co-Minister of the Interior, in his speech at the closing ceremony of the October 1995 Seminar, a copy of which is set out at Appendix A.

8. The team has approached its work with a basic view of the ongoing role of the international community in relation to the forthcoming Cambodian elections as that of a partnership - supporting the election process through the provision of technical advice and guidance as well as material assistance, especially where local resources are not experienced or available.

9. In conducting its analysis the team members have been provided with invaluable guidance and assistance by those persons and groups (listed at Appendix B) with whom they met during their stay. In addition, the team has found the Fuerxer Report to be a thoughtful and comprehensive foundation for its considerations, and, while noting that some variations to its proposals have already been identified by the MOI as likely to be necessary in the light of changed circumstances and cost constraints, overall believes it to be an invaluable guide and working tool for those responsible for organising and managing the forthcoming elections. For that reason, the team has not attempted to revisit every issue dealt with in the Fuerxer Report, but has rather sought to supplement it, by identifying alternative approaches to certain problems which might be required in the light of changed circumstances, and also by adding its support to many of the points emphasised by M. Fuerxer.

10. At the start of the team's mission it was evident that some progress had been made since the October 1995 Seminar in the preparation of local election legislation and in arriving at essential policy decisions to enable election planning and organisation to get underway. However the progress achieved has been significantly less than that contemplated last October by the Royal Government. In the Proposed Plan for Further Action presented at the conclusion of the October 1995 Seminar it was recommended that a local election law should be in place by March 1996; that an electoral administration for the conduct of the local elections should be in place by May-June 1996; and that voter registration should commence in October 1996.

11. The team believes that it is important to recognise the reality that a significant amount of time may be required to make key policy decisions underpinning the election process (such as the choice of electoral system), embody them in electoral legislation, constitute responsible election bodies, etc. As these official decisions may continue to require more time than expected, the team has developed its proposed timetable and recommendations based on the need to provide the maximum time possible.

12. The team recognises that Cambodia has limited financial resources for conducting elections, while at the same time the international community is increasingly subject to financial constraints and cutbacks by their respective governments. With this in mind, the team has attempted to examine the proposed budget in the Fuerxer Report with the view to focussing on the costs which are essential, unavoidable, and directly related to the conduct of the election. The team recommends reduction or elimination of activities (and associated costs) which might be considered highly desirable but which are not essential (or which, in some cases, are not directly related to the election process). In other situations the team suggests alternative materials or approaches to reduce costs, while at the same time maintaining the integrity of the election.

13. In carrying out its mandate the team has sought to emphasise the need for sustainability and development. It is of the view that the election system and process which is put in place should be one which Cambodia can afford to support and maintain in future years. Furthermore, whenever possible electoral practices and systems used in the forthcoming elections should constitute the foundation for broader and more sophisticated systems (such as a continuously maintained list of electors) for future elections.

Outstanding critical policy issues

14. Part I of the Proposed Plan for Further Action produced at the conclusion of the October 1995 Seminar identified a range of critical questions of electoral policy. It pointed out that their resolution should be seen as a matter of top priority, because (i) the answers to them would determine the exact operational procedures which would be required for the conduct of the forthcoming elections; and (ii) detailed election planning and costing could not commence until they had been resolved.

15. The team notes that while some of the questions identified in October 1995 have been answered definitively, a number of critical policy issues are still outstanding. In particular:

- discussions are still underway on the electoral system to be used for both the local and National Assembly elections;
- mechanisms for defining constituency and polling division boundaries have not yet been identified;
- laws to govern the local and National Assembly elections have not yet been enacted (and, in the case of the National Assembly elections, have not yet been drafted);
- the structure, membership and responsibilities of the Election Commission(s) responsible for the administration of the election process are still to be fully identified; and
- a timetable identifying election dates which are plausible in the light of the various constraints is yet to be defined.

16. On 21 August 1996, the team met with His Excellency Sar Khéng, Co-Minister of the Interior, and took the opportunity to emphasise again the critical importance of the early resolution of these issues. On 22 August 1996, the team provided to the Ministers' Offices a short note summarising its concerns on the first four of these issues, a copy of which is at Appendix C. The issue of the electoral system is further discussed at paragraphs 18 to 23 below; boundaries are discussed at paragraphs 58 to 66; the legal framework for the elections is discussed at paragraphs 50 to 57; the issue of the Election Commission(s) is discussed at paragraphs 32 to 49; and election date options are discussed, in the broader context of the need for an overall project plan, at paragraphs 24 to 31.

17. While there are some important areas in which the team has been in a position to make progress, in other important areas proposals can only be put forward on the basis of assumptions which are contingent on decisions yet to be made on the matters referred to above.

Electoral system

18. At the October 1995 Seminar comprehensive presentations, debates and discussions took place concerning the relative advantages and disadvantages of majoritarian, proportional and mixed electoral systems. The team understands that at that time there was something of a political consensus in Cambodia in favour of a majoritarian system for both local and National Assembly elections.

19. The Fuerxer Report recommends a first-past-the-post (one round) majoritarian system election at the local level and a mixed proportional/first-past-the-post majoritarian/single non-transferable vote system for the National Assembly elections.

20. The team was advised that in August 1996 there was no longer a consensus concerning the use of majoritarian systems for all elections; that there was some support for the Fuerxer plan; and that a second round of voting was being mooted for the majoritarian elections for the National Assembly in constituencies where the winning candidate did not receive at least 50% +1 of the valid votes cast.

21. The team is of the view that the advantages and disadvantages of the different systems have been clearly and thoroughly explained in the past. There is no perfect or ideal system. The decision on the choice of system is a political one, and until that decision is made and finalised the election laws, election planning, political party and candidate preparations, constituency mapping etc. are all blocked - as is the election itself.

22. The team does not believe that at this point it would be appropriate for it to suggest what political decision should be taken. It would only point out that to implement a majoritarian system, additional time must be made available to determine the constituency boundaries for the National Assembly elections and possibly to clarify some or all of the boundaries for the local elections. Secondly, if runoff elections are to be held at either or both levels, the team believes that these could not be held until approximately one month following the initial election, and would result in significant additional costs. Thirdly, the team understands that consideration may be being given to the holding of a run-off election in which all candidates would be able to participate in the second round. As the team understands it, the argument usually advanced in support of a run-off election is that the holding of a second round of voting ensures that the winning candidate is one who has the support of a majority of electors (50% +1). This however requires a second round in which only the two candidates who stood highest on the poll in the first round are on the ballot. If such an approach is not to be adopted, the team sees no justification for the additional cost of holding a run-off election with more than two candidates.

23. Given the importance of this decision to the very existence of an electoral law, plan and process, the team believes that the making of a final political decision on the issue should be considered the top priority at this point.

Development of a project plan, and election dates

24. The Proposed Plan for Further Action presented in October 1995 emphasised the importance of developing a project plan for the entire election process. This should still be regarded as a matter of high priority, though at the moment, the uncertainty still surrounding critical elements of the electoral process makes the development of a comprehensive plan impossible. Since a plausible operational "timetable" for an election is in effect no more than a statement of the implications of the timing of tasks identified by a project plan, it follows that a fully elaborated timetable for the election cannot be provided at this stage.

25. One reason for developing a project plan is to provide an objective basis for the setting of deadlines for the completion of particular tasks, so as to ensure that statutory requirements will be met. Since election dates are often determined by the Constitution of a country, they tend to represent some of the most immutable of deadlines.

26. Despite the impossibility of developing a detailed project plan at this stage, the team has given some consideration to the issue of election dates, in the broader context of the need to review the costings in the Fuerxer Report. In examining election date options, several guiding considerations have to be kept in mind. The first is the constitutional provision in respect of the National Assembly elections. The second is the provisions in the various election laws which impact on the election date. The third is the need to ensure that sufficient time is provided to organise election management bodies, train election officials, and carry out voter registration, campaigning and all the other basic activities which enable an election to be held. The fourth is the physical difficulty of holding an election during the rainy season. Finally, the cost implications of different approaches should be taken into account.

27. In relation to the National Assembly elections, article 78 of the Constitution states that "the legislative term of the Assembly shall be 5 years, and terminates on the day the new Assembly convenes". Although it is not specifically spelt out in the Constitution, the implication of the above provision is that the five year period is calculated from the date on which the adoption of the Constitution transformed the Constituent Assembly elected in May 1993 into the National Assembly. This would then require the election to be held before September 1998 and probably in the April - June period in order to provide sufficient time to finalise all results and to organise the first meeting of the new Assembly. This would also facilitate the holding of the election before the onset of the rainy season (and even if it is feasible to hold an election during the rainy season - and that is highly questionable - it would undoubtedly cost less to hold one in the dry season). An April - June 1998 election date should provide sufficient time for the selection of management bodies and the carrying out of necessary election preparations - assuming that the National Assembly Election Law is approved within the next few months and contains no provisions which would negatively affect the above election date.

28. In relation to the local elections, the identification of a date is somewhat more difficult, since for the local elections, unlike the National Assembly elections, there is no over-riding law determining the latest date by which the elections must be held. This provides the options of holding the local elections before, at the same time as, or after, the National Assembly elections. There are strong and valid arguments for holding the local elections either before the National Assembly elections or at the same time as them. By holding them before the National Assembly elections the election management bodies would gain experience for the subsequent elections, the voter registration system would be in place and tested, polling places would have been identified, and most polling officials would also have been identified. In addition, the risk of confusion on the part of the voter would not arise, as the focus would be one type of election at a time, rather than two at the same time.

29. On the other hand, holding both elections at the same time (in 1998) would provide for a much longer period to organise and prepare for the election, probably requiring fewer employees. It would significantly reduce the costs to the Royal Government of Cambodia, with expenditure being spread over a two year period; and it would be much more likely to ensure compatibility in terms of administration, management and systems. The risk of "elector fatigue" (a syndrome under which electors decide that voting in the first of two successive elections is sufficient) would be avoided. The problem of voter confusion could be resolved by a comprehensive and intensive voter education program.

30. The team notes that in the Fuerxer Report it is suggested that local elections could not be carried out before December 1997 - a short four to six months prior to the latest plausible National Assembly election date. If the provisions of the Draft Law on Commune Administration and Commune Elections in the Kingdom of Cambodia (hereinafter the "draft Local Elections Law") are approved, it would appear that the local elections could not be held before April - June 1998. Article 31 of the draft Local Elections Law requires the electoral list for each commune to be finalised on 31 December of each year. Given that there is currently no electoral organisation or system in place to carry out registration of voters, it is highly unlikely that a list could be finalised by 31 December 1996. Therefore the list would only be finalised by 31 December 1997, precluding any elections based on the list being held prior to some months later in 1998.

31. Given all the considerations, including legislative, organisational, administrative, weather and costs, the team believes that there are very strong arguments favouring the holding of joint elections in the period April - June 1998.

Establishment of an electoral administration

32. In his speech to the October 1995 Seminar, HE Sar Khéng, Deputy Prime Minister and Co-Minister of the Interior, stated that:

"With or without the government's participation, an independent election commission with full authority during the election period must be established."

The team fully endorses the commitment given by HE Sar Khéng on behalf of the Royal Government, and believes that its fulfilment will contribute fundamentally to the success of the forthcoming elections.

33. The term "Independent Election Commission" usually defines a Commission which is independent of the Government. However, Election Commissions which are not independent of the Government also function effectively in a number of countries. What is a fundamental requirement of any election management body is that it be non-partisan, even-handed, open and transparent in all its activities and decisions. The reputation of the Commission in the eyes of the public for integrity and neutrality has a direct effect on public confidence in the integrity of the election system itself.

34. This reputation often has to be earned by a Commission after it is appointed, through its public actions and decisions. It is therefore suggested that the Election Commissions appointed to oversee the local elections be the same bodies which would oversee the National Assembly elections. This would avoid the problem of having to constitute new Commissions which would then have to earn the confidence of the electors again. (Such an approach would for reasons of administrative efficacy be virtually mandatory if the local and National Assembly elections are held at the same time.)

35. In the team's view, the creation of an Election Commission independent of government is probably unrealistic. It follows that the composition of a non-partisan Commission is critically important to ensure that there are political and community checks and balances within the body.

36. As the responsibilities of the Commission will be many and varied, membership of it will imply an ongoing workload, requiring that the membership be relieved of most other duties, at least in the initial stages of the election, and at key times throughout the process, including during the registration of voters, candidates and parties, and the pre- and post-voting and counting periods.

37. The team believes that the staff of the MOI should be made available to undertake election related functions. They should undertake those functions under the supervision of, subject to the direction of, and in accordance with procedures and instructions laid down by, the Election Commission. Directions, procedures and instructions should be conveyed to the MOI by the Co-Ministers for the Interior, acting as agents of the Election Commission.

38. In determining the membership of National and Provincial Election Commissions, representation from the parties in the National Assembly could go some way towards providing desirable checks and balances. The public could be represented by persons from the domestic NGO community appointed in their personal capacity rather than as NGO representatives. An official from the MOI might also be included on the each of the Commissions. In the case of the National Election Commission the Head of the Bureau of Elections might be the MOI representative on the Commission.

39. The size of the Commission should be kept as small as possible, to facilitate decision-making, as well as because of cost considerations. For example, the National Election Commission might include the Co-Ministers of the Interior or their designated representatives, party representatives, one person from the NGO community, and an MOI official. At the provincial level the Commission might include two MOI representatives, party representatives, and a person from the domestic NGO community. At the level of the Commune Election Commissions (proposed at paragraph 49 below), the membership might consist of the party representatives, together with one person from the NGO community.

40. The appointment of the National Election Commission and the Provincial Election Commissions might be made by the Co-Prime-Ministers, from lists of names submitted by the parties and the NGOs. To underline the non-partisan nature of the Commissions and to emphasise their status as important institutions for the nation, it would be highly desirable that their nominations be ratified by the National Assembly - preferably by a unanimous vote. The appointment of the Commune Election Commissions would be made by the National Election Commission, based on the recommendations of the Provincial Election Commissions.

41. The law should define the number of members on each Commission required to form a quorum, and describe how Commission decisions are to be made. If majority voting is to be used, provision should be made for resolving tied votes.

42. In the case of the National Election Commission consideration might be given to designating the Co-Ministers of the Interior as Co-Chairmen. However, in doing so, clear provision would need to be made for them to designate representatives to act on their behalf, as the workload demands of the Commission would conflict with their ministerial responsibilities. To ensure efficient functioning of the Commission such a designate would have to be a person who had the full authority of the Co-Minister to speak for him in the decision-making process. In designating the Co-Ministers as Co-Chairmen, the provisions of

article 51 of the draft Local Elections Law (and the anticipated parallel provision in the National Assembly Election Law) which prohibits individuals standing as candidates from participating in "Election Organising Commissions", must be kept in mind. Therefore, if either Co-Minister becomes a candidate, his place on the Commission should thereafter be taken by his designated representative.

43. The National Election Commission should have the final authority to deal with all election-related disputes and to certify the election results. It should also be empowered to delegate to other authorities the handling of complaints and disputes, so long as the right to appeal to the National Election Commission is preserved in all cases. The only exception to the above would be complaints and disputes of a criminal nature, which would be handled by the courts.

44. To ensure transparency of operation, and to enhance confidence in the non-partisan nature of the National Election Commission, it should be empowered to invite technical advisers, consultants and observers to any meeting, except where security, commercial confidentiality, protection of personal information or privacy considerations are involved. Key decisions and the reasons for them should be widely publicised. To further enhance its credibility and create confidence regular separate consultation meetings should be held at least monthly, and more frequently as the election date approaches, with the media, political party representatives, donors and NGOs.

45. All Commissioners should enjoy equal rights on the Commission, and have free access to any documents of relevance to the work of the Commission, including election-related documents generated by or on behalf of the Ministry of the Interior.

46. The above comments and suggestions are put forward for consideration with respect to the National and Provincial Election Commissions. At the polling station level the team foresees at this time (but subject to the determination of the voting procedures) no more than a three person Polling Station Committee, comprising a Chairperson, a Deputy, and a secretary from the local community. Representation of observers nominated by candidates and/or parties, and by NGOs, and perhaps the presence of international observers, would provide the necessary checks, balances and oversight. The National Election Commission should be empowered to determine the number of polling station officials required in excess of three. In order to benefit from previous experience and to reduce training requirements and costs, preference might be given to the selection of individuals in the communities who administered the polling stations in the previous election.

47. As the provisions of the draft Local Elections Law which describe the various roles of the "Provincial Election Organising Commissions" and the "Provincial Supervision Commissions" appear to overlap, and because the team recommends that the Ministry of the Interior at the provincial level be responsible for the provision of materials and supplies, and all related support to the Polling Station Organising Committees under the direction of the Provincial Election Organising Commission, the team believes that this latter Commission could be constituted simply as a "Provincial Election Commission", which could assume those responsibilities assigned under the current draft Local Elections Law to both the "Provincial Election Organising Commission" and the "Provincial Election Supervision Commission". This would mean that there would be only one Commission operating at the provincial level, leading to reduced costs, and the avoidance of overlapping responsibilities.

48. With respect to the previous recommendation, the Provincial Election Commissions would assume responsibility for the second highest level of dispute resolution. In this respect the Commissions might establish small advisory committees to process challenges and complaints on their behalf. Possible international support for this process is discussed further at paragraphs 101 to 103 below.

49. The team strongly recommends that consideration be given to establishing Election Commissions at the commune level. Below the Commune Election Commission would be the Polling Station Committee which would only consist of two or three people to administer the voting and the counting. The Commune Election Commission would be responsible for identifying registration and polling locations, receiving election materials from the Provincial Election Commission and distributing these to the Polling Station Committees; and for receiving the records of the results of the count from each of the Polling Station Committees, putting them into a single package, and despatching them to the Provincial Election Commission. The composition of the Commune Election Commission would parallel that of the Provincial Election Commission.

Development of electoral laws

50. The team has reviewed the translations of the existing or draft laws which were made available to it. Unfortunately a draft of the National Assembly Election Law was not available, making it impossible to consider structures which would link it smoothly to the draft Local Elections Law and perhaps reduce costs to some degree. In general the team found the laws to be of a high quality and standard, and in most cases the team only needs to raise points requiring clarification.

51. In the case of the draft Local Elections Law the team would strongly recommend that it only be specific where there are political considerations involved. Otherwise the details related to electoral administration should be determined by the National Election Commission in order to adapt to varying circumstances and needs which arise.

The Constitution of the Kingdom of Cambodia

52. This document provides a strong foundation for the carrying out of a free, equitable and democratic election. The electoral rights of citizens are clearly prescribed in articles 34, 42 and 76. The team notes that the provisions of article 34, concerning the right to vote and to stand for office, can be restricted by the Electoral Law, but given the principle of universal suffrage, any restrictions should be minimal and of a character the legitimacy of which could be internationally recognised. Although article 76 specifies that the Electoral Law shall determine the electoral process and procedure, there is no specific reference in the Constitution to an Election Commission or indeed to any election management bodies. The composition and nature of such a body will have to be defined in the relevant electoral legislation and approved by the National Assembly.

53. Article 117 states that the Constitutional Council will examine and decide on contested cases involving the election of Assembly members. The team therefore believes it is essential to the conduct of a free and fair election that the Constitutional Council be put in place as early as possible.

The Law on Nationality

54. As citizenship is a fundamental precondition for becoming an elector, this newly enacted law should become an integral part of the voter registration process. This will assist registration officers to determine what action is required to resolve cases where there is a question of citizenship involved, and will guide individuals who wish to obtain their citizenship in order to vote.

Sub-Decree on Khmer National Identity Cards

55. The fact that this decree provides for identity cards to be provided to citizens 18 years of age and older, which will be valid for 10 years, suggests serious consideration should be given to using these cards as a basis for voter registration. This option should be explored in relation to the provisions of the draft electoral legislation.

Draft Local Elections Law

56. The comments which follow relate directly to those provisions of the law which deal with local elections, rather than those which deal with commune administration. We have based our comments on the English translation of the Law which in some cases may not accurately reflect the wording or intent of the Drafting Committee which prepared the original version in Khmer.

- Article 5 states that "the administration of the communes and commune elections are the competence of the Ministry of the Interior". As noted at paragraphs 34 to 37 above, in the team's view the administration of both the local and National Assembly elections should be carried out using the resources of the Ministry of the Interior, working under the direction of a National Election Commission responsible for the interpretation and the application of the electoral laws.
- Article 12 states that the definition or amendment of commune borders "shall be determined by law", and suggests that the Ministry of the Interior is to issue instructions on the modalities. As this designation of borders and the related law is fundamental to the election, clarification of what actions are required, by whom and within what time frame, is a matter of urgency. (This issue is discussed further at paragraphs 58 to 66 below.)
- Article 29 makes reference to the five year term of communal chiefs, but does not specify when the five year term begins and ends.

- Article 31 provides that the list of electors shall be finalised on 31 December of each year. Specifying 31 December could create problems as election dates are not specified in the law. It would be preferable to require lists to be updated annually on a date to be designated by the National Election Commission.
- Article 31 also refers to an additional list of people who will reach 18 years before the election date. This list closes three months before the election date. This assumes that the election date will always be known at least three months in advance.
- Article 32 requires permanent residence in a commune for at least six months as a qualification for voting. It should be determined whether a definition of "residence" needs to be included in the legislation.
- Article 33 refers to an "electoral card". As the form of the document may vary, the term "card" might be changed to "document".
- Article 39 requires, in relation to published lists of candidates, that the size of the paper, the print and photographs to be of the same scale and colour [sic] for each commune. This provision needs clarification, as communes with many candidates will require either larger papers, or smaller print if the paper has to be the same size. What is more important is that all photographs and names of candidates on a particular list must be equal in size.
- Article 40 requires protests to the Provincial/Municipal Election Supervision Commission about the omission of a name from the published list of candidates to be submitted via the District Governor. This appears to be the only role given to the District Governor. The rationale for this is not evident, and unless some compelling justification for the proposed approach can be identified, the team would recommend that the District Governor not be involved in the process.
- Articles 42 and 44 refer to the national, provincial/municipal and polling station supervision and management bodies. As discussed at paragraphs 46 to 49 above, the team believes that the proposed structure should be reconsidered to enhance communication, reduce overlapping roles and reduce costs.
- Article 45 should give responsibility to the National Election Commission for overall management of, and development of policy for, designation of poll boundaries and for voter registration. It is suggested that here and throughout the legislation, reference be made to balloting materials, equipment and supplies rather than ballot papers and ballot boxes, in the event that other voting methods are considered. Alternatively a provision might be added permitting the use of other voting systems or procedures provided that they are acceptable to the National Election Commission, and enable a secret ballot to be cast.
- In relation to article 49, it is strongly recommended that over and above the designation of a Chairperson, Deputy and perhaps a Secretary, the National Election Commission designate any additional election officials required for the administration of each poll. The cost implications of having nine officials at 8000 to 10000 polls

would warrant keeping the number of polling officials to a minimum. In addition, there will be candidate representatives and possibly other observers attending at each poll to observe the conduct of the election officials.

- Article 71 should be amended to include a reference to replacement of a ballot inadvertently spoiled by a voter.
- Article 75 refers to security forces stationed at the polling station. The law should make it clear that these forces must be stationed outside the polling station.
- Article 78 should be worded so as to require a comparison to be made between the number of ballots in the ballot box and the number of voters on the list who are marked as having voted.
- The team notes that there is no provision in the law for the provision of assistance in voting to a blind or otherwise handicapped elector, or to an illiterate voter who requests help.
- The team also notes that no special provision has been made for voting by the military and the police at the polling stations, in their barracks, in or out of uniform, armed or unarmed etc.

57. In the light of the above points, the team recommends that there be a further review of the present draft Local Election Law, to ensure that it is as comprehensive and problem free as possible.

Determination of constituency boundaries, cartography, and allocation of seats to constituencies

58. In his speech to the October 1995 Seminar, HE Sar Khéng, Deputy Prime Minister and Co-Minister of the Interior, stated that:

“The establishment of electoral districts absolutely must be clearly defined, based upon the number of people eligible to vote. This principle requires a thorough population census by local officials in cooperation with national and international experts.”

The issue of boundary delimitation arises in relation to both the local and National Assembly elections, but there are some differences in the challenges to be faced in each case.

59. In relation to local elections, the team understands that the boundaries of the communes are well defined, though in discussions with different authorities the team heard different figures - 1547 and 1548 - quoted for the total number of communes. The team believes however that the Local Elections Law should contain a transitional provision which expressly defines the boundaries of communes, even if this only consists of a statement that commune boundaries shall be those in force at the time the Law comes into effect.

60. A more critical issue is that of the internal division of communes for the purposes of polling. With around 1547/8 communes nationwide, the average number of voters per commune will be around 3000. Since pursuant to article 65 of the draft Local Elections Law, it is intended that only around 500 people will vote at any polling station, an average commune will contain six polling stations. The team understands that it is intended that each voter's name will appear on the list of voters for a specific polling station, and only on that list. If that is the case, however, it will not suffice merely to develop a list of voters for a whole commune; lists will have to be developed for each polling station, meaning that 8000 to 10000 separate lists will have to be produced.

61. In Canada, this issue is dealt with by dividing constituencies geographically into what are known as "polling divisions". The boundaries of these polling divisions are determined before the registration of voters, with the aim of ensuring that there will be around 350 voters in each polling division. Since voter registration data are not available, this has done be done on the basis of informed estimates; if when the registration takes place it turns out that there are more than 400 voters in the area, the list of voters at the polling station will be split (for example alphabetically A to K, L to Z) into two lists, to keep the number on each list below 400.

62. The team believes that in the Cambodian context the only feasible approach would be to identify the 8000 to 10000 polling divisions prior to the commencement of voter registration, so that voters will be able to register and subsequently vote at the same place. This process can be very time consuming, depending upon the system used, the availability of resources, and any issues surrounding the political acceptability of proposed boundaries. At this time the team would suggest that a minimum of three months should be factored in for the definition of the 8000 to 10000 polling divisions before detailed planning and registration information can be developed.

63. In relation to the National Assembly elections, the issue of constituency delimitation does not appear to have been addressed in any detail up until now. The Fuerxer Report proposed the use of a mixed voting system, under which all but four provinces would vote as one electorate.

64. While the task of constituency delimitation for the National Assembly elections is a substantial one, the team believes that it can be simplified by the adoption of a number of basic principles.

- Since the administrative structures of the country are based around provinces, significant administrative difficulties could be avoided by requiring that no constituency should contain parts of two different provinces. If this is not done, the prospect would arise of having authorities from different provinces responsible for the conduct of voter registration, polling, counting etc. in different parts of a constituency, and this would be administratively complex and inefficient.
- Since the commune is to be a basic unit for the administration of voter registration, and is as well a basic unit for more general administrative purposes, it would make sense to require that constituencies must consist of whole communes (in other words, no commune shall be spread over two or more constituencies).

- Since the number of eligible voters in each commune will be accurately known once voter registration for the local elections has taken place, the approach of using the communes as "building blocks" for National Assembly constituencies would enable those constituencies to be defined based on the number of people eligible to vote, as required by the principle laid down by HE Sar Khéng. Unless a common building block such as the commune is used for the purposes of the local and National Assembly elections, it will not be possible to use the same voter registration data for both elections, and significant additional costs will be incurred.
- If the approach set out above were adopted, there would be one question still to be addressed, namely, how many constituencies should there be in each province. A logical way to approach the problem would be to allocate constituencies to the provinces in proportion to the number of registered voters in each province, subject to a requirement that every province have at least one representative. The allocation could be made immediately prior to the commencement of the constituency boundary delimitation process. A workable formula for allocating seats to provinces in proportion to their voter populations was set out in article 33 of the United Nations Electoral Law for Cambodia, 1992.

65. Although the adoption of the principles set out in the preceding paragraph would significantly simplify the task of determining boundaries, a mechanism would still be required for choosing which communes should go to make up which constituency. Again, a number of basic principles can be referred to.

- The public, the political parties and indeed all participants in the electoral process are more likely to accept the legitimacy of a particular set of boundaries if they have been drawn by a body which is seen to be neutral and non-partisan. Consideration should therefore be given to empowering the Electoral Commission to determine constituency boundaries.
- Confidence in the boundary drawing process is also likely to be enhanced by the adoption of transparent mechanisms, including provision for suggestions and input from the political parties and other participants in the electoral process, and requirements for the Electoral Commission to state publicly why it has chosen a particular set of boundaries.
- The criteria in accordance with which the boundaries are to be drawn should be clearly defined and reasonable ones, set out in law prior to the commencement of the boundary drawing process. These would typically include a requirement to ensure a reasonable degree of equality in the voter populations of the various constituencies within a province; a requirement to ensure that the means of communication and travel within a constituency are such as to facilitate its representation (for example, by ensuring that a constituency is not divided in two by river which cannot readily be crossed); and a requirement that constituencies should be relatively socio-economically homogeneous.

66. In recent years, the use of computerised geographical information systems has been found to facilitate significantly the task of drawing boundaries. The team recommends that the feasibility of using a geographical information system to support the boundary drawing process should be addressed as a discrete project. Depending on the political implications involved, the delimitation of National Assembly boundaries could take anything from several weeks to several months.

Development of computer systems

67. In the Fuerxer Report it is proposed that the voter registration process be supported by the establishment of a decentralised computer system. Each district would be equipped with a number of PCs on which data would be entered. These would be connected to provincial offices via telecommunication lines (though diskette transfer would be used if that proved not to be feasible). Each provincial office would communicate with a central installation in Phnom Penh, again using either telecommunications lines or diskettes. The overall structure would be that of a two-level star network.

68. The strengths of such an arrangement would clearly be the minimisation of the handling of paper; the efficient management of the large volumes of data involved; and the flexibility which is associated with the electronic management of information. The system would also be able to be used for the expeditious compilation of election results, and more generally the telecommunications network to be established to support the system would have the potential to support numerous applications. The Fuerxer Report also suggests that a computerised system would facilitate identification of duplicate entries in the register of voters, using techniques based on data on sex, date of birth, address, similarity of names, inversion of first and second name, etc. The team has considered the computerisation issues raised by the Fuerxer Report in some detail, and notes that they give rise to a number of matters which would have to be addressed.

- The implementation of a fully computerised system would be a complex and time consuming undertaking, the success of which would be dependent on a large number of different factors, not all of which would be under the control of the MOI. It would also be mission critical, in the sense that its failure could jeopardise the overall success of the election. Appropriate contingency plans including manual backup systems would therefore be required.
- The existence of 194 separate sites would give rise to extensive challenges in the areas of training, system administration, and provision of technical support. The need for stable power supplies would also probably require the purchase of generators and voltage regulators/uninterruptable power supply units for many of the sites. These were not included in the Fuerxer Report's costings.
- The flow of electronic data from the districts to the provinces to the central installation would be at risk of interruption at a number of points, for example as a result of power failures, telecommunications breakdowns, damage to diskettes, or loss of diskettes in transit. Such interruptions would give rise to significant challenges in ensuring that the appropriate transactions had been properly applied to databases at every level of the operation. If these challenges could not be met with complete certainty, there would

be a danger that the corresponding registers held at the provincial and national levels would get "out of synchronisation".

- The system would require a major investment of resources. In purely financial terms the proposed computer system and associated communications network represents over 29% of the estimated total election cost set out in the Fuerxer Report. However, if the system were to be sustained in the long run, a substantial investment of human as well as financial resources would also be required. A significant portion of the time of those responsible for the elections at the central, provincial and district levels would have to be spent in the implementation and maintenance of the system. These resource demands could well be on such a scale as to lead to a diversion of skills from other critical areas of the election process.
- The use of computer resources to identify possible duplicate entries on the register of voters is a matter which needs to be further studied. A difficulty of which members of the team are aware is that Cambodian names are not always recorded using the same spelling; this becomes particularly relevant when names of illiterate voters are recorded by registration officers. In the face of such a situation, reliance often has to be placed on computer software which can identify names which sound similar, as distinct from names which are spelt similarly or identically. The team discussed the feasibility of such an approach with the Chief of the Cambodian Computing Centre at the Council of Ministers, Mr Salun Sok. He pointed out that although such software exists for English characters, it does not exist for names recorded in the Khmer script. In attempting to eliminate duplicate entries on databases maintained by his Centre, Mr Salun Sok had had to maintain in the databases records of names in both Khmer and English script, and the search for duplicates had had to be done on the basis of the English rather than Khmer rendition of the names. This in turn had given rise to a problem of ensuring the consistent transliteration of names from the usual Khmer script to English script. This had been done procedurally, by instructing data entry operators to use particular English renditions of Khmer names.

69. The team has had the opportunity to discuss the proposal in the Fuerxer Report in some detail with staff of the Bureau of Elections in the Ministry of the Interior. There is no disagreement about the attractiveness of the proposal, or the benefits which it would bring for Cambodia in the long term. The staff of the Bureau of Elections however have themselves identified since March 1996 a number of the significant challenges outlined above to which the proposal would give rise. These included the need to ensure stable power supplies; the need to train trainers; and in general the need to maintain a relatively sophisticated technology at a large number of discrete sites. Arising from these concerns, the Bureau has had the opportunity recently to work again with M. Fuerxer, with the view to developing a proposal for a manual system which could serve effectively to register voters.

70. The team commends such an approach as one which it would be prudent to adopt in the present circumstances. Since as noted above it would be essential in the Cambodian context for a computerised system to be supported by an appropriate manual backup, the development of an appropriate manual system would be entirely consistent with a long-term objective of computerisation. The development of a manual system could also be expected to illuminate and assist the process of developing specifications for a computerised system.

71. The team also notes that many of the more substantial challenges arising from the scheme set out in the Fuerxer Report flow from its decentralised character. These could be minimised by a phased system development, under which a central computer system could be supplemented by provincial and district systems, with pilot projects being undertaken at each stage of the process. If such provincial and district pilot projects were undertaken with the view to implementation after rather than before the forthcoming elections, the system development life cycle could run its full course rather than having to be compressed because of immutable deadlines, and the prospect of avoiding costly system failures would be significantly enhanced.

72. If in the first instance all computerised data records were to be maintained at a single site, the central installation would have to be much larger than the 10 PCs contemplated in the Fuerxer Report. The Cambodian Computing Centre currently has approximately 50 PCs, which are used among other things to maintain the civil service database. Because they are already being used for important ongoing systems, they would not readily be able to be used for election purposes.

73. The Cambodian Computing Centre also has in its possession, but is not currently using, the computer hardware used by UNTAC in 1992-93 for the production of lists of registered voters. This is a multi-user system with over 50 X-Terminals connected on a TCP/IP Ethernet LAN, two highly configured central processing units, two high speed laser printers, two high speed hard disk units, and associated uninterruptable power supply units. Each X-Terminal is equipped with a customised Khmer keyboard which was found during the UNTAC operation to be particularly effective for the rapid entry of data. Associated with this hardware is a UNIX operating system and an INGRES database, and customised Khmer screen and high-speed printer fonts.

74. In his discussions with the team, Mr Salun Sok noted that there had been certain problems with a processor board in one of the Central Processor Units which had been unable to be repaired cheaply, and this had hampered the use of the system. A more substantial problem, however, was that he was the only person in the Centre with expertise in INGRES, which is a powerful but also somewhat daunting database system which does not lend itself to the fast development of applications to the same extent as Microsoft Access, which is being used on the Centre's PCs.

75. Taking those points into account, the team is of the view that the possibility of making further use as part of the election process of the former UNTAC system should be further explored as a matter of urgency. The equipment in question is of high quality, was originally worth over US\$1 million, is currently lying idle, and was assembled in 1992 to undertake almost precisely the task for which it might be able to be used in the current context - the development in Khmer of a database of registered voters. The team is also of the view, however, that should the rehabilitation and use of the equipment prove feasible, the development of a domestic Cambodian capacity to support and make ongoing use of the equipment should be seen as an integral part of the project.

76. In summary, the team believes that for the forthcoming elections, consideration should be given to the adoption of a scheme along the following lines.

- Registration should be undertaken at the grass-roots level using hard copy documentation.
- Copies of the relevant records should be sent to Phnom Penh for entry into a central computer system, which would be used among other things for the production of lists of voters.
- Work should if possible continue as a separate project on the development of data entry and database systems which could be used at the district and provincial levels; but these should not be used for the forthcoming elections.

77. A question which will have to be addressed is that of which body should be responsible for the day-to-day operation of the proposed central computer system. The team believes that any resolution of this question must be such as to ensure that the National Election Commission is in a position to guarantee that the critical outputs required from the system will be produced.

Voter education, and training of electoral staff

78. Until such time as the election laws are approved and procedures for voter registration, polling and other elements of the electoral process are in place, detailed plans for the content and length of training and voter education programs cannot be developed. If, for example, the local and National Assembly elections are held on the same date, as discussed at paragraphs 28 to 31 above, the voter education demands will be much more challenging than if the elections are on separate dates - in which case two different but related training programs will have to be designed.

79. In either case, the training format should follow a pyramid model, with trainers being trained who in turn train a number of others, and so on until the tens of thousands of officials required for the election have received essential instruction.

80. In the areas of training and voter education there are a large number of international specialists who have had extensive experience and who would be in a position to provide valuable technical advice and guidance, both in the area of training and education, and in the design and development of manuals, posters, booklets, videos and other related materials.

Registration of political parties and candidates, party liaison, and training for agents, candidates and cadres

81. At the time this Report was finalised the team had not had the opportunity to review the draft law governing the registration of political parties. The team is therefore only in a position to put forward a number of general guidelines and suggestions for consideration at this time.

- The National Election Commission should be responsible for developing the criteria and timetable for the receipt of applications and for the registration of all political parties wishing to contest the National Assembly elections. Provincial Election Commissions could carry out the registration of candidates based on criteria developed by the National Election Commission.
- A political party/candidate consultation process should be developed, and meetings held on a regular and relatively frequent basis between parties, candidates, and the National and Provincial Election Commissions.
- The National Election Commission should early in its program of activities determine whether there will be any public financing of parties or candidates, and if so, develop the applicable formulae for allocating funds.
- The National Election Commission should also develop policies concerning access to the media (and in particular the State-controlled media) for parties and candidates, based on a formula which would provide equitable access.
- International advice and assistance might be sought with respect to the development of training programs for candidates, parties and their respective agents at the polling stations.

The issue of the development of a Code of Conduct is discussed at paragraphs 94 and 95 below.

Registration of voters

82. The mechanics of voter registration are addressed in some detail in the Fuerxer Report. The broad elements of the scheme set out therein are as follows.

- Voter registration points would be established at the grass-roots level, and persons seeking registration would have to come to the registration points to lodge their claims.
- Records would be made of all voters registered, and a voter card would be issued to each voter at the time of registration.
- Copies of the voter registration records would be entered into a computer system, which would be used for the production of lists of voters.
- In the longer run, procedures would be put in place for the updating of the data stored in the computer system to reflect changes in the population.

83. A number of qualifications to this scheme have been mentioned elsewhere in this Report. The team believes that it is important that voters be registered down to the level of the polling divisions where they will later vote, and also believes that at this stage attempts should only be made to introduce a centralised computer system. Apart from those points, however, the team believes that the scheme set out in the Fuerxer Report is a sound one, and while some modifications might need to be made to the overall scheme, or to the forms and documents proposed by M.

Fuerxer, as the process develops, at present the team does not see a need to suggest any substantial changes.

Planning for and conduct of the polling

84. Once the relevant electoral legislation has been enacted, the detailed organisation and planning of every aspect of the voting and counting procedures can be developed. At this time the team is only in a position to deal with several general considerations which can significantly affect the direction and costs of the voting and counting processes themselves.

Polling station location and officials

85. The polling station in each polling division should be located at a central point which is easily accessible to all voters. To minimise costs, the use of pagodas as well as public buildings such as schools should be considered, but the selection of the polling station should be made on the basis of its needing to be of an adequate size to accommodate two or more polling officials, candidates' representatives, and observers; and to facilitate the handling of queues of several hundred voters; as well on the basis of applicable security considerations. Furnishings, such as tables and chairs should be provided locally and be available in the polling stations. Alternatively, candidates' representatives and local observers could be advised to bring their own seating with them.

86. The polling station officials would normally be selected from within the local community so as to have some familiarity with the voters. Preference should be given to individuals who gained experience working as election officials at the 1993 election, as well as to teachers and perhaps monks, nuns and representatives of other religious groups. Payment to polling officials should be considered not only for working at the polls but also for the time required for training.

Voter identification

87. The voter registration system ultimately adopted will determine the voter identification procedures used at the polls. It is preferable to have a specific list of the (approximately 500) voters registered at each poll, rather than a complete list of all the voters in the commune. The issuing of voters' cards or national identity cards with photographs on them would facilitate the accurate identification of voters, but if the use of photographic identification cards is not feasible, any attempts at personation should be able to be challenged by the election officials, or the candidate or party representatives.

88. Assuming that each voter card will have its unique voter identification number, the list of voters should contain the names of all voters eligible to vote at the polling station. To facilitate finding the voter, the list should be presented in numerical order according to voter number, rather than alphabetically.

Multiple voting

89. As it is conceivable that a few individuals might come to possess more than one voter card by accident or design, as a safeguard against multiple voting and to instil confidence in the election, not only should each voter's name be marked on the list when he or she votes, but each voter should be required to have his or her finger marked with indelible ink. Each voter's fingers would be checked before he or she was given a ballot. As the election is planned for one day only, the chances of removing the ink would be minimal, especially if a visible ink used in other countries such as India, and which is already proven to be non-removable, is used. To further enhance confidence in the ink and to offset the inevitable rumours about ease of removal, additional tests should be performed for the satisfaction of the National Election Commission, and extensive voter education demonstrations and publicity programs about the security of the ink should be carried out.

Voting supplies and materials

90. Decisions based on political and administrative acceptability, and cost considerations, will have to be made from a number of choices with respect to voting supplies and materials to be used at the polls. For voting itself the options include the following.

- The use of metal ballot boxes with numbered seals. These are the most expensive to purchase, to transport and to store. They are reusable if collected and warehoused, but may rust over time and need repainting.
- Plastic ballot boxes with numbered seals. These are significantly less costly than metal boxes, but are equally bulky and somewhat expensive to transport and store. However they are reusable, not subject to denting like metal boxes, will not rust, and do not require repainting. Depending on the plastic used, they may not be as sturdy as metal boxes.
- Corrugated cardboard ballot boxes with numbered seals. These are by far the least expensive to purchase, transport and store, and despite their construction they have been successfully used in a wide variety of climates and situations where they have been subjected to rough handling. They are not reusable and obviously require no maintenance, and can be purchased with water resistant and fire resistant coatings.
- Voting machines. The use of voting machines would eliminate the need for ballots, ballot boxes and seals. These have been tested and proven in a number of countries in Europe, the United States and India. The Election Commission of India is willing to provide (up to 150000) machines to Cambodia if they would be acceptable politically and administratively. It is not known whether the machines would be provided free of charge or whether batteries would be supplied or would need to be purchased. Transportation costs have not been determined. If interest is expressed in exploring this option, the team recommends that the Election Commission of India be requested to provide several sample machines for testing and consideration in the very near future.

- Ballot screens. To ensure the secrecy of the vote consideration should be given to one of two types of corrugated cardboard balloting screens - which would be required whether ballot boxes or voting machines were selected. The corrugated screens are collapsible, and easily transported and warehoused. They are disposable unless otherwise determined. The two options are: (i) a tabletop model which is the least expensive but which requires the provision of one table for each ballot screen at each poll; and (ii) a free standing model which requires no table and which contains its own built-in shelf for marking the ballot, or on which to place the voting machine.

Oversight of polling

91. At the National and Provincial Election Commissions consideration should be given to the establishment of polling day Operations Centres designed to resolve complaints and other problems rapidly, and to provide clarifications and interpretations of the election law and procedures.

Media

92. Although openness and involvement of the media at all levels and all stages of the voting and counting process should be encouraged, given the fact that voting must be both secret and a private, personal matter, it is recommended that members of the media not be allowed into the polls, other than as individual voters. It follows that the taking of photographs and the conduct of interviews inside the polling stations should be prohibited. Any exceptions to these rules should require the authorisation of the National Election Commission.

Accreditation

93. The National and Provincial Election Commissions should be responsible for accrediting party/candidate representatives, and observers, and for issuing the appropriate documents based on directives issued by the National Election Commission. Access to the polling stations would require the appropriate accreditation.

Management of the election campaign

94. The Proposed Plan for Further Action produced at the conclusion of the October 1995 Seminar noted the benefits which had flowed in many different contexts from the development of a Code of Conduct for political parties and other participants in the election process. The inclusion of such Codes in electoral legislation is now a widespread practice.

95. The team believes that there could be considerable benefits in involving parties in a process of discussion which could lead to their endorsement of an appropriate Code of Conduct. The United Nations Human Rights Centre (UNHRC) has substantial expertise in relation to this issue, and would be in a position to obtain samples of relevant Codes of Conduct. The team recommends that use be made of this resource, and that the UNHRC be asked to assist the National Election Commission, by exercising its good offices to facilitate a process of discussion between participants in the process with the aim of achieving agreement on a Code of Conduct.

Security arrangements

96. The Proposed Plan for Further Action produced in October 1995 noted that the development of appropriate security arrangements for an election must involve close liaison between those responsible for providing security and those responsible for the management of the election process. In addition, such arrangements must reflect the specific detail of the particular election process. For example, the question of whether there is to be one round of polling or two has a major effect on security planning. As the development of detailed plans for voter registration, polling and counting is, for the time being, impossible because of the number of policy issues which are still to be resolved, it is not possible at the moment for the team to make any substantial comment on the issue of election security.

Determination of the election result

97. In the draft Local Elections Law, the prescribed voting hours are from 07h00 to 16h00. If these hours are adopted generally, counting will be able to be carried out at the polling station, in daylight, immediately following the vote. With a maximum of about 500 voters, unless serious contestations arise, the count should be able to be completed before dark. This would suggest that no candles, flashlights or other means of illumination will need to be provided.

98. If a voting machine is used the result of the count will be obtained virtually instantaneously. There would be no contestation over valid and invalid ballots, but there would be a requirement to confirm that the number of votes cast was equal to the numbers of voters marked on the list of voters as having voted.

99. Following completion of the count at the polls and the recording of the results by the election officials, candidates' representatives, observers, etc., the results should be delivered, preferably on the same evening, to the Commune Election Commission, which would then package them up for dispatch to the Provincial Election Commission.

100. At the provincial levels, the poll results received from the Commune Election Commissions would be consolidated into a commune result in accordance with the provisions of the local election law, and transmitted or delivered to the National Election Commission. The consolidation process should be open to observation by party/candidate representatives and other accredited observers. If the consolidated results are to be made public at the provincial level the media should also be accredited to attend the consolidation of results. If not, the media should be involved at the national level.

Dispute resolution

101. Reference was made at paragraph 43 above to the role in the area of dispute resolution which will be played by the National Election Commission and, in relation to criminal offences, by the Courts. The team believes that establishing and sustaining effective mechanisms for addressing and resolving disputes in an objective, timely and transparent way will be fundamental to the successful conduct of the forthcoming elections. This will involve not only ensuring that the relevant institutions function effectively, but also providing necessary guidance to those who might wish to raise a complaint, or dispute some aspect of the process.

in order to ensure that they have the necessary understanding of their rights, and the knowledge of how to exercise those rights effectively.

102. Following this, the team believes that the work which has already been done by the UNHRC in relation to the workings of the judicial system could be built upon. The team recommends that the UNHRC be requested by the National Election Commission to provide assistance in: (i) the development of effective procedures for the speedy handling of complaints and disputes; (ii) the training of officers with responsibilities associated with the complaint and dispute resolution process; and (iii) the publicising of the procedures and mechanisms adopted.

Election budget

103. On the basis of the approaches discussed in this Report, the team has developed a tentative budget for the electoral process, which is at Appendix D. In relation to the figures contained therein, a number of points must be strongly emphasised.

- The figures are based on estimated requirements for materials and services, which depend on many assumptions, especially in relation to decisions which might be made on critical policy issues. The figures are therefore likely to require revision as the policy environment changes.
- In general, costs of individual items are not based on quotations from suppliers, but reflect the experience of the members of the team. The figures will therefore have to be further refined as market prices become known.
- In a number of areas, especially those relating to the development and maintenance of computer systems, the figures are very much of a "ball park" character, and proper feasibility studies (of the type recommended at several points in this Report) would be required to produce reliable estimates.

104. Subject to all these qualifications, the team believes that the minimum possible total cost for the local and National Assembly elections will be US\$12.7 million.

Electoral support (human, material, financial)

105. Earlier in this Report, reference was made to the limited financial resources available through the Royal Government of Cambodia, as well as the constraints on funds and other support which might be available from donor nations and organisations. There are many unknowns still to be clarified - political decisions to be made, legislation to be finalised and approved, and systems to be defined. As a result, the nature, shape and extent of the local and National Assembly elections are not yet defined clearly enough to develop anything more than broad budget projections based on assumed contingencies, or to enable the team to suggest more than general guidelines related to electoral support. The team sees electoral support as including support of a technical advisory nature, provision of human resources, provision of election related materials and supplies, and the provision of funding, whether earmarked or not. This might take the form of direct support to the Royal Government of Cambodia,

support to non-governmental organisations, contributions to a trust fund, payments directly to a supplier for the provision of materials, or payment of salaries to election officials.

106. As a basic division of responsibility for the sharing of election support the team believes that consideration should be given to the assumption by the Royal Government of Cambodia of all costs related to:

- the payment of salaries of all electoral officials (registration, voting, Interior Ministry, Commissions), though financial support might be provided for salary purposes from outside sources;
- the provision of all registration and polling sites and their basic furnishings (tables and chairs);
- security of election officials, candidates, parties and polling stations; and
- provision of existing local transportation facilities.

107. This consideration is based on the understanding that the election must be under national jurisdiction and control. Therefore, the hiring, firing, size and nature of the election workforce must be determined nationally, not internationally. For example, the determination of the number of local polling officials will have a significant impact on salary costs. Eight officials for 8000 polling stations implies payment of 64000 people. A requirement for only three officials for the same number of polling stations would mean that salary payments would have to be made to only 24000 staff. This is not a decision which should be made by the international community.

108. The principal contributions of the international community would therefore be those of:

- providing specialists to give technical advice and assistance to Cambodian electoral authorities;
- providing essential election materials, equipment and supplies; and
- providing financial assistance and support for carrying out activities such as voter education, training of election workers, domestic observers etc.

109. In order to ensure equity, it is important to develop guidelines for payment of local NGO or other election participants by the international community which will ensure that their salaries are equal to or lower than, but do not substantially exceed, those paid by the Royal Government of Cambodia to election officials of an equivalent level of responsibility.

110. In all of the above activities and especially those related to the international community, the use of the limited resources available can be maximised by cooperation and coordination among all interested parties. Regular meetings of participating donor nations with the National Election Commission or other responsible election authorities to discuss budgets, problems, technical assistance needs and progress in pursuit of defined objectives are

strongly recommended. This has been done under the chairmanship of the Resident Representative of the UNDP in other electoral situations. At the same time, recognition must be given to the fact that some donor nations will want to identify themselves with, or may be better placed to assist by undertaking, one or more very specific project activities. Duplication of effort in this respect can be avoided through a coordinating mechanism as described above.

111. Associated with the role to be played by the UNDP in the coordination of election support, the team is of the view that there are two further specific areas of activity which the UN might wish to consider. The first is the deployment of technical advisers at the provincial level. While in the immediate future the focus of requirements for election support is likely to be the central planning and management structures, as the process progresses more and more activities will have to be carried out in the provinces. The numbers of technical advisers who might be needed in the provinces would probably exceed the capacity of the currently active donor nations to provide them. The UN, through the UN Volunteer Organisation, has the capacity to deploy highly qualified individuals used to working at the grass roots level, many of whom have been involved in election-related work not only in Cambodia, but also in countries such as South Africa, Mozambique, Haiti and Bosnia-Herzegovina. A significant number of them have a familiarity with the Khmer language and culture. While any field deployment of individuals would require careful planning given the current circumstances in Cambodia, the team believes the issue is one which should be explored further.

112. The second specific area of activity is the coordination of any formal international observation program for the elections. The team believes that the UN, being the organisational embodiment of the international community, is better placed than any other body or group to spearhead an effective response to the sorts of requests for international observation of the elections which have been publicly alluded to on a number of occasions. In addition, the UN has far more experience in the successful organisation of such activities than any other international organisation active in the region.

113. Set out at Appendix E is a table identifying a number of areas of the electoral process where assistance could potentially be provided by the international community. The identification of possible assistance projects is clearly very broad, but could form the basis of a more detailed plan for coordinated international assistance.

Summary of major recommendations and findings

114. The major recommendations and findings set out earlier in this Report are as follows.

- Activities (and associated costs) which might be considered highly desirable but which are not essential to (or which, in some cases, are not directly related to) the election process should be reduced or eliminated. (Paragraph 12)
- The election system and process which is put in place should be one which Cambodia can afford to support and maintain in future years. Furthermore, whenever possible electoral practices and systems used in the forthcoming elections should constitute the foundation for broader and more sophisticated systems (such as a continuously maintained list of electors) for future elections. (Paragraph 13)

- While some of the critical policy questions identified in October 1995 have been answered definitively, a number are still outstanding. All need to be addressed as a matter of urgency, and the choice of the electoral system in particular should be given top priority (Paragraphs 15 and 23)
- The team sees no justification for the additional cost of holding a run-off election with more than two candidates. (Paragraph 22)
- An April - June 1998 election date should provide sufficient time for the selection of management bodies and the carrying out of necessary election preparations - assuming that the National Assembly Election Law is approved within the next few months and contains no provisions which would negatively affect the above election date. (Paragraph 27)
- There are very strong arguments favouring the holding of joint elections in the period April - June 1998. (Paragraph 31)
- The creation of an Election Commission independent of government is probably unrealistic. It follows that the composition of a non-partisan Commission is critically important to ensure that there are political and community checks and balances within the body. Representation from the parties in the National Assembly could go some way towards providing desirable checks and balances. The public could be represented by persons from the domestic NGO community appointed in their personal capacity rather than as NGO representatives. (Paragraphs 35 and 38)
- The staff of the Ministry of the Interior should be made available to undertake election related functions. They should undertake those functions under the supervision of, subject to the direction of, and in accordance with procedures and instructions laid down by, the Election Commission. Directions, procedures and instructions should be conveyed to the Ministry by the Co-Ministers for the Interior, acting as agents of the Election Commission. (Paragraph 37)
- The appointment of the National Election Commission and the Provincial Election Commissions might be made by the Co-Prime-Ministers, from lists of names submitted by the parties and the NGOs. To underline the non-partisan nature of the Commissions and to emphasise their status as important institutions for the nation, it would be highly desirable that their nominations be ratified by the National Assembly - preferably by a unanimous vote. (Paragraph 40)
- In the case of the National Election Commission consideration might be given to designating the Co-Ministers of the Interior as Co-Chairmen. However, in doing so, clear provision would need to be made for them to designate representatives to act on their behalf, as the workload demands of the Commission would conflict with their ministerial responsibilities. (Paragraph 42)
- The National Election Commission should have the final authority to deal with all election-related disputes and to certify the election results. The only exception to the

above would be complaints and disputes of a criminal nature, which would be handled by the courts. (Paragraph 43)

- To ensure transparency of operation, and to enhance confidence in the non-partisan nature of the National Election Commission, it should be empowered to invite technical advisers, consultants and observers to any meeting, except where security, commercial confidentiality, protection of personal information or privacy considerations are involved. Key decisions and the reasons for them should be widely publicised. To further enhance its credibility and create confidence regular separate consultation meetings should be held at least monthly, and more frequently as the election date approaches, with the media, political party representatives, donors and NGOs. (Paragraph 44)
- All Commissioners should enjoy equal rights on the Commission, and have free access to any documents of relevance to the work of the Commission, including election-related documents generated by or on behalf of the Ministry of the Interior. (Paragraph 45)
- In order to benefit from previous experience and to reduce training requirements and costs, preference might be given to the selection of individuals in the communities who administered the polling stations in the previous election. (Paragraph 46)
- There should be only one Commission operating at the provincial level, leading to reduced costs, and the avoidance of overlapping responsibilities. (Paragraph 47)
- Consideration should be given to establishing Election Commissions at the commune level. Below the Commune Election Commission would be the Polling Station Committee which would only consist of two or three people to administer the voting and the counting. (Paragraph 49)
- The draft Local Elections Law should only be specific where there are political considerations involved. Otherwise the details related to electoral administration should be determined by the National Election Commission in order to adapt to varying circumstances and needs which arise. (Paragraph 51)
- It is essential to the conduct of a free and fair election that the Constitutional Council be put in place as early as possible. (Paragraph 53)
- Serious consideration should be given to using Khmer National Identity Cards as a basis for voter registration. (Paragraph 55)
- There should be a further review of the present draft Local Election Law, to ensure that it is as comprehensive and problem free as possible. (Paragraph 57)
- The Local Elections Law should contain a transitional provision which expressly defines the boundaries of communes. (Paragraph 59)

- The 8000 to 10000 polling divisions should be identified prior to the commencement of voter registration, so that voters will be able to register and subsequently vote at the same place. (Paragraph 62)
- Since the administrative structures of the country are based around provinces, significant administrative difficulties could be avoided by requiring that no constituency should contain parts of two different provinces. (Paragraph 64)
- Since the commune is to be a basic unit for the administration of voter registration, and is as well a basic unit for more general administrative purposes, it would make sense to require that constituencies must consist of whole communes (in other words, no commune shall be spread over two or more constituencies). (Paragraph 64)
- Since the number of eligible voters in each commune will be accurately known once voter registration for the local elections has taken place, the approach of using the communes as "building blocks" for National Assembly constituencies would enable those constituencies to be defined based on the number of people eligible to vote. (Paragraph 64)
- Constituencies could be allocated to the provinces in proportion to the number of registered voters in each province, subject to a requirement that every province have at least one representative. (Paragraph 64)
- Consideration should be given to empowering the Electoral Commission to determine constituency boundaries. (Paragraph 65)
- Confidence in the boundary drawing process is also likely to be enhanced by the adoption of transparent mechanisms, including provision for suggestions and input from the political parties and other participants in the electoral process, and requirements for the Electoral Commission to state publicly why it has chosen a particular set of boundaries. (Paragraph 65)
- The criteria in accordance with which the boundaries are to be drawn should be clearly defined and reasonable ones, set out in law prior to the commencement of the boundary drawing process. (Paragraph 65)
- The feasibility of using a geographical information system to support the boundary drawing process should be addressed as a discrete project. (Paragraph 66)
- For the forthcoming elections:
 - voter registration should be undertaken at the grass-roots level using hard copy documentation;
 - copies of the relevant records should be sent to Phnom Penh for entry into a central computer system, which would be used among other things for the production of lists of voters; and

- work should if possible continue as a separate project on the development of data entry and database systems which could be used at the district and provincial levels; but these should not be used for the forthcoming elections. (Paragraph 76)
- The possibility of making further use as part of the election process of the former UNTAC computer system should be further explored as a matter of urgency. (Paragraph 75)
- The question of which body should be responsible for the day-to-day operation of the proposed central computer system will have to be addressed. (Paragraph 77)
- Election related training should follow a pyramid model, with trainers being trained who in turn train a number of others, and so on until the tens of thousands of officials required for the election have received essential instruction. (Paragraph 79)
- The National Election Commission should be responsible for developing the criteria and timetable for the receipt of applications and for the registration of all political parties wishing to contest the National Assembly elections. (Paragraph 81)
- A political party/candidate consultation process should be developed, and meetings held on a regular and relatively frequent basis between parties, candidates, and the National and Provincial Election Commissions. (Paragraph 81)
- The National Election Commission should early in its program of activities determine whether there will be any public financing of parties or candidates, and if so, develop the applicable formulae for allocating funds. (Paragraph 81)
- The National Election Commission should also develop policies concerning access to the media (and in particular the State-controlled media) for parties and candidates, based on a formula which would provide equitable access. (Paragraph 81)
- International advice and assistance might be sought with respect to the development of training programs for candidates, parties and their respective agents at the polling stations. (Paragraph 81)
- The polling station in each polling division should be located at a central point which is easily accessible to all voters. To minimise costs, the use of pagodas as well as public buildings such as schools should be considered. Furnishings, such as tables and chairs should be provided locally. (Paragraph 85)
- Assuming that each voter card will have its unique voter identification number, the list of voters should contain the names of all voters eligible to vote at the polling station. To facilitate finding the voter, the list should be presented in numerical order according to voter number, rather than alphabetically. (Paragraph 88)

- As a safeguard against multiple voting and to instil confidence in the election, not only should each voter's name be marked on the list when he or she votes, but each voter should be required to have his or her finger marked with indelible ink. (Paragraph 89)
- For voting itself the options include the use of metal ballot boxes with numbered seals, plastic ballot boxes with numbered seals, corrugated cardboard ballot boxes with numbered seals, or voting machines. If interest is expressed in exploring the voting machine option, the Election Commission of India should be requested to provide samples for testing and consideration. (Paragraph 90)
- At the National and Provincial Election Commissions consideration should be given to the establishment of polling day Operations Centres designed to resolve complaints and other problems rapidly, and to provide clarifications and interpretations of the election law and procedures. (Paragraph 91)
- Members of the media should not be allowed into the polls, other than as individual voters. Any exceptions to these rules should require the authorisation of the National Election Commission. (Paragraph 92)
- The National and Provincial Election Commissions should be responsible for accrediting party/candidate representatives, and observers (Paragraph 93)
- The UNHRC should be asked to assist the National Election Commission, by exercising its good offices to facilitate a process of discussion between participants in the election process with the aim of achieving agreement on a Code of Conduct. (Paragraph 95)
- The results consolidation process should be open to observation by party/candidate representatives and other accredited observers. (Paragraph 100)
- The UNHRC should be requested by the National Election Commission to provide assistance in: (i) the development of effective procedures for the speedy handling of complaints and disputes; (ii) the training of officers with responsibilities associated with the complaint and dispute resolution process; and (iii) the publicising of the procedures and mechanisms adopted. (Paragraph 102)
- Subject to appropriate qualifications and assumptions, the estimated minimum possible total cost for the local and National Assembly elections will be US\$12.7 million. (Paragraph 104)
- The Royal Government of Cambodia could assume all costs related to:
 - the payment of salaries of all electoral officials (registration, voting, Interior Ministry, Commissions), though financial support might be provided for salary purposes from outside sources;
 - the provision of all registration and polling sites and their basic furnishings (tables and chairs);

- security of election officials, candidates, parties and polling stations; and
- provision of existing local transportation facilities. (Paragraph 106)
- The principal contributions of the international community would be those of:
 - providing specialists to give technical advice and assistance to Cambodian electoral authorities;
 - providing essential election materials, equipment and supplies; and
 - providing financial assistance and support for carrying out activities such as voter education, training of election workers, domestic observers etc. (Paragraph 108)
- Guidelines for payment of local NGO or other election participants by the international community should be developed to ensure that their salaries are equal to or lower than, but do not substantially exceed, those paid by the Royal Government of Cambodia to election officials of an equivalent level of responsibility. (Paragraph 109)
- Regular meetings of participating donor nations with the National Election Commission or other responsible election authorities to discuss budgets, problems, technical assistance needs and progress in pursuit of defined objectives are strongly recommended. (Paragraph 110)
- The UN might wish to consider the deployment of technical advisers at the provincial level. While any field deployment of individuals would require careful planning given the current circumstances in Cambodia, the team believes the issue is one which should be explored further. (Paragraph 111)
- The UN might also coordinate any formal international observation program for the elections. (Paragraph 112)

APPENDIX A

SPEECH
DELIVERED BY HE. SAR KHENG
ACTING CO-PRIME MINISTER, DEPUTY PRIME MINISTER, AND CO-MINISTER
OF INTERIOR IN THE CLOSING CEREMONY OF THE SEMINAR ON
"ELECTION SYSTEMS AND PREPARATIONS".
OCTOBER 25, 1995

Your Highness, Excellencies, distinguished guests, ladies and gentlemen:

I have just heard the elaborate report of Dr. Lao Mong Hay regarding the combined result of the seminar of the past three days. On behalf of Samdech Krom Preah, the first Prime-Minister, and Samdech Hun Sen, second Prime minister, under the royal guidance of his Majesty Preah Bath Samdech NORODOM SIHANOUK VARMAN, King of Cambodia, and on my own behalf, I express appreciation to all the physical and moral efforts of the organizing committee, all consultants, and all participants. I'd like to take this auspicious occasion to present my sincere thanks and deepest gratitude to the Konrad-Adenauer Foundation and the Asia Foundation, whose full support made this conference a reality. Because of this support, and the efforts of each of you, this seminar has brought about excellent results.

I clearly believe that Excellencies, ladies, gentlemen, and all participants have enthusiastically acquired these essential knowledge and experiences, and have made comparisons of the election systems and administration between France, the United States of America, Australia, Canada, Thailand, the Philippines, Sri Lanka, Germany, and the elections that were held throughout the history of Cambodia.

All the countries I have just cited are all democratic whose successive leaders, together with their people, have sharpened their political will by bringing together reform efforts through repeated enhancements, which aim at establishing an election system and administration that is free and fair. Some countries do not hesitate making election system reforms in order to respond to developments in political and social conditions or the growth of their population. Others have maintained their election system, which shows their effectiveness in sustaining economic and political stability, in accordance with the traditions and their people's recognition. Therefore, we clearly see that democracy cannot be achieved without elections.

After listening to the discussion and open exchange of experiences during the past three days, can we say what election system Cambodia should adopt for the upcoming 1997 and 1998 elections? Shall we adopt a majoritarian system or proportional representation system or a mixed system that is based on the number of people in each constituency? And, should there be only one round, or two rounds of the elections? It is true that we cannot give answers to these questions yet, because it was not the objective of this seminar. On the other hand, we need to further discuss the issue thoroughly. But, based on the report I have received, this seminar has paved the way for us to see that in order to have a system and administration of elections that is free and fair, we have to at least comply with the essential following principles:

- 1-The election must be according to its mandate and held at a designated date.
- 2-Full freedom of political party establishment .
- 3-With or without the government's participation, an independent election commission with full authority during the election period must be established.
- 4-Ensured security for political parties and candidates
- 5-The state must facilitate a program of voter education and training to people of all walks of life, especially women and youth throughout the country, with a priority on rural areas in order to promote the people's understanding of their duty as voters.
- 6-The establishment of electoral districts absolutely must be clearly defined, based upon the number of people eligible to vote . This principle requires a thorough population census by local officials in cooperation with national and international experts.
- 7-The state must provide financial support to political parties and the election campaign of candidates based upon the number of votes they received and on the basis of post-election reimbursement. If the state is unable to do so, there shall be an independent organization to openly supervise the financial income and expenditure of all political parties.
- 8-During the election campaign, there must be equal access to the media, both written and broadcast forms.
- 9-The establishment of an effective mechanism to ensure secret ballots, and to safeguard the ballot boxes and the counting of vote.
- 10-The establishment of offices to resolve election disputes during and after the election.
- 11-During the election preparation, all armed forces must be put under special assignment, so as to ensure order and security during the election. The election laws must include firm punishment to all acts of violence during the election period.

Experts unanimously recognize that there has not yet been an election system that is 100% effective. Hence, it is clear that the establishment of a democracy requires an appropriate duration of time. And, we must be able to enhance our election system until the time when our people possess a broader understanding and are able to take part in strengthening and protecting social stability.

At the opening session, our Excellencies, the UN Secretary General's representative and Ambassadors reassured us in their remarks of the continued supports of the international community to Cambodia as long as Cambodia is traveling down the road to democracy. On behalf of Samdech Krom Preah, the first Prime-Minister, and Samdech Hun Sen, second Prime minister, under the royal guidance of his Majesty Preah Bath Samdech NORODOM SIHANOUK VARMAN, King of Cambodia, and on my own behalf, I would like to respond to your Excellencies, that, the Kingdom of Cambodia will not disappoint the international community.

Thank you.

UNOFFICIAL TRANSLATION

By: The Cambodian Institute of Human Rights

APPENDIX B - LIST OF PERSONS AND GROUPS WITH WHOM THE TEAM MET

HE Samdech Chea Sim, President of the National Assembly, and colleagues.

HE Mr Sar Khéng, Deputy Prime Minister and Co-Minister of the Interior.

Mr Ok Serei Sopheak, Chef de Cabinet to HE Mr Sar Khéng.

Mr Prum Sokha, Director General, Department General of Administration, Ministry of Interior, and staff of the Bureau of Elections, Ministry of Interior.

Members of the Committee Responsible for the Drafting of the Local Elections Law and National Assembly Elections Law.

Mr Salun Sok, Chief, Cambodian Computing Centre, Council of Ministers.

Mr May Sam Oeun, Chairman of the FUNCINPEC Executive Committee on Elections; Mr Puth Chandarith (Deputy Chairman); and Mr Sam Sok Phal, Committee Member.

Representatives of the Coalition for Free and Fair Elections (COFFEL) and the Committee for Free and Fair Elections (COMFREL).

Mr Alvaro de Soto, Assistant Secretary-General, Department of Political Affairs, United Nations.

Mr Tayeb Merchoug, Electoral Assistance Division, Department of Political Affairs, United Nations.

Mr Didier Pierre Trischos, Consultant to the Electoral Assistance Division, United Nations.

Mr Paul Matthews, Resident Representative, United Nations Development Programme, Cambodia.

Mr Benny Widyono, Representative of the UN Secretary-General in Cambodia.

Mr Keith Hargreaves, United Nations Development Programme, Cambodia.

Mr Rajagopal Balakrishnan, United Nations Human Rights Centre, Cambodia.

Mr Robert Porter, Deputy Head of Mission, Embassy of the United States of America.

Mr Gordon West, Mission Representative, United States Agency for International Development, Embassy of the United States of America.

Mr Ned Greely, United States Agency for International Development, Embassy of the United States of America.

Ms Sue Nelson, United States Agency for International Development, Embassy of the United States of America.

Ambassador D. Gordon Longmuir, Embassy of Canada.

Ambassador Anthony Kevin, Embassy of Australia.

Mr John Wilson, First Secretary, Development Cooperation, Embassy of Australia.

The Steering Group of Ambassadors and their representatives present at the meeting held with Mr de Soto, Cambodiana Hotel, 30 August 1996.

Mr Peter Schier, Resident Representative, Konrad-Adenauer-Foundation.

APPENDIX C - BRIEFING DOCUMENT FOR THE CO-MINISTERS OF THE INTERIOR FROM THE INTERNATIONAL ELECTION ADVISORY GROUP

This is a summary of the main points presented at the meeting with Co-Minister, His Excellency Sar Kheng on 21 August 1996.

We believe that there are several critical political decisions which should be made as soon as possible to enable the planning, costing and organization of the elections to be carried out. These are as follows.

1. The official decision concerning the voting system for the local elections and for the legislative elections. Will the system be totally majoritarian in each case? Will there be a second round run-off election in either case?

The above decisions will have a significant impact on the costs of the elections, and until the system is determined the election planning will be severely limited and the local election date probably delayed.

2. The second priority decision for consideration is the total number of seats for the legislative election and the number which will be assigned to each province - or the formula which is to be used to determine the number of seats by province.

Until this determination is made, mapping of the electoral districts cannot commence and as this forms the basis for voter and candidate registration, little progress in this area will be possible. As mapping of electoral districts and subsequent political approval can take many months, this can also have a significant impact on the election date.

3. The early finalizing and approval of the local election law, the political party law, the law on the legislative elections and any other related laws such as the nationality law, will permit the establishment of electoral planning systems and procedures which could serve both elections and assist in reducing costs.

4. In order to provide the necessary policy direction and guidance, the establishment of an Election Commission and the selection of its members should also be considered as a priority action. To ensure continuity of experience and to provide consistency in policy direction and decisions it would seem to be highly desirable that the core members of the Commission be selected for both elections. However some of the members might change from local to legislative elections depending on the specific representation required on the Commission. Furthermore the Commission should have the power to call in whatever advisers it needs whether they be from the Ministry, international or others. Finally in selecting the members and the Executive Director of the Commission it should be kept in mind that the Commission's activity will probably require a full time involvement once the electoral legislation is passed.

Given the time and operational implications of the above political decisions, it is possible that the time frame required for the initial steps of mapping the electoral districts and for voter and candidate registration by electoral districts may be a long process. These factors have the potential to affect the date of the local elections. Once detailed planning and costing can be carried out, it may be found to be worth considering the holding of both elections on the same date.

APPENDIX D - ELECTION COSTING

Registration Module: 8000+- Registration stations/Fixed/Mobile

Item	Qty	Type	Unit Price	Cost/Communal	Legislative	Combined
Manual Voters Registration (10 days)						
Option A						
Cards without photo	5,000,000	Booklet/Stub/Nbrd		500,000		500,000
No lamination		Unfalsiable paper				
Forms/Daily report	100,000	3 copies/carbon		100,000		100,000
Forms/Final report	20,000	3 copies/carbon		20,000		20,000
Plastic enveloppes	20,000	Tamper evident		40,000		40,000
Registries/Booklets	15,000	Pre-numbered/Coded		75,000		75,000
Pens indelible ink	30,000		\$1.00	30,000		30,000
Sub Total				765,000		765,000
Option B						
With photograph (2500 Registration Stations/Fixed/Mobile)						
Camera/Tripod	3,500	ID camera		350,000		350,000
Screen/Tripod	2,600			130,000		130,000
Spotlights	2,600			65,000		65,000
Films				200,000		200,000
Batteries/cameras	21,000			26,250		26,250
Laminators	3,500			262,500		262,500
Plastic pouches	6,000,000			600,000		600,000
Forms/Daily report	100,000	3 copies/carbon		100,000		100,000
Forms/Final report	20,000	3 copies/carbon		20,000		20,000
Enveloppes	20,000	Plastic/tamper evident		40,000		40,000
Generators	2600	3/5K W		1,560,000		1,560,000
Fuel	65,000 gal			162,500		162,500
Registries	15,000	Booklets/Pre-numbered		75,000		75,000
Pens	30,000	Indelible ink		30,000		30,000
Sub Total				3,651,250		3,651,250

APPENDIX D - ELECTION COSTING

Item	Qty	Type	Unit Price	Cost/Communal	Legislative	Combined
Mobile Registration Teams:						
Transportation	2,000	Motorbike/Horse	\$50	100,000		100,000
Staff (15 days)	2,500 x 5	Food/lodging included	\$75	1,875,000		1,875,000
Sub Total				1,975,000		1,975,000
Fixed Registration Teams						
Staff (10days)	8000 x 3	Hired in each location	\$40	960,000		960,000
Logistics						
Distribution	Collection of registries	To Prov/Communes		200,000		200,000
** If the two elections are held seperately, additional cost may apply to register/delete the new/displaced voters/deceased.						
<u>National Computerization Center</u>						
Hardware/Existing						
UNTAC Network		Parts		100,000		100,000
Software				50,000		50,000
Supplies:						
Paper/forms				250,000		250,000
Toner				50,000		50,000
Staff						
Operation		Supervisors/Operators/Technicians		600,000		600,000
Sub Total				1,050,000		1,050,000
Registration/Mapping	2000	District/Khum maps		100,000		100,000

APPENDIX D - ELECTION COSTING

Item	Qty	Type	Unit Price	Cost/Communal	Legislative	Combined
<u>Training Registration/Voters Education: (National Team, Core & Network trainers)</u>						
Training Division		Team/Material		300,000	100,000	300,000
Transportation/Logistics		Team/Equipment		75,000	25,000	75,000
Voters Education***		Team/Material		300,000	100,000	300,000
Sub Total				675,000	225,000	675,000

*** This estimate doesn't include the NGO's contributions, neither the technical assistance.

Polling Module: 8000+- Polling Stations or Polling Teams*

Item	Qty	Type	Price/Unit	Cost/Communal	Legislative	Combined
Ballot boxes	8000	Metal	\$31.50	292,000	292,000	584,000
Seals	8000	Padlock numbered	\$00.10	935	935	1,870
	8000	Nylon numbered	\$00.45	4,145	4,145	8,290
Shipping/sea	4	40ft containers	\$6,045	24,180	24,180	48,360
Sub total				321,260	321,260	642,520
Ballot boxes	8000	Plastic	\$12.60	116,788	116,788	233,576
Seals	32000	Nylon numbered	\$00.45	16,583	16,583	33,176
Shipping/sea	3	40ft container	\$6,045	18,135	18,135	36,270
Sub total				151,506	151,506	303,012
Ballot boxes	8000	Cardboard	\$1.12	10,335	10,335	20,670
Seals	32000	Paper numbered	\$00.32	11,678	11,678	23,356
Shipping/sea	2	40ft containers	\$6,045	12,090	12,090	24,180
Sub total				34,103	34,103	68,206

APPENDIX D - ELECTION COSTING

Item	Qty	Type	Price/Unit	Cost/Communal	Legislative	Combined
Electronic Voting machines	16000			000	000	000
Batteries	16000	Magnesium/6volts	\$03.00	48,000	48,000	48,000
Shipping			N/A	N/A	N/A	N/A
Sub Total						
* The number of polling stations may be more or less depending on the number of voters.						
Indelible Ink/jar 500 voters	16000 Jars	Visible/Silver Nitrate	\$2.79	44,640	44,640	44,640
Shipping/sea	1(With ballot boxes)					
Sub Total				44,640	44,640	44,640
Voting screens	8000	Tabletop cardboard	\$1.19	9,520	9,520	9,520
Shipping/sea	1	20ft container	\$ 4023	4,023	4,023	4,023
Sub Total Tabletop Cardboard Screens				13,543	13,543	13,543
	8000	Self-standing	\$03.43	27,440	27,440	27,440
Shipping/sea	2	40ft container	\$6045	6,045	6,045	6,045
Sub Total Self Standing Cardboard Screens				33,495	33,495	33,495
Ballots	5,000,000	1558/120 Types		450,000	500,000	\$950,000
Forms:						
Statement	24000	Polling/Counting	\$00.50	12,000	12,000	15,000
Counting	48000	Talley sheets	\$00.25	12,000	12,000	24,000
Results	24000		\$00.10	2,400	2,400	4,800
Stationery:						
Pens	40000	Voting screen/staff	\$00.20	8,000	8,000	8,000
Badges	35000	Polling officials	\$00.10	3,500	3,500	3,500
Signs	10000	Polling S. signs	\$01.50	15,000	15,000	15,000
Markers	10000	Black	\$00.50	5,000	5,000	5,000
Enveloppes	40000	Various/Printed	\$00.50	20,000	20,000	40,000
Bags	15000	Tamper/large	\$02.00	30,000	30,000	50,000
Sub total				107,900	107,900	165,300

APPENDIX D - ELECTION COSTING

Item	Qty	Type	Price/Unit	Cost/Communal	Legislative	Combined
Training Polling (including training manuals/kits)				400,000	100,000	400,000
Voters Education (including material, but not NGO's)				300,000	100,000	300,000
Sub Total				700,000	200,000	700,000
Logistics						
Warehouse	24/18 months	National level	\$5,000	60,000	60,000	90,000
	18/12 months	Provincial		No cost		
	12 months	Commune level		No cost		
Transportation	20 Prov	National/Prov	\$2,500	50,000	50,000	50,000
	150 Dist	Prov/District	\$500	75,000	75,000	75,000
	1400 com	Dist/Commune	\$100	40,000	140,000	140,000
Forms	12000	Distribution	\$1,000	1,000	1,000	1,000
	12000	Recovery	\$1,000	1,000	1,000	1,000
Staff (Whareh.)	20 x 24/18	National	\$50	18,000	24,000	18,000
	10 x 21 x 18/12	Provincial	\$40	100,800	151,200	151,200
	6 x 1540 x 1/2	Khum	\$20	184,800	184,800	184,800
Sub total				670,600	687,000	711,000
Polling Station Staff	8000 x 3 x 3days	Staff	\$10	720,000	720,000	720,000
Counting & Consolidation	1558 x 5 x 5days(Khum)	Staff	\$15	38,950	38,950	58,425
	21 x 25 x 7 days(Prov)	Staff	\$25	3,675	3,675	3,675
Sub total				762,625	762,625	782,100
Election Commissions:						
Members/Staff/24/18 months				3,000,000	500,000	3,500,000
Operations				1,000,000	175,000	1,000,000

Adjustments (If the number of polling stations was increased to 10,000, all related costs are to be upgraded by 25%)

APPENDIX D - ELECTION COSTING

Summary:

1. A- Registration Option A without photo:

	Communal	Legislative	Total Separate Elect	Total Combined
Manual Registration at polling stations sites	765,000	200,000	965,000	765,000
Registration staff	960,000	100,000	1,060,000	960,000
Logistics	200,000	20,000	220,000	200,000
Computerization	1,050,000	105,000	1,155,000	1,050,000
Mapping	100,000		100,000	100,000
Training/Voters Education	675,000	225,000	900,000	675,000
Sub Total	3,740,000	650,000*	4,390,000	3,740,000

* This cost will cover the additional list of voters (revision)

B- Polling/Carbboard boxes

Commodities (Ballot boxes/Screens/Ink/Stationery)*	654,138	704,138**	1,358,276	1,231,641
Training/Voter Education	700,000	200,000	900,000	700,000
Logistics***	670,000	687,000	1,357,000	711,000
Staff	762,625	762,625	1,525,250	782,100
Sub Total	2,786,763	2,353,763	5,140,526	3,424,741

* Possibility of two rounds

** Add \$160,000 more metal ballot boxes/\$90,000 for plastic

*** Add 20% more for metal/plastic ballot boxes (\$134,000/\$137,000/\$143,000)

C- Election Commissions Members/Staff

Operation Offices/Communication/Transportation	3,000,000	500,000	3,500,000	3,000,000
	1,000,000	175,000	1,175,000	1,000,000
Sub Total	4,000,000	675,000	4,675,000	4,000,000

D- Contingencies 15%

	1,500,000	500,000	2,000,000	1,500,000
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Total

	12,026,763	4,188,763	16,215,526	12,664,741
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N.B. Item B costs to be upgraded by 25% for 10,000 P.S.

	650,000	550,000	1,200,000	1,200,000
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APPENDIX D - ELECTION COSTING

	Communal	Legislative	Total Separate Elect	Total Combined
2. A- Registration Option B with photograph				
Manual Registration Mobile P.S. with photo	3,651,250	300,000	3,951,250	3,651,250
Transportation/Staff	1,975,000	50,000	2,025,000	1,975,000
Computerization	1,050,000	105,000	1,155,000	1,050,000
Mapping	100,000		100,000	100,000
Training/Voters Education/Material*	675,000	225,000	900,000	675,000
Sub Total	7,451,250	680,000	8,131,250	7,451,250
* NGO's contribution not included				
B- Polling/Cardboard ballot boxes				
Commodities (Ballot boxes/Screens/Ink/Stationery)*	654,138	704,138**	1,358,276	1,231,641
Training/Voter Education	700,000	200,000	900,000	700,000
Logistics***	670,000	687,000	1,357,000	711,000
Staff	762,625	762,625	1,525,250	782,100
Sub Total	2,786,763	2,353,763	5,140,526	3,424,741
* Possibility of two rounds				
** Add \$160,000 more metal ballot boxes/\$90,000 for plastic				
*** Add 20% more for metal/plastic ballot boxes (\$134,000/\$137,000/\$143,000)				
C- Election Commissions Members/Staff	3,000,000	500,000	3,500,000	3,000,000
Operation Offices/Communication/Transportation	1,000,000	175,000	1,175,000	1,000,000
Sub Total	4,000,000	675,000	4,675,000	4,000,000
D- Contingencies 15%	2,000,000	500,000	2,500,000	2,000,000
Total	16,238,013	4,208,763	20,446,776 *	16,875,991
N.B. Item B costs to be upgraded by 25% for 10,000 P.S.	650,000	550,000	1,200,000	1,200,000
* These estimates do not account for a second round				

APPENDIX D - ELECTION COSTING

	Communal	Legislative	Total Separate Elect	Total Combined
3. A- Registration Option A without photo:				
Manual Registration at polling stations sites	765,000	200,000	965,000	765,000
Registration staff	960,000	100,000	1,060,000	960,000
Logistics	200,000	20,000	220,000	200,000
Computerization	1,050,000	105,000	1,155,000	1,050,000
Mapping	100,000		100,000	100,000
Training/Voters Education	675,000	225,000	900,000	675,000
Sub Total	3,740,000	650,000*	4,390,000	3,740,000
* This cost will cover the additional list of voters (revision)				
B- Polling with Electronic Voting Machines				
Electronic Voting Machines x 30,000	No cost	No cost	No cost	No cost
Shipping 23/40ft containers	115,000		115,000	115,000
Batteries Magnesium 6volts x 40	120,000		120,000	120,000
Ink	50,000	50,000	100,000	50,000
Stationery/Forms/Envloppes	107,900	90,000	197,900	107,900
Training/Voters Education	700,000	200,000	900,000	700,000
Logistics	800,000	300,000	1,100,000	800,000
Staff	762,625	762,625	1,525,250	782,100
Sub Total	2,655,525	1,402,625	4,058,150	2,675,000
C- Election Commissions Members/Staff	3,000,000	500,000	3,500,000	3,000,000
Operation Offices/Communication/Transportation	1,000,000	175,000	1,175,000	1,000,000
Sub Total	4,000,000	675,000	4,675,000	4,000,000
D- Contingencies 15%	2,000,000	500,000	2,500,000	2,000,000
Total	12,395,525	3,227,625	15,623,150	13,415,000

APPENDIX D - ELECTION COSTING

	Communal	Legislative	Total Separate Elect	Total Combined
4. A- Registration Option B with photograph				
Manual Registration Mobile P.S. with photo	3,651,250	300,000	3,951,250	3,651,250
Transportation/Staff	1,975,000	50,000	2,025,000	1,975,000
Computerization	1,050,000	105,000	1,155,000	1,050,000
Mapping	100,000		100,000	100,000
Training/Voters Education/Material*	675,000	225,000	900,000	675,000
Sub Total	7,451,250	680,000	8,131,250	7,451,250
* NGO's contribution not included				
B- Polling with Electronic Voting Machines				
Electronic Voting Machines x 30,000	No cost	No cost	No cost	No cost
Shipping 23/40ft containers	115,000		115,000	115,000
Batteries Magnesium 6volts x 40	120,000		120,000	120,000
Ink	50,000	50,000	100,000	50,000
Stationery/Forms/Envloppes	107,900	90,000	197,900	107,900
Training/Voters Education	700,000	200,000	900,000	700,000
Logistics	800,000	300,000	1,100,000	800,000
Staff	762,625	762,625	1,525,250	782,625
Sub Total	2,655,525	1,402,625	4,058,150	2,675,625
C- Election Commissions Members/Staff	3,000,000	500,000	3,500,000	3,000,000
Operation Offices/Communication/Transportation	1,000,000	175,000	1,175,000	1,000,000
Sub Total	4,000,000	675,000	4,675,000	4,000,000
D- Contingencies 15%	2,000,000	500,000	2,500,000	2,000,000
Total	16,106,775	3,257,625	19,364,400 *	16,136,250*

* These estimates do not account for a second round

APPENDIX E - AREAS OF THE ELECTORAL PROCESS WHERE ASSISTANCE COULD POTENTIALLY BE PROVIDED BY THE INTERNATIONAL COMMUNITY

Task	Responsible Cambodian authorities	Possible international support project (suggested time frames are subject to significant adjustments depending on future electoral developments and decisions)
Electoral system (majoritarian, proportional, mixed, one round, two rounds)	Council of Ministers National Assembly	<ul style="list-style-type: none"> Not envisaged at this stage. Issues have been thoroughly addressed in the October 1995 Seminar, the Fuerxer Report, other discussions and this Report. Further assistance would be in response to a request from the Cambodian authorities if issues prove to be intractable.
Development of a project plan, and election dates	National Election Commission Ministry of Interior Bureau of Elections	<ul style="list-style-type: none"> Assistance in this area can be provided by Mr Noël (IFES) during his sojourn in Phnom Penh.
Establishment of an electoral administration	Ministry of Interior Co-Prime Ministers	<ul style="list-style-type: none"> In relation to administrative structures and procedures, assistance in this area can be provided by Mr Noël (IFES) during his sojourn in Phnom Penh.
Development of electoral laws	Drafting Committees	<ul style="list-style-type: none"> Ongoing assistance in this area can be provided by Mr Noël during his sojourn in Phnom Penh. Assistance is also being provided by the UNHRC. Further assistance for legal consultants would be in response to a request from the Cambodian authorities.

Determination of constituency boundaries, cartography, and allocation of seats to constituencies	National Election Commission	<ul style="list-style-type: none"> A two-to-four week consultancy to examine options and provide guidelines for the development of support systems for cartographic and constituency delimitation processes, specifically geographic information systems.
Development of computer systems	National Election Commission Ministry of Interior Cambodian Computing Centre	<ul style="list-style-type: none"> A two-week initial consultancy to examine the feasibility of using the former UNTAC computer as the basis of a central computer installation for the development and maintenance of a voter's register and other possible electoral applications, and if such an approach is deemed feasible, to develop a detailed plan of action, including costings, for the rehabilitation and installation of the equipment. A project for provision of support for the operation of the system throughout the voter registration period, and for the training of staff of the Cambodian Computing Centre to enable them to support the system after the project ends.
Voter education, and training of electoral staff (Polling Station Committee staff)	National Election Commission Commune Election Commission Domestic NGOs	<ul style="list-style-type: none"> A two month technical assistance project to assist in developing voter education materials based on the procedures to be adopted at the election. A one-month project to assist in the development of training plans, manuals and techniques at the national level.
Registration of political parties and candidates, party liaison, and training for agents, candidates and cadres	National Election Commission	<ul style="list-style-type: none"> A one-month project to assist in the development and implementation of procedures for the registration of parties and candidates.

Registration of voters	National Election Commission Provincial Election Commissions Ministry of Interior	<ul style="list-style-type: none"> ◦ A one-month project to assist in the development of voter registration related training plans, manuals and techniques. ◦ A two-month project for the development of a comprehensive plan for, and the making of all necessary preparations for, voter registration. ◦ Deployment of UN Volunteers at the provincial level to provide technical support to provincial electoral staff. ◦ Provision of voter registration materials, equipment and supplies ◦ A two-month project to assist domestic NGOs to establish a monitoring operation for the voter registration.
Planning for and conduct of the polling	National Election Commission Polling Station Committees	<ul style="list-style-type: none"> ◦ A two-month consultancy to develop a strategy and plans for the procurement and distribution of materials, warehousing etc. ◦ A two-week feasibility study for the use of voting machines. ◦ A two-month project for the development of a comprehensive plan for, and the making of all necessary preparations for, the polling. ◦ A two-month project to assist domestic NGOs to establish a monitoring operation for the polling and counting. ◦ Deployment of UN Volunteers at the provincial level to provide technical support to provincial electoral staff. Provision of polling materials, equipment and supplies.

Management of the election campaign	National Election Commission	<ul style="list-style-type: none"> • Ongoing assistance from the UNHRC in the development of a Code of Conduct for participants in the election process. • Coordination by the UN of any international observation program requested by the Royal Government of Cambodia.
Security arrangements	Royal Government of Cambodia	<ul style="list-style-type: none"> • No technical assistance foreseen.
Determination of the election result	National Election Commission	<ul style="list-style-type: none"> • A two-to-four week consultancy to develop forms, manuals, procedures and spreadsheets for the counting of votes, and the recording and compilation of results.
Dispute resolution	National, Provincial and Commune Election Commissions	<ul style="list-style-type: none"> • Assistance from the UNHRC.
Election budget	National Election Commission	<ul style="list-style-type: none"> • Addressed in the Fuerxer Report and this Report. Ongoing assistance in this area can be provided by Mr Noël during his sojourn in Phnom Penh.
Electoral offices, sites, security and local transport	Royal Government of Cambodia	<ul style="list-style-type: none"> • Provision of financial or other resources, as per budget submitted, to be negotiated.



**Appendix L: AAEA Observation Mission Report
Cambodian Elections July 1998**

**AAEA OBSERVATION MISSION
REPORT
CAMBODIAN ELECTIONS
JULY 1998**

Facilitated by
International Foundation for Election Systems

AAEA OBSERVATION MISSION REPORT
CAMBODIAN ELECTIONS
JULY 1998

Facilitated by
International Foundation for Election Systems

I. BACKGROUND

Cambodia's national elections, held on 26 July 1998, were conducted in a politically volatile and troubled environment. Prior to election day, it was widely assumed by the international community that there would be problems associated with this election based on the government's reluctance to take measures to ensure an open, transparent, and credible electoral exercise. IFES, in support of the U.S. Government's approach to the elections, worked to improve the political atmosphere surrounding the process by facilitating an international observation effort. The mission reflected the concern of the international community that the elections be conducted in as free and fair a manner as possible for the long-term stability of Cambodia and for the benefit of the Cambodian people.

IFES' observation team consisted of nine members of the Association of Asian Election Authorities (AAEA). The remaining four observers/coordinators included a recognized U.S. election administrator, a senior IFES program staff member, an IFES program logistics coordinator, and a Russian interpreter from the IFES/Kazakhstan field office. In Cambodia, the AAEA/IFES team coordinated closely with other international and domestic observation efforts principally through the United Nations. The AAEA/IFES observers, with the exception of the logistics coordinator who arrived a week earlier, arrived on/about 19 July and departed on/about 29 July. The AAEA/IFES contingent participated in briefings and debriefings with other international observers. The following report, compiled by IFES, is based on the input and guidance of the AAEA observers who witnessed the election process and procedures.

A. *IFES in Cambodia*

From August 1996 until July 1997 IFES worked closely with the Royal Government of Cambodia to strengthen the electoral process there by improving the electoral framework for the upcoming elections. This assistance came in the form of on-site technical experts -- one in election administration and implementation, and a second in training and education. Beginning in 1996, the expert in Election Administration assisted the Ministry of Interior's (MOI) Election Law Drafting Committee with the drafting of the electoral laws and regulations. This expert has also worked with the MOI's Bureau of Elections (BoE) with initial planning for implementation of the election law and corresponding regulations.

In March 1997 IFES' second specialist arrived in Cambodia to assist the BoE's Training Unit to develop training programs and handbooks for election officials. Both activities focused on building

the institutional capacity of the BoE and its successor election commission to conduct elections and to help promote honest, impartial and efficient administration of the 1998 national elections. Although IFES' direct assistance to the government was suspended by the USG after the events of July 1997, other international donor groups quickly began financially supporting IFES' project. Between July 1997 and July 1998, IFES continued an open dialogue with its former project staff, monitoring the electoral environment, the development of the electoral process, and preparations for the July 1998 elections.

In addition to IFES' long-standing reputation of technical competence and experience, IFES' name brings with it a unique level of non-partisan, non-governmental professionalism that has long been appreciated by the Ministry of Interior and the more recent National Election Commission (NEC). This reputation and experience in Cambodia enhanced the reliability of the observation and the level of its legitimacy in the eyes of the Cambodian Government as it struggled to administer an electoral event congruent with international norms.

B. Association of Asian Election Authorities

The Association of Asian Election Authorities was founded in February 1998 to promote and institutionalize open and transparent elections, independent and impartial election authorities, professional development of Asian election authorities, citizen participation in the electoral and civic process, information sharing, and the development of resources for election-related information and research. These objectives will be achieved through an exchange of experiences and information relating to election law and procedure, technology, administrative practice, and voter/civic education programs among Asian election administrators and civic leaders.

There are presently eleven charter members of the AAEA, representing election authorities from south and east Asia, and the Central Asian Republics. The General Assembly of the association has set out activities to be undertaken by the membership. The type of activities the AAEA intends to conduct includes developing an Asian-based election resource center, conducting election observation missions and staff exchanges, distributing election-related materials, arranging for professional development opportunities, etc.

II. PROGRAM DESCRIPTION

A. Mission Objective

The AAEA/IFES observer mission for Cambodia's 26 July national elections had the following objective:

To strengthen the electoral process in Cambodia through objective observation and reporting on the election.

In response to an invitation from the National Election Committee of Cambodia, the AAEA conducted an observation of the 26 July Cambodian parliamentary elections. This mission marked the AAEA's first activity since the organization was formed in February 1998. IFES, which serves as interim secretariat of the AAEA, facilitated the mission funded by the U.S. Agency for International Development (USAID). For the observation mission, each AAEA member was invited to send one representative to Cambodia. IFES assembled a team of professional election administrators from throughout the Asia region. These observers provided unique insights into the election process due to their shared collective experience in administering elections. Participants came from Kazakhstan, Kyrgyzstan, Tajikistan, Papua New Guinea, Philippines, Nepal, India, and Pakistan. IFES also invited a representative of the Indonesian Political Reform Team from the Ministry of Home Affairs to join the mission as a way to prepare for anticipated elections in Indonesia. Members of the AAEA/IFES delegation are listed in Appendix A.

B. Training and Briefings

At least ten days prior to the start of the observation mission, IFES delivered comprehensive training materials to all participating observers. For the three non-English speakers on the team, IFES also provided a translation of the materials in Russian.

Upon arrival in Phnom Penh, the team spent four days in training for the mission. Training conducted by the United Nations addressed safety concerns, land mine awareness, NEC and provincial election commission structures, ballot box design, pollworker training methodology, pollwatcher reporting, radio communications and other issues. IFES facilitated additional meetings for AAEA team members with political party representatives, local NGO leaders, and other observer groups.

During the initial meetings, some fear and dissatisfaction were expressed about the electoral process, especially in regard to events leading up to election day. Many players in the electoral arena were also concerned about what would or could happen on election day to prevent the NEC from administering an election according to international norms. Some specific concerns about pre-election and election events were voiced:

- a) the voter registration process was conducted in too short a time frame;
- b) the voter registration process allowed voters only to vote at the polling station where they had registered; in some cases voters were forced to vote at locations far from their residences and might be unable to vote if they could not be at that site on election day;

- c) chain balloting (circulating a marked ballot among people waiting to vote) would be used to steal the election;
- d) early voters would spoil their ballots deliberately, then ask for a new ballot in order to use up the maximum 750 ballots allowed for each polling station, resulting in a shortage of ballots for voters who arrived later to vote;
- e) one day was not enough time to accommodate all voters;
- f) counterfeit national voter identification cards could be used to manipulate the elections; and
- g) domestic observers were not properly trained and would not be appropriately neutral and nonpartisan.

(None of these fears materialized in such a way as to impact the election results, as observed by the AAEA delegates.)

C. Deployment and Observation

Two days prior to the elections, AAEA deployed five teams of observers to four provinces: Kampong Cham, Kampong Chhnang, Sihanoukville, and Kandal. After deployment, the teams met with local political party leaders, provincial and local election officials, local NGO groups, and long-term observers in those areas. They also observed the pre-poll preparations at local polling stations. On election day, AAEA observers visited polling stations and witnessed the voting and ballot counting process. Members spoke with officials from the provincial election commissions (PECs), commune election commissions (CECs), polling station commissions (PSCs), domestic observer organizations, and political parties who were working or observing at the polling stations. Cooperation between these officials and the AAEA observers was considered quite good.

The observers witnessed voting in approximately 60 polling stations. They also observed the counting process in five counting centers representing fifteen polling stations.

At the majority of polling stations observed by the AAEA contingent, procedures were followed consistently. Polls opened at 7:00 a.m. and long lines were observed. In some cases the large numbers of observers contributed to confusion on the part of polling station officials. The AAEA observers noted that the majority of voters registered at each polling station had voted by late morning.

The polling stations were organized in similar fashion. It appeared that pollworker training and instructions to plan the layout of the site one day in advance contributed to good organization on election day. The Chairman at each site oversaw the other four polling station officials who conducted the following functions:

- 1) checked in voters;
- 2) stamped ballot to validate it with a seal and gave it to the voter;
- 3) directed voter to cast his/her ballot behind a cardboard partition and mark the sealed ballot in secrecy;
- 4) supervised the voter as he/she placed the ballot, folded to ensure secrecy, in the ballot box; and
- 5) inked the voter's finger as proof the person voted, to prevent repeat voting.

In 90% of the polling sites visited by AAEA teams, the polling station officials were well-trained, had a good understanding of their job, and actively enforced proper protocol. In most cases, it was noted that the officials had their training manual readily accessible and that it had been marked, highlighted and written upon. It was apparent that the Cambodian people took great pride and felt a sense of ownership in conducting this election with Cambodian human resources. Several AAEA observers noted that the procedures were followed more accurately in Cambodia than in their own countries, including some which have had a long experience with administering democratic elections.

It was also noted that in each polling station domestic monitors and party agents were present. No complaints were reported from either group about the voting and counting process.

Voters without an ID were allowed to vote if they obtained a certification that they were registered. Observers witnessed on several occasions that such voters were allowed to vote.

The counting process was carried out with a certain amount of chaos, mostly due to the large number of people present in a small area. The officials, in spite of the conditions, conducted the process in an orderly manner which appeared to be highly transparent. For example, when an improperly marked ballot was discovered, all five members of the polling station examined the ballot and reached consensus about whether or not it should be counted. The ballots were opened one by one and placed in each candidate's stack of ballots.

The observers had anticipated many problems; but in the locations observed by the AAEA teams, the election was conducted in a remarkably smooth and consistent manner given the politically volatile circumstances. The staff of the NEC anticipated many problems and did a reasonable job of responding to them prior to election day. The following are examples of positive aspects of the elections:

- a) All election supplies were designed and manufactured in Cambodia with the exception of the ink and ballot boxes. This reduced costs and potential procurement and logistical problems.
- b) The recruitment and training of the polling station officials was impressive in that officials had to pass a stringent screening process in order to pass training.

- c) The mix of ballots from at least three polling stations during the counting process ensured the secrecy of the voting patterns of particular villages so that reprisals would be minimized.
- d) Blue canvas bags were used to completely wrap the ballot boxes to prevent possible weather damage to the ballots. They were fastened with security ribbon to add another security feature to the ballot protection process.
- e) The counting of the ballots and the reconciliation of the ballot accounting form were carried out in a thorough and transparent manner. Some polling stations had to count ballots twice in order to account for all ballots -- voted, spoiled and unused.
- f) Parallel vote counts conducted by NGO pollwatchers (from COMFREL in the AAEA sites) and political party agents reflected the Commune Counting Center totals.

D. The AAEA Statement

Based on findings during the election observation, the AAEA issued a statement saying that it considers the Cambodian elections to be credible and acceptable. The elections serve as an important first step to put Cambodia on the path to democracy. The full text of the AAEA statement is contained in Appendix B. A summary of the statement is given below.

The AAEA recognized reports by non-governmental organizations and political parties of intimidation of voters, misuse of state media by the government, and inaccessibility to media by opposition parties during the election campaign.

AAEA applauds voter education efforts undertaken for the elections, but recommends a more intense and widespread effort in the future, especially to inform voters about political parties' platforms. The AAEA realized that, due to the large number of parties involved in the campaign, and unequal media access, it was impossible for the electorate to receive a balanced view of all party platforms. However, political parties, through provincial and district offices, were able to spread their messages at the grassroots level by word of mouth.

Cambodian election officials overcame serious obstacles to register voters, train election officials and workers at the provincial, commune, and polling station levels, and distribute election materials in a timely way. Irregularities during the voting and counting process reflect uneven training of commune and polling station workers, and indicate a need for uniform training of these workers throughout the country.

Voter turnout was large and impressive--over 90%. The vote was secret, and despite previously-mentioned attempts at intimidation, voters were generally able to express their will and vote their conscience. The polls were organized, voting took place in an orderly fashion, and voting procedures were followed well in the stations observed.

Nearly 11,000 polling stations were in operation on election day. The electorate had adequate time to vote. AAEA members observed no serious violations of the voting process and polling regulations. Security was good.

The counting process following election day went well at the Commune Counting Centers visited by AAEA observers. The process was transparent, and well-attended by observers and political party agents. The reporting forms provided accountability of the vote, insured its accuracy, and provided the means for investigating allegations of fraud. In fact, AAEA thinks this reporting process is in need of simplification in order to make the procedure easier and smoother for the polling station commissions and the commune election commissions. Regarding election-related allegations, the government must now process complaints and adjudicate election grievances in a fair manner.

The AAEA found the election credible and acceptable, particularly in the context of Cambodia's history, its internal strife, and its inexperience with the democratic process. This credibility is due in large part to the organized administration of the election, the large voter turnout, and the ability of the voters to cast their ballots freely and secretly. Elections do not guarantee democracy. It is the hope of AAEA that this election will lay the foundation for democracy and peace in Cambodia.

The formal statement and press release was shared with USAID, the U.S. Embassy in Cambodia, and international media immediately after the elections and was released on the AAEA home page of the Internet along with other valuable information pertaining to the elections in Cambodia and the AAEA (www.ifes.org/Cambodia/index.htm).

III. EVALUATION

A. Irregularities

AAEA observers visited approximately 60 polling stations on election day, and five commune counting centers on counting day. They observed irregularities which were minor infractions and did not impact the voting results. Further, these infractions were without malicious intent to corrupt to election, and were due to a lack of consistent training and experience on the part of the polling station and commune officials. There was no pattern to these irregularities, although several polling stations in Sihanoukville Province misinterpreted improperly folded ballots as spoiled. However, this was not a significant number of ballots. Other irregularities observed by the AAEA team are noted below, by province.

- One polling station chairman suggested to old people where to mark their ballots. (Kandal)
- Two polling stations didn't check fingers for ink marks. (Kandal and Sihanoukville)

- In two polling stations secrecy screens were turned around to expose voters to the polling room. (Kandal)
- Three polling stations did not receive their materials on Saturday, the day before the election. (Kandal)
- One older woman arrived at the polling station with a note telling her for whom to vote. (Kandal)
- Several people noted that CPP gave money and gifts to people in an effort to secure votes. (Kandal, Kampong Cham) (AAEA observers believe voters may have accepted gifts, but chose the candidates they wanted on election day.)
- Crowd control was weak in some polling stations, outside of the voting room, during the first 2-3 hours of voting. (Kampong Cham, Sihanoukville, Kandal)
- Some young people were carrying guns outside a counting center, which created an unfavorable atmosphere during the counting exercise. Security was in place but did not take measures to prevent the carrying of guns. However, there were no incidents. (Kampong Cham)
- Voter had the wrong polling station number on his registration card, but was allowed to vote. (Kandal and Kampong Cham)
- Ballot clerks were pre-stamping ballots in three polling stations. (Sihanoukville)
- Ballot paper books were kept with the third-ranking pollworker instead of the captain in several polling stations. (Sihanoukville)
- Ballot box seal numbers were not recorded, so they have no validity. This could have legal implications in adjudicating disputes. (Sihanoukville)
- Observers and party agents were not given copies of the results at the polling stations and counting centers. This has implications for transparency. (Sihanoukville, Kampong Cham, Kampong Chhnang) (It is noted that domestic observers and party agents conducted their own count which agreed with polling station and counting center totals.)
- One ballot box had no seal, but it was padlocked. (Kampong Cham)
- One ballot box had no polling station number on it. (Sihanoukville)
- Party agents were too close to the ballot box in one polling station. (Kampong Cham)
- Party agents were too close to the ballots in one counting center. (Sihanoukville)
- There was inadequate space between counting stations in one counting center, and outsiders were too close to the ballots. (Kampong Cham)
- The counting center was poorly furnished--no tables or chairs--in one location. (Kampong Cham)
- Transport of the ballot box wasn't secure in three polling stations. (Kampong Cham)
- Three polling station committees had some difficulty reconciling the vote count at the close of polls. (Kampong Cham, Sihanoukville, and Kandal)
- Children took down the voters list at one polling site and played with it. (Kampong Cham)
- Many polling stations were at schools built by, named after, and emblazoned with the logo of Hun Sen. (Sihanoukville)

- Military troops reportedly threatened the ballot boxes overnight at one counting center. The boxes were not disturbed. (Sihanoukville)
- A large number of cast ballots (32) were unmarked in one commune counting center. This perhaps shows these people were uneducated or unaware of how to mark ballot the paper. It also may have been a protest vote. (Sihanoukville)

B. Impressions and Conclusions

Voters did not know enough about party platforms. There were too many parties--39--for them to focus on and learn about. Voters in rural areas do not have access to television and newspapers, so grassroots efforts in these areas must be well organized. There is a need for better dissemination of information and fair access to the media in future elections.

Despite reported efforts by the ruling party to intimidate voters, voters were able to chose candidates freely by secret ballot.

Most pollworkers and election officials were well-trained, had an excellent attitude, followed procedures effectively, and could resolve problems on site. They had to pass an exam on the Cambodian election law during the recruitment process. Most polling stations were equipped with procedure and training manuals. Stations in Sihanoukville Province were an exception, and PSC and CEC officials had some difficulty there resolving problems. Consistent training is needed nationwide for CECs and PSCs to avoid confusion over and misinterpretation of voting and counting procedures. Procedures need to be simplified and training should be intensified, especially in problem areas.

The ballot counting process and forms were difficult for many of the officials. It took time to recount ballots and reconcile votes; however, pollworkers didn't sacrifice accuracy for expediency. Some counting centers were poorly organized and furnished. These issues can be addressed through more stringent recruiting of pollworkers, more training in the counting process, simplified reporting forms, and better organizational training for the CECs.

There were too many ballots given to each polling station. Pollworkers were honest, so this did not lead to ballot tampering. However, it should be avoided in the future.

Voter turnout was impressively high. Confusion and disorder in the crowds outside the voting stations had been brought under control in the first two hours of voting, at most polling sites. There was adequate time for voting. Using ink as a security feature worked well and was accepted by the voters. Security personnel were present at the voting and counting stations.

Domestic observers and/or political party observers were present in all polling stations visited by AAEA teams. They were satisfied with the proceedings and results.

There was no multi-party representation on many, if not most, elections commissions throughout the country. This is in violation of the Cambodian election law.

It was difficult for AAEA teams to judge the pre-election period because they were not present in Cambodia during this period, and there was insufficient time to interview voters about events over the last year. However, it is clear that CPP was in control of the media and administrative bodies at all levels, and they used this to their full advantage. NEC, PEC, and CEC representatives were selected to eliminate politically-motivated members from the opposition. Media were essentially closed to the opposition for most of the pre-election period, so information on parties was spread by word of mouth. Efforts at vote-buying and intimidation and threats made to opposition party members were reported throughout the country. However, AAEA members believe that voting was conducted in a transparent manner, and that votes were cast in the hope of peace and stability.

C. Role and Impact of AAEA Delegation

The Asian election commissioners participating in this observation mission thought the mission was very important and beneficial to Cambodian voters and election officials, and to the delegation members themselves. The AAEA promotes orderly and transparent elections in the region with the objective of supporting good governance and democracy. The commissioners believe they genuinely assisted in this effort in Cambodia.

The presence of international observers gives confidence to voters and election organizers at the provincial, commune, and polling station level that objective participants are watching the process. This monitoring encourages legitimacy in election operations.

The presence of Asian observers shows that democracy and free and fair elections are not just western ideas, but global ideas. Their presence brings pressure to ASEAN and other Asian countries to institute democracy. A joint observation promotes constitutional democracy for all countries involved, not just the host country. This is particularly true for countries on this mission such as Kazakhstan and Tajikistan, because they are beginning to build democratic systems. For example, commissioners from these countries witnessed a multi-party system in practice, when they don't yet have such a system in their own countries.

The AAEA was the only professional organization of election practitioners to observe the elections. It was not politically motivated, and it looked beyond politics to observe the details of the elections. As election administrators, the AAEA members knew what to look for and how to understand the

election process. As Asian commissioners they could evaluate the Cambodian election in its cultural, historical, and developmental context.

The mission was a learning experience for AAEA team members, as well. Members of the delegation shared information and experiences among themselves, taking the best ideas back to their own countries. This included ideas and information on training programs for pollworkers, voter education materials, features of the party list system, and security features during the voting process (e.g., inking voters' fingers to prevent repeat voting and posting voters lists). This learning experience will enable them to improve election processes in their home countries, and raise their countries' standards closer to international norms.

D. Deliverables

1. A team of nine AAEA observers and three IFES election professionals were briefed and deployed in time to observe the July elections and the vote counting process;
2. A statement including initial findings of the team was issued by IFES/AAEA and released on July 28, 1998; and
3. A final report of quantitative and qualitative information on the observations of the team and practical recommendations for improvement in the electoral process was released in September 1998.

IV. RECOMMENDATIONS

1. Registration Process

Voter registration reportedly went well. However, there were reports of over-registration at polling sites, and registration of non-Cambodian citizens. (To date, the latter has not been found in sufficient numbers as to impact the election results.) The United Nations also noted a lack of information on the appeals process related to the voter registration campaign. Consequently, the appeals process was not followed. CECs and PECs heard a relative few number of appeals. Complaints were brought directly to the NEC, which crowded the system. In future, political party representatives and election officials at all levels should be clearly informed about proper appeals procedures. Finally, every effort should be made to allow voters to register to vote at their home polling stations, so as not to inconvenience them or discourage them from voting on election day.

2. Training

AAEA suggests that polling station official training, although very good in this election, be conducted in a more uniform and intensive manner in the future. This will ensure consistent implementation and enforcement of procedures on election day. For example, in Sihanoukville Province the rules for determining a spoiled ballot were misunderstood by several polling stations. When AAEA observers ask to see the instructions mandating this, polling officials could not find the instructions. Polling station officials should be required to bring reference and training materials and a copy of the election law to the polls on election and counting days to use as ready references. Officials should also be given the opportunity to provide feedback on the training and election process that would contribute to improvements in the future.

3. Voter Education

Although the voter education materials were impressive, voters need to receive more information about the different candidates and political party platforms. For example, information such as a popular tabloid newspaper outlining party platforms--a voters guide-- should be distributed more extensively. In all, 600,000 copies were printed and distributed with USAID support. This is one guide for every 8.8 people, given the 5.3 million voters in Cambodia. While posters showing the secrecy of the vote were in evidence in every polling station, the voters guide was observed nowhere in public by the AAEA team. Several Cambodians who were informally asked about the guide had never seen or heard of it, and wanted a copy. The NGO that created the guide was asked to print and distribute more copies, but it didn't have the funding to do so.

The NEC must also address procedures which would give fair and open media access to all candidates.

4. Ballot Design and Distribution

Economy is advised in regard to size of the ballot papers. This would enable larger logos to be used which would minimize the chance of a voter accidentally voting for the wrong party. It would also reduce the blank spaces on ballots in provinces where not all nationally-registered parties are running.

In addition, too many excess ballots should not be given to each polling station. Each polling station was given 750 ballot papers even if only 350 people were registered at that location. In other AAEA countries the number of ballots given is rounded up to the nearest hundred over the number of registered voters, thereby minimizing the chance of fraudulent ballots being cast.

5. Voting Process

Aged and handicapped people should be allowed to have assistance from relatives, especially in a country such as Cambodia where the percentage of handicapped people is high. Efforts should be made to ensure that polling station officials do not help these people vote.

The NEC should consider using security guards present outside the polling stations to help in crowd control efforts.

Spoiled ballots should be voided to prevent tampering, or the suggestion of it.

Voters should be required to wait until indelible ink dries before leaving the polling station.

6. Observation

In the future, the NEC should assign party agents to a specific location at the polling station or establish a rotating procedure at the polling station. This would help prevent a party agent from standing behind the election official who checks the voters' names. In some cases this could have been interpreted as a form of intimidation to the voter.

AAEA team members would have benefitted by spending more time in the field to interview voters about the pre-election and campaign period, in order to better understand the electoral environment in which they were observing.

7. Counting and Reporting

The AAEA observers believe the reporting forms need to be simplified in order to match competence and level of training in the PSC and CEC staffs.

Seal numbers should be recorded on statutory forms.

The gap between the conclusion of the counting process and the announcement of results should be minimized. A long delay in reporting compromises credibility of the NEC and the voting results, and encourages charges of fraud and tampering with the vote count. Copies of results from each counting site should be given to party agents and observers at the conclusion of counting -- the day after the election. This would provide a check on the NEC as it consolidates results and would provide official and public information necessary to conduct or confirm a parallel vote count. Parallel vote counts were shared and accepted at polling stations, but this process can be formalized to add legitimacy and transparency to the vote count.

AAEA observers believe that the presence of armed security personnel near the counting center may have created an atmosphere of intimidation, although the degree to which this happened is impossible to ascertain and the need for a certain level of security is recognized.

Efforts should be made by CECs and PECs to see that Commune Counting Centers are properly organized and furnished: there should be adequate space between counting tables, observers should maintain their distance from the ballots, and outsiders should be kept well away from the counting room.

8. Adjudication of Grievances

The grievance process should be addressed and improved. From interviews it appears that the average Cambodian citizen would not feel comfortable raising a concern about the process for fear of reprisals. The NEC, Constitutional Council (the court of last resort in election disputes), and political parties must respect the procedures established to register, hear, and appeal grievances. Unless the process is followed and upheld, the rule of law pertaining to this process will continue to be ignored and subverted, and Cambodian citizens will continue to mistrust and fear the grievance system.

9. Multi-party Representation on Election Bodies

Composition of the National Election Committee, Provincial Election Commissions, and Commune Election Commissions must be multi-partisan for balance and fairness. The presence of three or more parties and/or civil society representatives creates a system of checks and balances, and encourages fairness, accuracy, and transparency on the commissions.

September 1998

V. APPENDICES

Appendix A. Members of AAEA/IFES Delegation

(Please see charts on the following pages.)

ASSOCIATION OF ASIAN ELECTION AUTHORITIES (AAEA) REPRESENTATIVES

AAEA MEMBER COUNTRY	NAME AND PASSPORT #	CURRENT POSITION	CONTACT INFORMATION
India	Mr. Ashok Kumar Basu	Chief Electoral Officer State of Bihar	DII/ 272, Vinay Marg, Chanakyapuri New Delhi-110021, India Delhi: 91-11-467-3339 Patna: 91-612-224-856, 226-181 91-612-224-611 – fax OR c/o Subas Pani Deputy Election Commissioner Election Commission of India 91-11-371-5028, 91-11-335-5623 - fax
Indonesia *	Dr. Andi Alifian Mallarangeng	Indonesia Political Reform Team	62-21-780-6602 62-21-782-4157

Kazakhstan	1) Mr. Kuandyk Turgankulov S0000071 Exp. 20 April 2000	Deputy Chairman Central Election Commission	Central Election Commission of Kazakhstan 4 Mira Street Astana, Kazakhstan 3172-321-139, 3172-151-290 3172-333-388 -fax
	2) Ms. Saule Buldekbayeva N0873777 Exp. 9 July 2041	IFES Program Coordinator, IFES/Almaty and Interpreter	International Foundation for Election Systems 96 Kunaeva street, 2 nd Floor Almaty 480100, Kazakhtan 7-3272-608-512 Saule@ifes.almaty.kz
Kyrgyzstan	Mr. Kokumbay Turusbekov AO376136 Exp. 29 June 2008	Member Central Election Commission	Central Election Commission of Kyrgyzstan Chui Prospect 3 rd Floor room 307 Bishkek, Kyrgyzstan 3312-217-585, 3312-219-376 3312-620-825 -fax

Nepal	Mr. Bishnu Pratap Shah 003667 (Nepal) Exp. 1 April 1999	Chief Election Commissioner Election Commission of Nepal	Election Commission of Nepal Kanti Path Kathamandu, Nepal 977-226-092 977-1-229-984 - fax e-mail: bpsah@mos.com.np
Pakistan	Mr. Ijaz Hussain Raja S029788 (Pakistan) Exp. 22 June 1999	Deputy Election Commissioner & Personal Secretary to Secretary Election Commission of Pakistan	Central Election Commission Pakistan Secretariat Block "S" Islamabad, Pakistan 92-51-920-1915 92-51-920-5402 - fax
Papua New Guinea	Mr. Andrew Sean Trawen, MBE OP 06826 (Papua New Guinea) Exp. 28 August 2000	Deputy Electoral Commissioner Electoral Commission of Papua New Guinea	Electoral Commission of Papua New Guinea Angau Centre P.O. Box 5348 Boroko, N.C.D. Papua New Guinea 675-325-8155 675-325-7418 - fax
Philippines	Mr. Rex Borra 00932854 (Philippines) Exp. 7 July 2008	Executive Director Philippine Commission on Elections	Philippines Commission on Elections General Luna Street Intramuros, Philippines 632-527-0838 632-527-2998 - fax

Tajikistan	Mr. Abdumanon Khalikov 010014255 Exp. 8 November 1999	Deputy Chairman Legal Committee of Majilis Oli	Majilis Oli, Dushanbe 42 Rudaki Street Room 96 Dushanbe, Tajikistan 3772-316-891 3772-219-281 – fax/tel

* Although Indonesia is not an AAEA member yet, we expect their signature to the Charter soon after an independent Election Commission has been established and becomes fully functional.

NAME	CURRENT POSITION	CONTACT INFORMATION
Mary Lou Schramm	Deputy Director for Europe and Asia 014978832 (U.S.) Exp. 2 February 2003	International Foundation for Election Systems 1101 15 th Street, NW Washington, DC 202-828-8507 202-452-0804 – fax marylou@ifes.org
Jessica Hunter	Program Officer for Asia IFES/Washington 014604496 (U.S.) Exp. 30 May 2001	International Foundation for Election Systems 1101 15 th Street, NW Washington, DC 202-828-8507 202-452-0804 – fax jessica@ifes.org
George Russell	IFES Consultant	Executive Director KY State Board of Elections 140 Walnut Street Frankfort, KY 40601 502-573-7100 ext. 112 502-573-4369 – fax grussell@mail.state.ky.us

Appendix B. AAEA Statement and News Release

INTERNATIONAL FOUNDATION FOR ELECTION SYSTEMS

1101 15th Street NW, 3rd Floor • Washington, DC 20006 • (202) 828-8507 • Fax (202) 452-0804

**FOR IMMEDIATE RELEASE
July 30, 1998**

**CONTACT: TorieKeller
1-202-872-4822**

ASSOCIATION OF ASIAN ELECTION AUTHORITIES

**OFFICIAL STATEMENT
PARLIAMENTARY ELECTIONS IN CAMBODIA
26 JULY 1998**

The Association of Asian Election Authorities (AAEA), a professional organization representing election bodies in member countries, participated as international observers of the parliamentary elections in Cambodia. AAEA deployed five teams of observers to four provinces. We visited polling stations and witnessed the voting and ballot counting process. We talked with officials from the National Election Committee, provincial election commissions, commune election commissions, polling station commissions, domestic observer organizations, and political parties. The cooperation of these officials with the AAEA observers was very good.

Based on our findings during the election observation, AAEA considers these elections to be credible and acceptable. The elections serve as an important first step to put Cambodia on the path to democracy.

A final report containing a more detailed assessment will be released by the International Foundation for Election Systems, acting as interim secretariat for the AAEA. It will be available approximately one month after the official results of the election are announced. Following are the major conclusions reached by the AAEA observers.

We recognize reports by non-governmental organizations (NGOs) and political parties of intimidation of voters, misuse of state media by the government, and inaccessibility to media by opposition parties during the election campaign.

Although efforts to educate the voters about the election process are to be applauded, there is room for a more intensive voter education effort in the future. We realize that, due to the large number of parties involved in the campaign, and unequal media access, it was impossible for the electorate to receive a balanced view of all party platforms. However, we understand that political parties, through provincial and district offices, were able to spread their messages at the grassroots level by word of mouth.

The Cambodian election officials, especially the National Election Committee, are to be commended for a job well done in preparing for the elections. The officials showed great resolve in overcoming obstacles to complete the voter registration process, to provide training to election officials at the provincial, commune, and polling station levels, and to distribute election materials in a timely and efficient way.

Some irregularities were observed during the voting and counting process, but these were minor infractions. They were due in large part to confusion about procedures and regulations. They were not intentional or malicious, and did not impact the results of the vote, as observed by AAEA members. These irregularities, however, suggest uneven training of commune and polling station workers, and indicate a need for uniform training at the commune and polling station level throughout the country.

Voter turnout for the election was large and impressive, with the great majority of Cambodian voters exercising their right to vote. They started gathering at some polling stations by 6 a.m. The vote was secret, and despite previously-mentioned attempts at intimidation, voters were generally able to express their will and vote their conscience. The polls were organized, the poll workers maintained control inside the polling stations, and voting took place in an orderly fashion. Voting procedures were followed well in the stations observed.

Nearly 11,000 polling stations were in operation on election day, and no problems were cited by AAEA observers in opening and closing the stations on time. The electorate had adequate time to vote between 7 a.m. and 4 p.m. AAEA members observed no serious violations of the voting process. There was a large showing of Cambodian observers and political party agents at the polling sites. Security was good.

The counting process following election day went well at the commune counting centers visited by AAEA observers. The process was transparent, and well-attended by observers and political party agents. The reporting forms provided accountability of the vote, insured its accuracy, and provided the means for investigating allegations of fraud. In fact, AAEA thinks this reporting process is in need of simplification in order to make the procedure easier and smoother for the polling station commissions and the commune election commissions. Regarding election-related allegations, the government must now process complaints and adjudicate election grievances in a fair manner.

In summary, AAEA finds the election credible and acceptable, particularly in the context of Cambodia's history, its internal strife, and its inexperience with the democratic process. This credibility is due in large part to the organized administration of the election, the large voter turnout, and the ability of the voters to cast their ballots freely and secretly.

Elections do not guarantee democracy. It is the hope of AAEA that this election will lay the foundation for democracy and peace in Cambodia. More importantly, this is the hope and desire of the Cambodian people. Therefore, we call upon all political parties to respect and live by the results of the election, and honor the will of the Cambodian electorate.

Mr. Bishnu Pratap Shah
Chairman, AAEA and Chief Election Commissioner, Election Commission of Nepal

For more information on the AAEA's role in the Cambodian elections, please visit the following IFES link:
<http://www.ifes.org/cambodia/index.htm>.

The AAEA's homepage can be found at <http://www.ifes.org/AsiaAssocSite/index.htm>.

The International Foundation for Election Systems has been working in Asia since 1989 and currently serves as the interim secretariat for the AAEA, whose observation mission to Cambodia was funded by the United States Agency for International Development. Since its inception in 1987, IFES has provided nonpartisan assistance to develop or refine election systems in more than 100 emerging and established democracies around the world.

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Appendix M: Regulations and Procedures Commune Elections in Cambodia



**Appendix M: Regulations and Procedures
Commune Elections in Cambodia**

REGULATIONS AND PROCEDURES FOR THE COMMUNE ELECTIONS IN CAMBODIA

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INTRODUCTION

These procedures are determined by the National Election Commission (NEC) according to article 51 of the Commune Elections Law enacted 1996. This Law and the following procedures made under this Law shall be read together as if they were a single document. A reference in these procedures to the masculine shall include a reference to the feminine, and any reference to the singular shall include the plural if the context so requires.

Note: This draft of procedures is consistent with a formal registration of voters as an integral part of the electoral process.

CHAPTER 1 - Registration

1. REGISTRATION SYSTEM

- 1.1 The registration system, pursuant to Chapter 7, articles 31 to 34 is the filling of a voter registration record, the establishment of a register of voters manually for each polling division and the issuance of a voter's card to each person eligible to be a voter. The voter registration records are delivered to the National Election Computerization Center to be computerized while the voters register is retained and secured by the Commune Election Commission. A preliminary list of voters is printed and posted in each polling division and Commune Election Commission office; after revision, a final list of voters is published to be used in each polling station on polling day.
- 1.2 The registration of the voters is a civic duty and pursuant to article 76 of the Constitution shall be free, universal, equal and direct.

2. ELIGIBILITY

- 2.1 The eligibility of a person to be registered as a voter is determined by article 34 of the Constitution, the Nationality Law and article 32 of the Commune Elections Law, that is:
 - 2.1.1 must be a Khmer citizen at least 18 years old;
 - 2.1.2 must have been permanently resident in the commune for at least six months prior to the date of his or her application for registration;
 - 2.1.3 must not be a convict or a person who has been deprived of voting by the judgement of a court; and
 - 2.1.4 must not be mentally disturbed as certified by the specialist institution.
- 2.2 Each elector has to provide evidence to establish its Khmer citizenship. Such evidence, pursuant to the Nationality Law and the Sub-Decree on the Khmer Nationality Identity Card, may be:

- 2.2.1 an identity card issued by the Royal Government of Cambodia;
- 2.2.2 a family booklet;
- 2.2.3 a military identity card or booklet;
- 2.2.4 a passport issued by the Royal Government;
- 2.2.5 a certificate of citizenship issued by the Royal Government;
- 2.2.6 a certificate of birth;
- 2.2.7 a certificate or a Judgement of the court stating that the parents have the Khmer nationality;
- 2.2.8 a certificate of naturalization;
- 2.2.9 a certificate, document or evidence proving that the concerned person used to have Khmer nationality;
- 2.2.10 any document which could prove that such person is a Khmer citizen; and
- 2.2.11 in the absence of any document, the testimony of two registered voters from the same polling division.

3. THE ESTABLISHMENT OF REGISTRATION STATIONS

- 3.1 A registration station shall be established or scheduled to open in each polling division throughout the period of registration or for a limited time, depending on the circumstances, as determined by the National Election Commission.
- 3.2 A registration station may be permanent or mobile.
- 3.3 A permanent registration station is a station established in a polling division at a certain location for the whole period of registration.
- 3.4 A mobile registration station is a station established to move from village to village, within a polling division or from a polling division to another, depending on the geographic and voter's populations factors.

3.5 The list and location of the registration stations shall be published and posted at the same time the registration period is determined by the National Election Commission.

3.6 The mobile registration stations shall publish and post the calendar of the visits to be made at the various assigned villages or locations; the Commune Election Commission shall cause this calendar to be posted in those villages and locations.

4. THE COMPOSITION OF THE REGISTRATION STATION

4.1 Each registration station shall consist of three members if there is no photo taken: a president, a vice-president and a secretary; or five members if there are photos to be taken: a president, a vice-president, a secretary, a photographer and a clerk/interviewer.

5. HIRING, APPOINTMENT, TRAINING AND FEES OF THE REGISTRATION STATION MEMBERS

5.1 To be recruited as a member of a registration station, a person shall

5.1.1 qualify as a voter for this polling division;

5.1.2 shall read and write the Khmer language;

5.1.3 successfully pass the annexed competence test (See Annex xxx);

5.1.4 be available for training and for the period of registration as determined by the National Election Commission;

5.1.5 be known for his integrity, honesty and respect of law and order;

5.1.6 not be a member of the RCAF or the Police Forces;

5.1.7 not be a member of the Provincial, District and Commune Peoples Committees;

5.1.8 not be a judge;

5.1.9 not be an official from a political party (an official means chairperson, vice-president, secretary, treasury, advisor, member of a steering committee).

- 5.2 The membership of a political party does not preclude a person to be recruited as a member of a registration station.
- 5.3 Special consideration shall be given to previous electoral experience in the selection of the members of the registration stations.
- 5.4 The selected candidates shall received an appointment letter and signed a contract with the National Election Commission, which contract shall determine the duties, the working conditions, the duration of the employment, the penalties for misbehavior and the fee.
- 5.5 The registration officers shall received as compensation a weekly lump sum which includes food and travel, as follow:
 - 5.5.1 President :
 - 5.5.2 Vice-president :
 - 5.5.3 Secretary :
 - 5.5.4 Photographer :
 - 5.5.5 Clerk/Interviewer :

6. DUTIES OF THE REGISTRATION STATION MEMBERS AND REPLACEMENT

- 6.1 The registration team is responsible for the operation of the registration station according to the regulations and procedures determined by the National Election Commission as set in this document. The registration team, as a whole, shall:
 - 6.1.1 respect the law , regulations and procedures for registration;
 - 6.1.2 take a neutral stance during the operations;
 - 6.1.3 attend the training sessions;
 - 6.1.4 fully understand and master the procedures;
 - 6.1.5 learn how to fill the proper forms and reports
- 6.2 The duties and responsibilities of the President are:

- 6.2.1 to secure the registration station;
 - 6.2.2 to control the number and quality of the registration materials;
 - 6.2.3 to secure the registration materials before the opening of registration and at the closure each day during the registration;
 - 6.2.4 to layout the registration station and keep it clean;
 - 6.2.5 to control the accreditation agents and the observers;
 - 6.2.6 to supervise and control the registration of voters;
 - 6.2.7 to sign the voter's card;
 - 6.2.8 to receive and record objections and/or complaints, discuss the issues with the team members and take a decision;
 - 6.2.9 to sign and provide a copy of the refusal to register to the applicant and inform that he may appeal the decision to the Commune Election Commission;
 - 6.2.10 to sign the daily reconciliation and final report;
 - 6.2.11 to deliver the records of registration to the Commune Election Commission accompanied by the vice-president;
- 6.3 The specific duties and responsibilities of the Vice-president are:
- 6.3.1 to assist the president;
 - 6.3.2 to control the access to the registration station by allowing not more than two persons at a the same time in the station;
 - 6.3.3 to give priority to register to the elders, pregnant women, disabled persons and people traveling from another village;
 - 6.3.4 to maintain public order inside and outside the registration station;
 - 6.3.5 to assist the other team members to secure the material at the end of each registration day;

- 6.3.6 to assist the other team members to complete the daily report;
- 6.3.7 to escort the president upon delivery of the records to the Commune Election Commission;
- 6.4 The specific duties and responsibilities of the Secretary are:
 - 6.4.1 to record the information about the voters in the voters' register and fill the voter registration record;
 - 6.4.2 to complete the record of refusal to register;
 - 6.4.3 to keep record of objections and complaints;
 - 6.4.4 to complete the daily reconciliation report on registration;
 - 6.4.5 to complete the final report on registration;
 - 6.4.6 to carry other duties required by the law or regulations as directed by the president.
- 6.5 The specific duties and responsibilities of the photographer are:
 - 6.5.1 to assemble the tripod, camera and flash unit in accordance with the Camera User Guide;
 - 6.5.2 to operate the camera to provide photographs for the voter's registration card;
 - 6.5.3 to cut the photographs at the required size and pass it to the Clerk/Interviewer;
 - 6.5.4 to use the photographic material solely for the registration;
 - 6.5.5 to maintain the photographic equipment in good order;
 - 6.5.6 to carry other duties required by the law or the regulations as directed by the president
- 6.6 The specific duties and responsibilities of the clerk/interviewer are:
 - 6.6.1 to interview the applicant to determine whether the applicant is entitled to register;

- 6.6.2 to fill the voter registration card according to the record filled by the Secretary;
 - 6.6.3 to affix the photographs on the card;
 - 6.6.4 to insert the voter's card in the plastic pouch;
 - 6.6.5 to carry other duties required by the law or the regulations as directed by the president.
- 6.7 A registration officer shall be replaced immediately by the Commune Election Commission if:
- 6.7.1 he violates the law or the present regulations or the procedures;
 - 6.7.2 he doesn't comply with an instruction from the National, Provincial or Commune Election Commission pursuant to article 34;
 - 6.7.3 it is proved that he is a member of the RCAFor the Police Forces or an official from a political party;
 - 6.7.4 he is not available so that the registration operations are disturbed;
 - 6.7.5 he is sick or unable to perform his normal duties as prescribed by these regulations and procedures;
 - 6.7.6 he commits a criminal offense during the course of his duties and is charged accordingly;
 - 6.7.7 he actively engaged in public political activities.
- 6.8 The president shall report immediately such reprehensible behavior of a registration station member to the Commune Election Commission for action.
- 6.9 If the president is guilty pursuant to paragraph 6.7, the other members shall cause the situation to be reported to the Commune Election Commission as soon as practicable.
- 6.10 If one of the precedent violations implies criminal activity according to the law, the National Election Commission shall defer the offender to the court.
- 6.11 If a judgement of the court convicts the offender, this person shall be stripped from his right to vote pursuant to article 32 of the Commune Election Law and the appropriate Election Commission shall cause his name to be deleted from the voters'

register and his voter's card confiscated.

7. RIGHTS AND DUTIES OF CANDIDATES, CANDIDATE'S AGENTS, OBSERVERS AND JOURNALISTS

- 7.1 The Commune Election Law allows for the appointment of agents and observers to monitor the voter registration process and to question the qualification of an applicant to register pursuant to article 75A.
- 7.2 All agents are to be appointed by a registered candidate. Each registered candidate is entitled to have one agent at each registration station, unless the available floor space is too small to accommodate all the agents. In this case the President shall convene a meeting of the candidates and direct them to appoint a number of agents to be rotated during the registration hours.
- 7.3 In order for agents to gain entry to a registration station they will need to show their copy of the appointment form as specified by these regulations and procedures (See Annex xxx).
- 7.4 The Appointment Form has four parts. These forms will be made available to a registered candidate by the Commune Election Commission upon acceptance of the candidacy.
- 7.5 On completion of the form the registered candidate will retain the original copy (white). The agent will then deliver the other three copies to the Registration Station President.
- 7.6 The Registration Station President will give the agent the second copy (blue) to gain access to the registration station and must advise agents that they will not be allowed to monitor the registration process without showing their copy of the appointment form.
- 7.8 The third copy (yellow) is forwarded to the Commune Election Commission in accordance with the Electoral Law. The fourth copy (pink) is retained on a file of appointed agents for use by the Station.
- 7.9 As agents can monitor the process and question the entitlement of registered voters they are to be positioned immediately behind the registration station members where they can observe the whole process without interfering with the registration station members or the flow of applicants through the registration station.

7.10 Rights:

- 7.10.1 A candidate or an agent has the right to question information contained in any sworn statement relating to the qualifications for registration.
- 7.10.2 An agent can ask questions regarding the age of an applicant, and the place of birth of the applicant's parents.
- 7.10.3 An agent has the right to inspect any document produced by an applicant when applying for registration.
- 7.10.4 An agent has the right to accompany the election officials when the records of voters are being delivered to the Commune Election Commission or the Provincial Election Commission.
- 7.10.5 Only one agent from each registered candidate has the right to be present at the registration station (point) at any given time.

Note A decision shall be made to allow parties to observe the registration of voters because at that time no candidate would be registered yet.

7.11 Responsibilities:

- 7.11.1 A candidate or his agent may observe proceedings at the registration office, and must not interfere with the registration process. The Registration Station President has the power to order the removal of any agent who may be interfering in the registration process.
- 7.11.2 A candidate or an agent must display such identification as is determined by the National Election Commission.
- 7.11.3 An agent must bring three copies of the Appointment Form signed by the candidate or his authorised office bearer and give them to the Registration Station President in order to be admitted to the registration station.
- 7.11.4 An agent will be admitted to a registration station only after showing his or her copy of the Appointment Form which he should keep on his or her person and produce when asked to do so.

7.11.5 An agent must have completed the declaration of secrecy at the bottom of the Appointment Form before he is allowed entry to a registration office.

7.12 International organisations, national and international non-governmental organisations may apply to the National Election Commission to be registered to send representatives to participate as observers at registration stations pursuant to article 75A of the Commune Election Law.

7.13 Each of these organisations shall apply in the following form:

- fill an application form requesting to be registered as an organisation to observe the electoral process in Cambodia (See Annex xxx);
- provide the name, address, phone, list of board members, objectives and goals of the organisation;
- provide the number of observers to be sent as representatives of the organisation;
- sign a commitment to comply with the International and National Election Observation Regulations as determined by the National Election Commission;
- provide a deployment schedule for the observers.

7.14 Observers have rights and responsibilities.

7.15 Rights:

- Observers, once accredited by the NEC, have the right of freedom of movement on the territory of the Kingdom of Cambodia;
- Observers have the right to obtain the list of the location of the Registration Stations;
- Observers have the right to access the registration stations;
- Observers have the right to observe the proceedings;
- Observers can ask questions regarding the age of the an applicant and the place of birth of the applicant's parents;

- Observers have the right to inspect any document produced by an applicant when applying for registration;
- Observers have the right to accompany the election officials when delivering the records of voters to the Commune Election Commission or the Provincial Election Commission;
- Observers have the right to be present at any meeting of the Election Commissions convened to deal with appeals of refusals and complaints
- Observers have the right to talk freely with any potential elector.

7.16 Responsibilities:

- Observers shall not interfere with the registration process. The Registration Station President has the power to order the removal of any observer who may be interfering in the registration process;
- Observers must display such identification as is determined by the National Election Commission;
- Observers have the responsibility to introduce themselves to the Registration Station President and have their identification controlled;
- Observers have the responsibility to observe the respect of the procedures for registration;
- Observers have the responsibility to report to the respective Election Commissions any violation of the Law or the Regulations.

7.17 The journalists, unless authorized by the National Election Commission in a specific location, shall not be allowed to enter in a registration station to question or film the persons who are being registered and/or take pictures of these persons or the registration team members.

8. **SECURITY AND SAFETY, DUTIES OF THE RCAF AND POLICE FORCES**

8.1 Security, safety and good public order are the responsibilities of the security and

safety forces.

- 8.2 The National (NEC), Provincial (PEC) and Commune (CEC) Election Commissions shall organize each at their level a Sub-Commission for Security, Safety and Logistics during the electoral process.

8.2.1 The members of the Sub-Commission are:

for the Kingdom, the Co-Presidents of the National Election Commission, the Executive Secretary and the Deputy Executive Secretary, the Chief and Deputy Chief of the Operations Division of the NEC, the Commander in chief and the Deputy

Commander in chief of the RCAF or their delegates, the Chief and the Deputy Chief of the Police Forces or their delegates;

for the Province, the Co-Presidents of the Provincial Election Commission, the Executive Secretary and the Deputy Executive Secretary of the PEC, the Chief of Operations and the Deputy Chief of Operations of the PEC, the Governor and the First Deputy Governor of the Province or Municipality, the Commander of the RCAF and the First Deputy Commander, the Chief of Police and the First Deputy Chief;

for the Commune, the Co-Presidents of the Commune Election Commission, the Executive Secretary and the Deputy Executive Secretary of the Commune Election Commission, the Commune Chief and the First Deputy Commune Chief, the Commune Commander of the RCAF and the First Deputy Commander, the Chief of Police and the First Deputy Chief of the Commune.

- 8.2.2 This Sub-Commission shall be co-chaired by the Co-Presidents of the respective commissions.

8.2.3 The mandate of this Sub-Commission is:

- to develop and implement a security and safety plan for the electoral process;
- to coordinate the implementation of the security and safety plan with the Election Commissions;
- to discuss complaints concerning security/safety issues and recommend

appropriate solutions;

- to develop a Code of Conduct for the members of the Forces and Police during the electoral process;
- to monitor the security and safety situation and follow-up on any violation of the instructions by a member of the Forces or Police or Civilian Authorities;
- to insure that the instructions to the Forces and Police members are communicated, understood and respected;
- to inform the RCAF, the Police Forces and Civilian Authorities of the electoral requirements as determined by the Law;
- to prepare a plan to assist the Election Commissions for the logistics;
- to evaluate the degree of security and safety in creating a safe environment for the elections and make the necessary recommendations for action;
- to develop materials and design training sessions on the requirements of the electoral process concerning security and safety issues for the Forces and Police members.

- 8.3 No member of the RCAF or Police Forces shall enter in a registration station other than to register.
- 8.4 No armed member of the RCAF or the Police Forces shall enter in a registration station unless requested to do so by the President of the registration station or one of the Election Commissions.
- 8.5 The National Election Commission shall request the Council of Ministers and the Commands of both the RCAF and Police to issue clear instructions to all members to cooperate with the Election Commissions to create a safe environment for the elections, not to interfere in the electoral process and not to engage in public political activities.

9. REGISTRATION MATERIALS

- 9.1 Each registration station shall have:

- 600 voters registration cards (voter registration record/tear-off voter registration card)
- 1 voters register for 650 voters
- 2 fingerprint pads
- 5 ballpoint pens
- 1 security stamp
- 1 "Registration Station" sign
- 5 Tamper Evident Bags
- 3 Registration Procedures Manual
- 10 Shipment Advice Form (4 parts)
- 5 Voter Registration Reports Form (3 parts)
- 20 Daily Reconciliation Record Form
- 20 Record/Advice of Refusal Form (3 parts)
- 20 Written statement by Refused Applicant (3 parts)
- 20 Appeal of Refusal Form

Additional equipment and material for the registration and voter card with photos:

- 1 Camera/Flash/Flash Power Cord
- 1 Camera Tripod
- 1 White Plastic Backdrop
- 1 Ruler
- 1 Scissors
- 20 Batteries

- 45 Film Packs
- 1 Photo Punch
- 6 Glue Sticks
- 1 Lockable Trunk
- 2 Padlocks
- 650 Plastic Pouches*
- 6 Plastic Rubbish bags (for disposal of film waste)

* The use of simple plastic pouches without lamination will avoid the cost of the laminators and the generators.

10. OPENING HOURS AND DURATION OF THE REGISTRATION OF VOTERS

- 10.1 A Permanent Registration Station shall operate daily from 7am to 4pm, from Monday through Saturday, for the duration of the Registration, unless instructed otherwise by the Commune Election Commission.
- 10.2 A mobile Registration Station shall operate during the daylight hours according to a calendar of visits posted in the villages to be visited, as determined by the Commune Election Commission.
- 10.3 The Registration of voters shall last not more than six days per polling division, starting on Monday morning and closing on Saturday at 4pm, unless instructed otherwise by the Commune Election Commission.
- 10.4 The Registration process shall be extended in mountainous areas or any other area where in the opinion of the Commune Election Commission, circumstances are such that more time is needed to register the electors.
- 10.5 The Commune Election Commission shall cause the operation hours of the registration stations and the calendar of visits of the mobile registration stations to be posted in each polling division so that electors and candidates are informed.

11. STEPS TO REGISTER**

11.1 Upon arriving at the registration station, the applicants shall queue outside until each of them is authorized to enter in the station.

- Step 1 The applicant is directed to the photographer.
- Step 2 Once the photo is taken, the applicant is invited to go to the **Clerk/Interviewer**. A second applicant is directed to the **Photographer** and his photo taken. Immediately after the film processing, the **Photographer** cuts out each photo with the photo punch and passes the first photo to the **Clerk/Interviewer**.
- Step 3 The **Clerk/Interviewer** determines if the applicant is entitled to register by asking the name and an identity document.
- Step 4 Once the **Clerk/Interviewer** has established the identity of the applicant, he inquires about the year of birth; if the answers provided seem reasonable and prove that the applicant is old enough to register, then he proceeds to determine whether or not he is a "Khmer person" by asking the following questions:
- Step 5 Q1: Do you have a document proving your Khmer citizenship?
 If the answer is no, ask Q2 and Q3. If the answer is yes and the document proves valid after examination, the applicant is entitled to register.

Acceptable documents giving evidence of Khmer citizenship (Sub-decree on Khmer Nationality Identity Cards):

- the birth certificate;
- the Judgement of the court which stated that such persons were born from fathers and mothers who have Khmer nationality;
- the Royal Decree proclaiming the recognition of the claim for Khmer nationality by the concerned person;
- the Royal Decree proclaiming the recognition of the application for Khmer nationality by the concerned person;
- the document or evidence proving that the concerned person was born

in Cambodia from father or mother who were born in Cambodia;

- the document or evidence proving that the concerned person used to have Khmer nationality;
- the document or evidence proving that the concerned person was born from father or mother who had Khmer nationality, or
- any document which could prove that such person is a Khmer citizen.

Q2: Where were you born?

If the answer is a place in or outside Cambodia, ask the applicant question 3.

Q3: Where was your father born and where was your mother born?

- . If either the applicant's father or the applicant's mother was born in Cambodia, the applicant is entitled to register. If the applicant is born outside Cambodia and neither his father nor his mother was born in Cambodia, unless there is a document proving their Khmer nationality, the applicant is not entitled to register.

- . If none of the candidate agents present disputes the truth of the applicant's answers to these questions, you should take the answers to be true unless:

- . you know the applicant and from your personal knowledge of him or her are certain beyond doubt that he or she has given a false answer to a question; or

- . the identity document produced by the applicant proves that he or she has given a false answer to a question.

If:

- . an agent of one or more of the candidates disputes the truth of the

applicant's answer to one of the questions; or

the applicant is genuinely unable to answer some of the questions you have asked him or her,

you must tell the applicant that you will accept that he or she is a "Cambodian person" if he or she can find two already registered voters who are prepared to make sworn statements (using Form xxx) to that effect. If two such voters make sworn statements confirming that the applicant is a "Cambodian person", you **must** accept that the applicant is in fact a "Cambodian person", and is entitled to register.

If the applicant cannot produce two voters prepared to make such sworn statements, you shall inform him that is not entitled to register and that he may appeal the decision of the Registration Station to the Commune Election Commission not more than seven days after this refusal.

Step 6

If the Clerk/Interviewer concludes that the applicant is not qualified for registration, the applicant must be referred to the **President of the Registration Station**, who will have the **Secretary** to process the paperwork arising from the

refusal of the applicant's application. The photo should be handed to the **Secretary** for safe keeping and,

- the President of the Registration Station shall:
 - inform the applicant of his right to appeal the refusal to the Commune Election Commission within seven days;
 - instruct the Secretary to provide the applicant with an Appeal Form;
 - and explain the steps to be taken.

Step 7

If the Clerk/Interviewer is satisfied that the applicant is qualified, the Secretary completes the voter registration record section by asking the applicant the appropriate questions and writing in:

- (1) Date Card Issued

- (2) Family Name
- (3) Given Name
- (4) Place of Registration (Commune and Registration Station Number)
- (5) Place of Birth
- (6) Gender
- (7) Age
- (8) Date of Birth
- (9) Place of Birth of Father and Mother

Note: More than one party may formally question an applicant's right to register.

Step 8 The Secretary returns any documentation to applicant and passes book of voter registration forms to the **Clerk/Interviewer**, after the transcription of the details in the voters register booklet.

Step 9 The Clerk/Interviewer transcribes the following details from voter registration record section to voter registration card:

- (1) Family Name
- (2) Given Name
- (3) Gender
- (4) Age
- (5) Place of Registration (Commune)
- (6) Date Card Issued

Step 10 **and** now completes the following details on the back of the voter registration record and card:

- (1) Place of Birth

- (2) Identifying Marks (record)
- (3) Registration Station Number
- (4) Identifying Marks (card)

NOTE: The Identifying Marks sections on both the record and the card should be the same.

Step 11 On confirmation of photo/voter details, the Clerk/Interviewer glues the photo to voter registration card and confirms with the applicant that the personal details and photo belong to him or her, and has the applicant sign or thumbprint the back of **both** the voter registration record and card in accordance with section 11. **

Step 12 The Clerk/Interviewer will now indicate which thumb/finger print has been marked by the applicant, by including a cross (X) in the appropriate box on the voter registration record.

Step 13 The Clerk/Interviewer now places the authorizing stamp on the bottom right side of the photo, initials it, insert the voter registration card in a plastic pouch, then ensures that the applicant is aware of the purpose of the voter registration card and issues the card.

Step 14 The newly register voter is invited to exit.

These fourteen steps are repeated until all applicants waiting to register are registered for the day.

Step 12 TAKING THE THUMBPRINT

Step 1 The applicant should place the thumb of the left hand onto the fingerprint pad or if unable another finger in the following order:

Left index finger; or Left middle finger; or Left ring finger; or Left little finger;

or Right thumb; or Right index finger; or Right middle finger; or

Right ring finger; or Right little finger.

NOTE: If this is not possible, such mark as the applicant is able to make must be taken.

Step 2 To fully ink the thumb the applicant should place the right side of the left thumb on the pad and slowly rotate his or her left thumb so that the underside of the thumb is fully inked.

Step 3 To transfer the thumbprint, the applicant should place the right side of the left thumb in the designated area, and slowly rotate the thumb pressing firmly.

Step 4 The Clerk/Interviewer should demonstrate this movement, but should not ink his or her thumb as this will spoil the voter registration record.

Step 5 The Clerk/Interviewer must ensure that a cross is placed on the appropriate box above the applicants thumbprint indicating which thumb or finger was used. If this is not possible a note should be made stating what mark the voter made.

NOTE: When the black fingerprint pad is not in use, close the lid to prevent the pad from drying out.

12. RECORDS OF THE VOTERS CARDS

12.1 Each day at the closing of the Registration Station, the President shall ensure that the Daily Reconciliation Record is filled by the Secretary and signed.

12.2 On each of the sixth day or earlier if the operations of registration in a polling division are completed, the President shall ensure that the Voter Registration Report is completed and verified against the Daily Reconciliation Records.

12.3 The President shall ensure that;

- the registration booklets containing the Voters registration records are packaged in the provided tamper evident bag;
- the bag is properly identified following the coding instructions;

- the Shipment Advice Form duly completed (4 parts) is attached to the bag.
- 12.4 The President, accompanied by the Vice-president shall deliver, each week on Sunday, the bag to the Commune Election Commission to be forwarded to the Provincial Election Commission and later forwarded on to the National Election Commission.
- 12.5 Upon reception of the voters registration records, the Commune Election Commission shall sign the Shipment Advice Form attached to the tamper evident bag and handed a copy to the President of the Registration Station to be retained and added to the Registration Station Statement.
- 12.6 The President of the Registration Station shall deliver to the Commune Election Commission the attendance sheet of the RS members to be processed by Administrative Services during the following week.
- 12.7 The voters register where are transcribed the details from the voter registration records shall stay with the registration station commission until the registration is completed.
- 12.8 Once the voters registration period completed, the President of the Registration Station shall ensure that the Final Report is completed, reconciled and signed.
- 12.9 Upon completion of the registration period, the President shall deliver to the Commune Election Commission:
- the last voters registration records;
 - the Final Voter Registration Report;
 - the Daily Reconciliation Record Forms;
 - the records of refusals;
 - the voters register;
 - the attendance sheet of the members;
 - the remaining voters registration booklets;
 - all the remaining equipment and material received (to be controlled by the Delivery Order Form).

- 12.10 The Commune Election Commission shall appoint one or more Quality Control Team(s) to visit the Registration Stations for the purpose of controlling the quality of the operations and the respect of the regulations and procedures.
- 12.11 The Quality Control Team shall advise the Registration Station President of their findings and provide him with guidance if necessary.
- 12.12 The president of a Registration Station has the responsibility to comply with the instructions of the Quality Control Team if it was found that the regulations and procedures were not respected.
- 12.12 The Quality Control Team shall report directly to the Commune Election Commission.

13. OBJECTIONS AND COMPLAINTS

- 13.1 The objections, appeals and complaints concerning the registration of persons shall be processed by the Commune Election Commission not more than seven (7) days after the appeal was lodged at the Commission Office.
- 13.2 The Commission shall decide whether to uphold or reject the appeal or objection within this period of seven (7) days.
- 13.3 At least once a week, unless there is no appeal, objection or complaint, the Commune Election Commission shall convene a meeting to deal with the appeals and complaints.
- 13.4 The date and time of meeting shall be posted three (3) days prior to the meeting; the applicant who is the object of the refusal or the defender who is the object of the objection, shall be notified of the hearing at least three (3) days prior to the meeting.
- 13.5 The public shall be entitled to be present at any meeting of the Commune Election Commission when it is dealing with an appeal, objection or complaint pursuant to article 34 of the Commune Election Law.
- 13.6 If the Commission upholds the appeal, it shall then and there direct the registration officer who refused the applicant's application to register the applicant.
- 13.7 If the registration period is closed, the Commune Election Commission shall open this registration station, register the applicant and issue a voter's card.

13.8 If the Commune Election Commission rejects the appeal, it shall;

- complete a record of the rejection, the reason for it, and the date of the rejection, in the form specified by these regulations (Annex xx);
- sign the record;
- provide a copy of the record to the appellant;
- make a record of the decision to be retained and secured at the Commission's office;
- inform the appellant that he may, in accordance with the provisions of article 34D, make a further appeal against the rejection of his appeal to the Provincial Election Commission within seven (7) days of the date of the rejection of his appeal ; and
- provide the appellant with a form specified by these regulations (See Annex xxx) to further appeal the Commission's decision.

13.9 The Provincial Election Commission shall deal with an appeal not more than seven (7) days after the date on which the appeal was lodged.

13.10 The Provincial Election Commission shall, at least once a week unless there is no appeal or complaint, convene a meeting to deal with the appeals and complaints.

13.11 The date, place and time of such meeting shall be posted three (3) days prior to the meeting and the appellant shall be notified of the hearing.

13.12 The public shall be entitled to be present at any meeting of the Provincial Election Commission convened to deal with appeals and complaints pursuant to article 34 of the Commune Election Law.

13.13 If the Provincial Election Commission upholds the appeal, it shall then and there cause the Commune Election Commission to direct the registration officer who refused the applicant's application to register the applicant and issue a voter's card according to the procedure determined by article 9.

13.14 If the Registration period is closed, the Commune Election Commission shall open this registration station to register the applicant and issue a voter's card according to the procedure determined by article 9.

13.15 If the Provincial Election Commission rejects the appeal, it shall:

- complete a record of the rejection, the reason for it, and the date of the rejection, in the form specified by these regulations (See Annex xxx);
- sign the record;
- provide a copy of the record to the applicant;
- make a record of the decision to be retained and secured at the PEC office;
- inform the applicant that he may, in accordance with the provisions of article 34E of the Commune Election Law, make a further appeal against the rejection of his appeal to the National Election Commission not more than seven (7) days after the rejection of his appeal; and
- provide the appellant with a form specified by these regulations and procedures to further appeal the PEC decision (See Annex xxx).

13.15 The National Election Commission (NEC) shall deal with an appeal and decide to uphold or reject the appeal not more than seven (7) days after the date on which the appeal was lodged.

13.15 The NEC shall convene, at least once a week, unless there is no appeal or complaint, a meeting to deal with the appeals and complaints.

13.16 The date, place and time of such meeting shall be posted and published in at least two daily newspapers three (3) days prior to the meeting and the appellant shall be notified accordingly.

13.17 The public shall be entitled to be present at any such meeting of the NEC convened to deal with the appeals and complaints pursuant to article 34E of the Commune Election Law.

13.18 If the National Election Commission upholds the appeal, it shall then and there cause the Commune Election Commission through the Provincial Election Commission to direct the registration officer who refused the applicant's application to register the appellant and issue a voter's card.

13.19 If the registration period is closed, the CEC shall open this registration station, register the appellant and issue a voter's card.

13.20 If the National Election Commission rejects the appeals, the decision is then final; and it shall:

- complete a record of the rejection of the appeal, the reason for it and the date of the rejection in the form specified by these regulations (Annex xxx);
- sign the record;
- make a record of the decision to be filed at the NEC office.

Note: For the legislative elections, a further appeal shall be the Constitutional Council if appointed by then.

14. RECORDS OF VOTERS CARDS FORWARDED TO THE PROVINCIAL ELECTION COMMISSION

- 14.1 The Commune Election Commission shall deliver to the Provincial Election Commission, once a week on Wednesday or earlier in the week if the registration is completed in this commune, the records received from the registration stations. This delivery shall be done by at least two election officials.
- 14.2 The Commune Election Commission shall identified the large tamper evident bag with the Code Number assigned to the commune.
- 14.3 The Commune Election Commission shall fill the Shipment Advice Form listing each of the registration stations for which records are being delivered and the number of records delivered.
- 14.4 Upon reception of the records from a Commune Election Commission and control of the content against the Shipment Advice Form, the Provincial Election Commission, if satisfied that all the records to be delivered are accounted for, shall sign the Shipment Advice Form and give a copy to the Commune Election Commission officials responsible for the delivery.
- 14.5 If the Provincial Election Commission finds that there is a discrepancy between the Shipment Advice Form and the number of bags and records delivered, the Commune Election Officials accompanying the shipment shall justify the discrepancy and advise immediately the Commune Election Commission.
- 14.5 If the Provincial Election Commission finds that one or more tamper evident bags have been opened, a sub-commission shall be appointed immediately to travel back to the commune with the election officials on duty to investigate the case.
- 14.5 The content of each bag tampered with shall be verified against the Control Form, the

Daily Reconciliation Report Forms and the hand written register of voters of each Registration Station involved.

- 14.6 During this investigation, the registration process shall be stopped in this polling division.
- 14.7 If the Sub-commission finds that there was manipulation of the records, the registration records of this registration station shall be canceled and a new registration started.
- 14.8 An investigation shall be opened to identify and upon sufficient evidence, the National Election Commission shall prosecute the culprits.
- 14.9 A detailed report shall be delivered to the National Election Commission.
- 14.10 The Provincial Election Commission, not later than seven (7) days after the first week of registration, shall deliver to the National Election Commission the records of voters cards received from the Commune Election Commissions. This delivery shall be done by two election officials escorted by police members.
- 14.11 The PEC shall use the special delivery bags provided, properly padlocked and sealed.
- 14.12 The PEC shall fill a Shipment Advice Form for each Commune Election Commission, listing the tamper evident bags and the number of records of voters cards delivered.
- 14.13 The National Election Commission shall, upon reception of the delivery, control that the seal number and the quantity of tamper evident bags correspond to the ones registered on the Shipment Advice Form. If the seal number and the quantity of bags correspond to the Shipment Advice Form data, the National Election Commission shall sign the Shipment Advice Form, provide a copy to the Provincial Election officials in charge of the delivery and release them.

15. RECORDS OF VOTERS CARDS DELIVERED TO THE NATIONAL ELECTION COMPUTER CENTER

- 15.1 The National Election Commission shall deliver to the National Election Computer Center the records of voters cards received from the Provincial Election Commissions to be computerized.
- 15.2 As soon as the computerization of the records progresses, the National Election Commission shall issue progressive reports on registration.

- 15.3 To monitor the respect of the regulations and procedures in the provinces as well as the progress of registration of voters, the National Election Commission shall appoint Quality Control Teams to visit the Provincial Election Commissions and quality control the registration operations.

16. PRELIMINARY LIST OF VOTERS

- 16.1 Thirty days after the closing of the registration period, the National Election Commission shall publish a preliminary list of voters for each polling division.
- 16.2 The preliminary list of voters shall be distributed to the Provincial and Commune Election Commissions immediately after its publication.
- 16.3 The Commune Election Commission, for the purpose of revision, shall post the list in a location accessible to the public within each polling division and at its office.
- 16.4 The Commune Election Commission shall inform the voters of their right to control the list of voters of the polling division within a period of seven (7) days after the list is posted and:
- report any double registration;
 - report a deceased person since registration started;
 - report a convicted registered person;
 - report an omission on the ground that the person whose name was omitted was issued a voter registration card;
 - complain on the ineligibility of a registered voter if there is evidence proving that this person was not entitled to register pursuant to article 34H.

17. OBJECTIONS AND COMPLAINTS AFTER THE POSTING OF THE PRELIMINARY LIST OF VOTERS

- 17.1 If the Commune Election Commission has evidence that a registered voter has died since registration, his name shall be deleted from the list of voters and the register of

voters pursuant to article 34J of the Commune Election Law.

- 17.2 If the CEC has evidence that a person has registered twice in two different polling divisions without ill-intention, this person shall redeem the voter registration card obtained in the polling division where he does not reside permanently.
- 17.3 The CEC shall cause the name of this person to be deleted from the register and the list of voters of the other polling division.
- 17.4 If the CEC has evidence that a person has registered twice or more in the same polling division, his voter registration cards shall be confiscated and his name deleted from the register and the list of voters; he shall also be advised of the violation of article 33 of the Commune Election Law and if convicted of the punishment prescribed by article 91.
- 17.5 If the CEC has evidence that a registered person is a convict or has been deprived of his right to vote by a judgment of the court, the Commission shall confiscate the voter registration card of this person and shall delete his name from the register and the list of voters of this polling division.
- 17.6 If a person complains that the name of a registered voter who was issued a voter registration card has been omitted from the register and that this voter can produce his voter registration card as evidence, the CEC shall add the name of this person to the register of voters of this polling division.
- 17.7 If the CEC receives a complain about a person who was registered but did not qualify, the CEC shall deal with the complaint if there is sufficient evidence to support the complaint in accordance with Chapter 13.
- 17.8 For all deletions and additions made pursuant to articles 17.1 to 17.6, the CEC shall amend immediately the records of registration voters cards and the register of voters.

**18. RECORDS OF DELETIONS AND ADDITIONS TO THE REGISTER
FORWARDED TO THE PROVINCIAL ELECTION COMMISSION AND TO
THE NATIONAL ELECTION COMMISSION.**

- 18.1 Within five (5) days of the last day of the revision, the Commune Election Commission shall deliver to the Provincial Election Commission the records of the deletions and additions to the register of voters.

- 18.2 Not more than fourteen (14) days after the period determined in article 18.1, the Provincial Election Commission shall deliver to the National Election Commission all the deletions and additions to the register of voters for each commune under its jurisdiction.
- 18.2 The National Election Commission shall quality control the deletions and additions to the register of voters transmitted by the Provincial Election Commission and validate them if proven correct.
- 18.3 The National Election Commission shall deal with all the complaints within a period of fourteen (14) days following the period determined in article 18.2.
- 18.4 The National Election Commission shall then transmit the deletions and additions to the register of voters to the National Election Computer Center.

19. AMENDMENTS TO THE REGISTER OF VOTERS

- 19.1 The National Election Computer Center shall process the deletions and additions transmitted by the National Election Commission and amend each register of voters where there are modifications.
- 19.2 If during the process, it is unveiled that a voter has registered twice because of the addition of his name, the case shall be referred to the National Election Commission for decision.
- 19.3 The National Election Computer Center shall submit to the National Election Commission a draft of the final register of voters for validation.
- 19.4 Once validated by the Commission, this register shall be the official register of voters of the Kingdom of Cambodia for the commune elections.

20. PRODUCTION OF THE FINAL LIST OF VOTERS FOR EACH POLLING STATION

- 20.1 The National Election Computer Center, following the validation of the final register of voters by the National Election Commission, shall produce the final list of voters for each polling station of the Kingdom.
- 20.2 Each final list of voters shall contain:

- the code and name of the Province, district and commune;
- the number and location of the polling station;
- the sequential numbers of the voter registration cards issued;
- the list of the names and the addresses of the voters; and
- the numbers of the voter registration card and the voter number.
- a blank column to control the number of voters casting their vote.

21. DISTRIBUTION OF THE LIST OF VOTERS

- 21.1 The National Election Commission shall publish the list of voters.
- 21.2 The lists of voters shall be distributed to each Provincial and Commune Election in four (4) copies, of which two shall be reserved to be used for polling.
- 21.3 Political parties, candidates and NGO's are entitled to obtain at least one copy of any list published under this article, on payment to the National Election Commission of a reasonable fee which is not greater than the cost of producing the copy of the list.

CHAPTER II - CANDIDACIES

1. ELIGIBILITY AND INELIGIBILITY

1.1 To be eligible to stand as a candidate, a person shall:

- 1.1.1 has the Khmer citizenship since at least five (5) years prior to the date for the declaration of candidacy; or**
- 1.1.2 has reclaimed the Khmer citizenship at least three (3) years prior to the date for the declaration of candidacy;**
- 1.1.3 be at least twenty -five years old;**
- 1.1.4 has the right to vote;**
- 1.1.5 be a permanent resident in the commune where he stands as a candidate for at least one (1) year prior to the date for the declaration of candidacy; and**

1.2 Shall be ineligible to stand as a candidate without resigning his office prior to the date for the declaration of candidacy:

- 1.2.1 a judge;**
- 1.2.2 a member of the RCAF or the Police;**
- 1.2.3 a deputy, a member of the District or Province People's Committee and any other public servant;**
- 1.2.4 anyone currently under suspended sentence from the courts for having committed a misdemeanor;**
- 1.2.5 anyone convicted of criminal offense;**

2. DECLARATION OF CANDIDACIES

- 2.1 A person who stands as a candidate shall make his declaration of candidacy with the Provincial Election Commission not earlier than eighty five (85) days and not later than seventy five (75) days before the day of the Election, in the form prescribed hereafter.**

- 2.1.1 The Commune Election Commission shall provide a person who wish to stand as a candidate, with the necessary Forms contained in the Candidate Kit printed and distributed by the National Election Commission.
- 2.1.2 A candidate must fill the Form of Declaration of Candidacy provided by the National Election Commission (See Annex xxx);
- 2.1.3 A candidate must obtain the support of 25 registered voters of the commune where he intends to run by providing their names, voter cards number and signature or thumbprint on the Form attached to the declaration of candidacy (See Annex xxx);
- 2.1.4 A candidate must attach to his declaration form the following:
 - 2.1.4.1 a copy of his birth certificate or other document certifying his birth;
 - 2.1.4.2 a curriculum vitae;
 - 2.1.4.3 two recent passport size color photos (x);
 - 2.1.4.4 a certificate of residence in accordance with paragraph 1.1, (1.1.5) of the article 1, signed and sealed by the Village, Commune or District Chief, a Judge on the form provided by the National Election Commission (See Annex xxx);
 - 2.1.4.5 a personal declaration on the Form provided in the Kit, stating that he has never been found guilty of criminal offense;
 - 2.1.4.6 a receipt issued by the National Treasurer for a deposit of 100,000 riels;
- 2.2 The Provincial Election Commission shall issue a receipt of declaration of candidacy upon deposit of the declaration stating which documents were deposited, the date of the declaration and the signature of the Provincial Election Commission President and Vice-President.
- 2.3 The Provincial Election Commission shall, not more than five (5) days after the date of the deposit of the declaration, issue a notification in five (5) copies to the candidate, of the acceptance or rejection of his candidacy.

- 2.4 If the PEC rejects the declaration of candidacy pursuant to article 2.2, such notification shall contain the reasons for the rejection, the date, and the signature of the President and Vice-President of the Commission; and
- 2.4.1 the PEC shall attached to the notification, a notice on the right to appeal the decision, the period of appeal and an Appeal Form (See Annex xxx); or
- 2.4.2 if the declaration was rejected for a technical reason on the ground that one of the required documents was missing, a notification to provide the PEC with the document before the end of the period of appeal as determined by article 3 shall be attached to the notification;
- 2.4.3 if the candidate whose candidacy was rejected pursuant to the above paragraph 2.4.2, provides the PEC with the missing document, the Commission shall reissue a notification of acceptance.
- 2.5 The PEC shall sent a copy of the acceptance or rejection of candidacy to the Commune Election Commission and to the National Election Commission.
- 2.6 The PEC shall make records of all the declarations of candidacy in the form prescribed and transmit them to the NEC within five (5) days of the end of the period of declarations of candidacy.
- 2.7 The National Election Commission shall immediately, after receiving the records of the declaration of candidacies, sent them to the National Election Computer Center to be computerized.
- 2.8 The National Election Commission on the 34 day prior to the date of the Election shall transmit to the National Election Computer Center the final list of candidates for the Commune election.
- 2.9 The National Election Commission shall, not later than 30 days prior to the date of the Election post and publish the final list of candidates for each commune.
- 3. POSTING OF THE PRELIMINARY LIST AND PHOTOGRAPHS OF CANDIDATES**
- 3.1 The PEC shall cause the Commune Election Commission to post at the CEC office, the preliminary list and photographs of the accepted and rejected candidacies not later than five (5) days after the last day for the declaration of candidacy.

3.2 This list shall stay posted until replaced by the final list.

4. APPEALS AND OBJECTIONS

4.1 The candidate whose candidacy has been rejected by the Provincial Election Commission may appeal the decision of the PEC not later than five (5) days after the posting of the list of candidacies at the Commune Election Commission office, that is fifty 50 days before the date of the election, in the form prescribed hereafter.

4.2 A voter registered in a commune may object to the candidacy of a person who stands as a candidate for this commune if he:

4.2.1 fills the Objection Form (See Annex xxx);

4.2.2 provides evidence that the candidate does not qualify or is not eligible pursuant to article 1 of this Chapter.

4.3 A failure on the part of a voter to fulfill the requirements of the above article 3.2, shall cause the Provincial Election Commission to reject the objection.

4.4 A candidate whose declaration of candidacy was rejected may appeal by ;

4.4.1 filling the Appeal Form provided by the PEC;

4.4.2 stating the reasons why he appeals the decision of the PEC;

4.4.3 attaching a copy of the declaration of candidacy, the required documents attached to it, the receipt of declaration of candidacy to the PEC and a copy of the notification of the rejection.

4.5 The National Election Commission shall, not later than ten (35) days before the date of the election, reject or uphold the appeal.

4.6 The NEC shall notify the appellant of the date, time and place of hearing of his appeal three days prior to the hearing.

4.7 If the NEC upholds the appeal, it shall issue a notification to the appellant and shall sent a copy to the Provincial Election Commission.

4.8 The NEC shall direct the Provincial Election Commission to include the appellant on the list of the accepted candidates and to cause the Commune Election Commission to post the notification and to add his name to the list of accepted candidacies.

4.9 If the NEC rejects the appeal, the decision is final, and it shall;

4.9.1 complete a notification of rejection of appeal, the reason for it and the date of rejection in the form specified by these regulations (See Annex xxx);

4.9.2 sign the notification;

4.9.3 provide a copy to the appellant;

4.9.4 make a record of the decision to be retained and filed at the Commission's office;

4.9.5 sent a copy of the decision to the Provincial and Commune Election Commissions.

5. POSTING OF THE FINAL LIST AND PHOTOGRAPHS OF THE CANDIDATES

5.1 The Provincial Election Commission shall cause the Commune Election Commission to post the final list of candidates and their photographs at the CEC office not later than 25 days prior to the date of the Election.

5.2 The final list of candidates and their photographs shall stay posted at the CEC office until three days before the date of the election.

5.2.1 The CEC shall then retrieve the final list of candidates and their photographs and shall file it at the Commission's office.

6. SECURITY AND SAFETY

6.1 Each person standing as a candidate is entitled to security and safety as stipulated in Chapter III, article 32 of the Constitution of the Kingdom.

6.2 If a person standing as a candidate can provide evidence or have serious reason to believe that his security is threatened, he shall complain to the Commune Election Commission immediately.

6.3 The CEC shall, immediately after receiving such complaint, cause the Security Forces to protect this person on a 24 hour basis and open an investigation.

- 6.4 The CEC shall convene a meeting of the Sub-Commission for Security and Logistics to deal with the complaint and take whatever action is necessary to provide security to this person.
- 6.5 Shall the investigation provide evidence of individuals involved in threatening the security and safety of a candidate, the CEC shall immediately appear before a Judge to obtain a warrant directing the police to arrest this or these individuals.
- 6.6 Such individuals shall be charged pursuant to articles 60 and 94.

7. DUTIES OF THE RCAF AND POLICE FORCES

- 7.1 The RCAF and Police members shall be responsible in cooperation with the Election Commissions and the Civilian authorities to create a safe environment for the Election.
- 7.2 The RCAF and the Police Forces shall be responsible to ensure the security and safety of all the candidates in the commune of under their jurisdiction.
- 7.3 The RCAF and Police Commanders shall participate in the Sub-Commission for Security, Safety and Logistics and shall cooperate fully with the Election Commissions.
- 7.4 The RCAF and Police Commanders and Officers shall attend briefing sessions on the electoral requirements during the electoral process.
- 7.5 The RCAF and Police Commanders shall instruct all the officers in charge to organize briefings sessions for their members with the Election Commissions.
- 7.6 The RCAF and Police Commanders shall instruct the officers to monitor the conduct of the members of their respective Forces relating to the candidates and the basic freedoms in accordance with article 5.
- 7.7 Complaints against any officer or member of the RCAF and/or Police pursuant to article 5 shall be investigated immediately by the Commune Election Commission and a detailed report addressed to the Provincial and National Election Commissions and the Provincial and National Sub-Commissions for Security, Safety and Logistics. .
- 7.8 If evidence was found proving the complaint, the National Election Commission shall

request the Ministry of Defense and the Ministry of the Interior to arrest the offenders and to authorize their immediate prosecution.

CHAPTER III - CAMPAIGN

1. OPENING, DURATION AND ACTIVITIES OF THE CAMPAIGN

1.1 The campaign shall open twenty (20) days before the date of the election.

1.1.1 The campaign shall last for seventeen (17) days.

1.1.2 The campaign shall close three full days before the date of the election.

1.1.3 No campaign activity is allowed during the three days prior to the election day and the election day. The campaign activities are defined as:

1.1.3.1 public political meetings;

1.1.3.2 public parades or marches or rallies by pedestrians or vehicles to support a candidate and or a candidate platform, or protest against a candidate or a candidate platform;

1.1.3.3 radio or TV broadcast supporting a candidate or a candidate platform or protesting against a candidate or a candidate platform;

1.1.3.4 broadcast of publicity or jingles by loudspeakers or radio-cassette in a way that the population can hear the messages;

1.1.3.5 broadcast of publicity by videocassette in the public video shop;

1.1.3.6 posting of posters in public places or in places where any passing by person can see them;

1.1.3.7 distribution of leaflets;

1.1.3.8 distribution or sale of caps, T-shirts, badges or any other article printed, painted or produced to support a candidate;

1.1.3.9 installation of banners and erection of advertisement panels;

1.1.3.10 marching or static bands advertising a candidate or singing

campaign songs or playing campaign jingles;

1.1.3.11 playing a candidate jingle;

1.1.3.12 canvassing from door to door by a candidate or his supporters.

1.2 Individual canvassing does not constitute a campaign activity during the days mentioned in the above article 3.1.1.

1.3 To transport voters to a polling station or to offer transportation does not constitute a campaign activity.

1.4 To wear clothes (T-shirt, cap) displaying logos, messages or a candidate photograph does not constitute a political activity except in a polling station during the vote.

1.5 Civil, military, police and court officials in office shall not participate actively in campaigning for the commune elections. Active participation is defined as:

1.5.1 a member of a candidate steering or campaign committee;

1.5.2 a participant in a march, rally or a parade supporting a candidate;

1.5.3 display of posters or other election materials to support a candidate;

1.5.4 canvassing for a candidate;

1.5.5 driving the vehicle of a candidate;

1.5.6 distribution of material supporting a candidate;

1.5.7 public statement supporting a candidate.

1.5.8 playing through loudspeakers a candidate jingle and/or song and/or messages supporting a candidate.

1.6 A civil, military, police off duty and court official in office who attends a public meeting without displaying any support for a candidate is not considered an active participation pursuant to article 1.5.

1.7 The Commune Election Commission shall, before the opening of the campaign, cause the Sub-Commission for Security, Safety and Logistics through the Civilian, Military and Police district and commune authorities to instruct those officials above listed in

article 1.5, on their duties and neutral stance regarding campaigning.

1.8 The CEC shall organize weekly meetings with the candidates.

2. CODE OF CONDUCT

2.1 Candidates shall abide by the following Code of Conduct:

2.1.1 All candidates shall respect the Commune Election Law and the other laws;

2.1.2 All candidates shall adopt a noble moral attitude;

2.1.3 All candidates shall respect the Regulations and Procedures enacted by the National Election Commission;

2.1.4 All candidates shall act by the principles of human rights and democracy as stated in the Chapter III of the Constitution of the Kingdom;

2.1.5 No candidate shall cause and, or instruct his supporters to tear off the posters of other candidates.

2.1.6 No candidate shall encourage the use of violence or intimidation during the campaign.

2.1.7 No candidate shall offer money or goods as an attempt to buy support and later votes.

2.1.8 No candidate shall threaten or intimidate directly or indirectly any person to gain support or to discourage this person from supporting other candidates. A treat may be identified as oral, written or physical such as:

2.1.8.1 a direct or indirect oral or written message containing death treat, physical abuse threat or destruction/damage property treat;

2.1.8.2 a direct or indirect oral or written message promising punishment;

2.1.8.3 a simple or aggravated assault on a person;

2.1.8.4 a verbal assault promising physical abuse;

2.1.8.5 display or use of a weapon to intimidate;

- 2.1.8.6 oral or written message referring to a past action where a person was killed or beaten or abused or his property destroyed or damaged;
- 2.1.8.7 shooting over the head of a person, or over his house, or his vehicle or anywhere around this person;
- 2.1.8.8 laying in front of the house of a person a dead animal or any symbol or object which can lead the person to fear for his life or the life of his relatives or create a fear;
- 2.1.8.9 escorting a person against its will so that he feels unsafe or is afraid for his safety or the safety of his relatives.
- 2.1.8.10 use of body language displaying threatening gestures.

3. PUBLICITY

3.1 Pursuant to article 58, the candidates and supporters may use, as publicity:

- 3.1.1 campaign leaflets;
- 3.1.2 the press (ads, cartoons, press release, messages, logos);
- 3.1.3 radio and television;
 - 3.1.3.1 messages;
 - 3.1.3.2 jingles;
 - 3.1.3.3 open lines;
 - 3.1.3.4 debates;
 - 3.1.3.5 music;
 - 3.1.3.6 interviews, live or recorded;
 - 3.1.3.7 plays.

3.1.4 other means, as referred to in the campaign activities above, and:

3.1.4.1 theater sketches and plays;

3.1.4.2 balloons;

3.1.4.3 printed materials like posters, T-shirts, caps, sarang, badges, pins, bumper stickers, banners.

3.2 A candidate can pay for his publicity in the newspapers, on radio or television.

3.3 Free access to the media must be granted on an equal basis.

3.3.1 During the Election campaign, the National Election Commission shall request the directors of newspapers, radios and televisions to prepare and submit a plan to publish campaign information on an equal basis.

3.3.2 As soon as the final list of candidates is published, the NEC shall provide each newspaper, radio and television stations with a copy.

3.4 All election material printed or published by a candidate shall contain the identification of the candidate (Name and address).

4. PUBLIC MEETINGS

4.1 Managers of concert halls, sport centers and public grounds must make their place available to candidates who have requested its use for campaigning purposes on a basis of equality.

4.2 Similarly to article 4.1, commune halls must be made available to each candidate in a commune who requests it, on an equal basis. To this effect and for each facility available in the commune, the Commune Election Commission shall:

4.2.1 Three days before the opening of the campaign, the Commune Election Commission shall organize a draw to determine the order of access for each candidate;

4.2.2 The CEC shall write the name of each candidate on a paper of the same size, fold the paper in two in a way the name is inside the fold and put the papers in a container.

4.2.3 A monk shall be invited or in the case of non availability of a monk, an official

to draw the names of the candidates.

4.2.4 The NEC shall write down the order in which the names are drawn and this order shall be the order in which the candidates will have access to the commune hall for a public meeting.

4.2.5 The NEC shall convey to the Commune authorities the order of the draw and shall request the validation of the list. The same operation shall take place with each manager of a concert hall, a sport center or a public ground.

4.2.6 The NEC shall notify each candidate giving the date and time of his access to the hall or any other facility.

4.2.7 A candidate does not have to notify the CEC for these specific public meetings but has to advise the Commission of his intention to use the facility three days in advance of the public meeting.

4.3 A candidate who wants to organize a public activity, other than the public meetings mentioned in articles 4.1 and 4.2 in a commune shall notify the Commune Election Commission at least 72 hours in advance of the day on which the activity will take place. A public activity is defined as an activity opened to the general public such as:

4.3.1 a people or vehicles rally;

4.3.2 a public meeting;

4.3.3 a march;

4.3.4 a concert or dance;

4.3.5 a theater play which script supports a candidate or the program of a candidate;

4.3.6 a parade.

5. SECURITY AND SAFETY; DUTIES OF THE RCAF AND POLICE FORCES

5.1 All candidates have equal rights to security and safety during the campaign.

5.2 The RCAF and Police members shall not participate in campaigning for the commune elections.

- 5.3 The RCAF and Police members shall not support publicly a candidate.
- 5.4 The RCAF and the Police members have the duty and the responsibility to create a safe environment for the elections.
- 5.6 The RCAF and the Police members have the duty and the responsibility to ensure that all candidates have equal rights to security and safety while campaigning.
- 5.6 The RCAF and the Police members shall not participate in any public campaigning activity in uniforms at any time.
- 5.7 The RCAF and the Police members shall not participate in any campaigning activity while on duty.
- 5.8 The RCAF, the Police and the Militia shall not participate in any campaigning activity with their service weapon.
- 5.9 The RCAF, the Police and the Militia, unless requested by the candidate or the Election Commission, shall restrain from standing close to a facility or ground where a campaign activity is being held.
- 5.10 During the campaign, the Commune Election Commission shall monitor daily, through the Sub-Commission for Security, Safety and Logistics, the degree of security and safety in the commune.
- 5.11 The Commune Election Commission shall, through the Sub-Commission distribute to the RCAF, Police and Militia members, clear instructions co-signed by the Ministers of Defense, the Ministers of the Interior and the respective National Commanders of each Force.

6. COMPLAINTS

- 6.1 Any person who has evidence that a candidate or another person has allegedly violated one the above campaign regulations and procedures may complain to the Commune Election Commission. Evidence of an alleged violation is considered as:
 - 6.1.1 a witness to the violation;
 - 6.1.2 the names of the persons charged with violation of the regulations;
 - 6.1.3 samples of the materials;

6.1.4 a description of the alleged violation;

6.1.5 the date, time and place of the alleged violation.

6.2 The Commune Election Commission shall examine the complaint immediately and shall decide on its admissibility in accordance with the Law and the Regulations & Procedures. If the opinion of the Commission, there is no ground for a complaint, the Commission shall refuse to receive the complaint and shall:

6.2.1 complete a record of the refusal to proceed with the complaint, the reason for it, and the date of the refusal;

6.2.2 sign the record;

6.2.3 provide a copy to the complainer;

6.2.4 retain and secure a copy of the refusal.

6.3 If the Commission, following the preliminary examination of the complaint, concludes that there are grounds to proceed with the complaint, it shall open immediately an investigation and convene a meeting of its members to deal with the complaint within three days of the date the complaint was lodged.

6.3.1 The date, time and place of the meeting shall be posted at the Commune Election Commission office;

6.3.2 Members of the public shall be entitled to be present at such meeting;

6.3.3 The person who has lodged the complaint shall be notified at least one (1) full day prior to the meeting;

6.3.4 The alleged offender and the witnesses shall be summoned to the hearing;

6.3.5 After hearing the complainer, the witnesses and the alleged offender, the Commission shall decide on the evidence gathered to uphold or reject the complaint.

6.3.6 If the complaint is rejected, the Commission shall:

6.3.6.1 complete a record of the rejection, the reason for it and the date of the rejection;

- 6.3.6.2 sign the record;
 - 6.3.6.3 provide a copy of the record to the complainer;
 - 6.3.6.4 inform the complainer that he may, in accordance with the provisions of the Law, appeal against the decision to the Provincial Election Commission;
 - 6.3.6.5 provide an Appeal Form;
 - 6.3.6.6 retain and secure a record of the decision;
 - 6.3.6.7 communicate immediately the record of the hearing to the Provincial Election Commission.
- 6.3.7 Any person whose complaint has been refused under article 6 and who desires to appeal against such rejection, may, in the manner prescribed by these regulations and procedures, and not more than three (3) days after the rejection of his complaint by the Commune Election Commission, appeal against such rejection to the Provincial Election Commission.
- 6.3.8 The Provincial Election Commission shall decide whether to uphold or reject the appeal not more than three (3) days after the date on which the appeal was received at the PEC office.
- 6.3.9 The Provincial Election Commission shall convene a meeting of its members to deal with the appeal according to article 6.3.8 and shall post a notice of the meeting containing the date, time and place.
- 6.3.10 The members of the public are entitled to be present at such meeting.
- 6.3.11 If the Provincial Election Commission rejects the appeal, its decision is final and it shall:
- 6.3.11.1 complete a record of the decision, the reason for it and the date of the rejection;
 - 6.3.11.2 sign the record;
 - 6.3.11.3 provide a copy of the record to the appellant;

6.3.11.4 retain and secure a copy of the record;

6.3.11.5 deliver a copy of the record to the National Election Commission.

6.3.12 If the Provincial Election Commission upholds the appeal, its decision is final and it shall, if the offender is a candidate:

6.3.12.1 complete a record of the decision, the reason for it and the date;

6.3.12.2 sign the decision;

6.3.12.3 provide a copy of the record to the complainant and the alleged offender;

6.3.12.4 retain and secure a copy of the record;

6.3.12.5 send immediately a copy of the record to the Commune Election Commission;

6.3.12.6 send a copy of the record to the National Election Commission;

6.3.12.7 overrule the decision of the Commune Election Commission and cause the Commune Election Commission to post the decision at the Commission office;

6.3.12.8 disenfranchise this candidate and/or cancel the votes he has received if the decision has been taken on or after polling day, if he was found guilty of violating article 2 and request the National Election Commission to suspend the right to vote of this person for five (5) years, confiscate his voter's card and delete his name from the register of voters;

6.3.12.9 issue to the candidate a warning that he may be disenfranchised and an order to comply with the Regulations within 24 hours, if articles 1.1.3, 3.4 and 4.3 were violated;

6.3.13 If the offender is not a candidate, the Provincial Election Commission shall:

6.3.13.1 complete a record of the decision, the reason for it and the date;

6.3.13.2 sign the decision;

- 6.3.13.3 provide a copy of the record to the appellant;
- 6.3.13.4 retain and secure a copy of the record;
- 6.3.13.5 send immediately a copy of the record to the Commune Election Commission;
- 6.3.13.6 send a copy of the record to the National Election Commission;
- 6.3.13.7 cause the Commune Election Commission to post the decision at the Commission office;
- 6.3.13.8 request the National Election Commission to suspend the voter's right to vote for five (5) years, confiscate his voter's card and delete his name from the register of voters, if he was found guilty of violating article 2;
- 6.3.13.9 issue to the offender (1) a warning that he may have his right to vote suspended for five (5) years, his voter's card confiscated and his name deleted from the voters register if he persists to violate these articles and (2) an order to comply with the Regulations within 24 hours, if articles 1.1.3, 3.4 and 4.3 were violated;

6.3.14 If the Commune Election Commission upholds the complaint, it shall, in the case the offender is a candidate:

- 6.3.14.1 complete and sign a record of the decision;
- 6.3.14.2 request the Provincial Election Commission to disenfranchise this candidate or cancel the votes he has received if the decision has been taken on or after polling day, if he was found guilty of violating article 2;
- 6.3.14.3 issue to the candidate a warning that he may be disenfranchised and an order to comply with the Regulations within 24 hours, if articles 1.1.3, 3.4 and 4.3 were violated;
- 6.3.14.4 provide a copy of the record to the offender;
- 6.3.14.5 inform the offender that he may appeal against the decision of the Commune Election Commission to the Provincial Election

Commission;

- 6.3.14.6 provide the offender with an Appeal Form if he wishes to appeal;
- 6.3.14.7 post a copy of the decision at the CEC office;
- 6.3.14.8 retain and secure a copy of the record;
- 6.3.14.9 deliver a copy of the record to the Provincial Election Commission.

6.3.15 If the offender is not a candidate, the Commune Election Commission shall:

- 6.3.15.1 complete and sign a record of the decision;
- 6.3.15.2 request the National Election Commission through the Provincial Election Commission to suspend the voters right to vote for five (5) years, confiscate his voter's card and delete his name from the register of voters, if he was found guilty of violating article 2;
- 6.3.15.3 issue to the offender a warning that he may have his right to vote suspended for five (5) years, his voter's card confiscated and an order to comply with the Regulations within 24 hours, if articles 1.1.3, 3.4 and 4.3 were violated;
- 6.3.15.4 provide a copy of the record to the offender;
- 6.3.15.5 inform the offender that he may appeal against the decision of the Commune Election Commission to the Provincial Election Commission;
- 6.3.15.6 provide the offender with an Appeal Form if he wishes to appeal;
- 6.3.15.7 post a copy of the decision at the CEC office;
- 6.3.15.8 retain and secure a copy of the record;
- 6.3.15.9 deliver a copy of the record to the Provincial Election Commission.

6.3.16 If the offender wishes to appeal against the CEC decision, he shall lodge the appeal not more than three days after the decision of the CEC was taken as registered on the record.

6.3.17 The same procedure specified in articles 6.3.8 to 6.3.13 shall apply for the appeal referred to in article 6.3.16.

CHAPTER IV - POLLING

1. Composition of the Polling Station Commission

1.1 The Polling Station Commission (PSC) is composed of three members: a President, a Secretary and a clerk.

1.2 The polling station



Appendix N: Law on the Election of the National Assembly

Law on the Election of the National Assembly

(Unofficial translation - 23 Sept. 1997)

N.B. This unofficial translation aims at providing a general knowledge of the draft law and must not be used as a legal document for the interpretation of the original draft.

CHAPTER 1

GENERAL PROVISIONS

- Art. 1 This law shall govern the election of the members of the National Assembly of the Kingdom of Cambodia.*
- Art. 2 The election of the members of the National Assembly shall be based on the principles of liberal democracy and the multi-party system.*
- Art. 3 The election of the members of the National Assembly shall be held on 23 May every five (5) years, except in the following circumstances:*
- (a) in cases of force majeure;*
 - (b) in the event of the dissolution of the National Assembly before the end of its mandate, in which case the elections will be held within sixty (60) days of the dissolution of the Assembly;*
 - (c) in the event of the extension of the mandate of the National Assembly in accordance with article 78, paragraph 5, of the Constitution.*
- Art. 4 The administration of the general shall be the responsibility of the National Election Commission (NEC).*

CHAPTER 2

ELECTION SYSTEM AND DETERMINATION OF SEATS

- Art. 5 (1) Members of the National Assembly shall be designated by a general election, by means of a free, universal, direct, equal and secret ballot.*
- (2) The electoral system shall be proportional, with provincial and municipal representation.*
- Art. 6 The National Assembly shall have at least one hundred and twenty (120) seats.*
- Art. 7 (1) Every third year of the mandate of the National Assembly, the Council of Ministers shall establish a Committee to determine the number of seats and allocate the to each province and municipality.*
- (2) This Committee shall be composed of:*
- (a) one representative of each political party elected in the National Assembly;*
 - (b) two representatives of the Ministry of the Interior;*
 - (c) the Director of the Institute of Statistics and Planning.*
- (3) The Committee shall elect a Chairman and a Vice-Chairman from among its members.*
- (4) The Committee shall report and submit proposals to the Government with a view to increasing or*

maintaining the number of seats, in the light of geographic, social, demographic and economic considerations.

- (5) *The Government shall determine the policy with regard to the number of seats and shall submit it to the National Assembly for approval;*
- (6) *In the absence of any decision by the National Assembly, the number of seats shall be the same as in the previous election.*

Art. 8 The number of seats in the National Assembly and the number of seats allocated to each province/municipality shall be published at least one year before the day of the general election.

Art. 9 (1) To determine the number of seats, the Committee shall, irrespective of the remainders, use the following formula :

$$\frac{P_p}{N_p} = Q_p \qquad \frac{P_a}{Q_a} = N_a \qquad \text{and} \qquad \frac{P_a}{N_a} = Q_a$$

where:

P_p represents the population at the last election of the National Assembly;

N_p represents the current number of seats in the National Assembly.

Q_p represents the population represented by each member of the National Assembly as a result of the previous election;

P_a represents the current number of citizens;

N_a represents the number of seats;

Q_a represents the quota (i.e. the number of members of the population per seat).

- (2) *to determine the number of seats in each province or municipality, the Committee shall use the following formula.*

$$\frac{P}{Q_a} = N$$

where:

P represents the population of the province or municipality.

Q_a represent the quota;

N represents the number of the new seats in province or municipality, irrespective of the remainder.

- Art 10 (1) A province or municipality whose population is lower than the quota, shall be allocated one seat.*
- (2) The Committee may recommend an increase in the number of seats in the light of geographic, social and economic considerations.*

CHAPTER 3

ADMINISTRATION OF THE ELECTIONS

- Art. 11 (1) The National Assembly election shall be administered by the National Election Commission (NEC).*
- (2) The following bodies shall be established to assist the National Election Commission:*
- (a) in principle, a Provincial Election Commission (PEC) in each province or municipality;*
 - (b) in principle, a Commune Election Commission (CEC) in each commune;*
 - (c) a Polling Station Commission (PSC) at each polling station.*
- Art. 12 (1) The National Election Commission shall be an independent and neutral body established to administer the election in accordance with the laws and regulations in force.*
- (2) The members of the National Election Commission and of all other electoral commissions shall perform their functions in a neutral and impartial manner.*
- Art. 13 (1) The National Election Commission shall be composed of:*
- (a) a Chairman, chosen from among eminent Khmer personalities;*
 - (b) a Vice-Chairman, chosen from among eminent Khmer personalities;*
 - (c) two Khmer citizens who are eligible to vote;*
 - (d) one representative of each registered political party running in the election;*
 - (e) one senior official from the Ministry of the Interior;*
 - (f) one representative of local non-governmental organizations.*
- (2) The Chairman and Vice-Chairman of the National Election Commission shall be chosen from among eminent personalities who are experienced in politics and administration.*
- (3) The members of the National Election Commission shall be nominated by the Minister of the Interior, with the approval of the Council of Ministers, and shall be appointed by Royal decree at least nine (9) months prior to the day of the election.*
- (4) The National Election Commission may request staff from the Government, as it deems appropriate, and shall establish its own secretariat.*

Art. 14 In the event of the dissolution of the National Assembly, the National Election Commission shall be

established within one week, in accordance with paragraph, in accordance with subparagraph (2) of article 3 of this law.

- Art.15 (1) If the Chairman or Vice-Chairman of the National Election Commission is a member of a political party and/or a public servant at the time of his/her appointment, he/she shall resign from the party and/or from public service for the duration of his/her mandate.*
- (2) Members and staff of provincial and Commune Election Commission who are members of a political party and/or the public service at the time of their appointment shall resign from the party and/or from public service for the duration of their mandate*
- Art.16 (1) The National Election Commission shall have the duty and responsibility to organize and manage elections.*
- (2) The National Election Commission shall be fully entitled to exercise its own competency.*
- (3) In exercising its rights, duties and responsibilities with respect to the planning, organization, management and monitoring of the poll, it shall:*
- (a) perform all the functions that it is permitted or required to perform under this law;*
 - (b) take all necessary measures to ensure that the elections are free and fair;*
 - (c) develop a master plan, a budget and an inventory of materials and equipment for the election and publish the electoral time-table;*
 - (d) appoint the Provincial and Commune Election Commissions and the polling station commissions;*
 - (e) draft the Regulations and Procedures for the election, for submission to the Government;*
 - (f) propose measures regarding security and public order during the elections;*
 - (g) monitor the administrative tasks of the electoral commissions at all levels in order to ensure that the elections are free, fair and democratic;*
 - (h) set up polling stations;*
 - (i) determine the location of the registration and polling stations*
 - (j) develop and distribute electoral materials and equipment;*
 - (k) select and appoint registration commissions and polling station commissions in accordance with the Regulations and Procedures;*
 - (l) establish a register of voter and issue voters' cards;*
 - (m) receive and decide on the applications of political party candidates for election to the National Assembly;*

- (n) *monitor the electoral campaign;*
- (o) *organize and manage the polling, counting of ballots and consolidation and announcement of the results of the elections;*
- (p) *suspend, cancel and review the right to vote;*
- (q) *cancel and restore the right to stand as a political party candidate;*
- (r) *monitor the revenue and expenditure of candidates and political parties during the election campaigning;*
- (s) *take measures to ensure equal access to the public media;*
- (t) *provide information on the electoral process to all political parties and candidates;*
- (u) *publish material on matters relating to electoral tasks;*
- (v) *promote public understanding of the electoral process by conducting voters' education and information programme and by other means;*
- (w) *prepare documents and programme and provide training for electoral officials;*
- (x) *issue accreditation cards to political party agents and to national and international observers;*
- (y) *issue the Regulations and Procedures for the election;*
- (z) *resolve all disputes within its competence, except for criminal offences which must be submitted to the courts;*
- (aa) *prevent and correct any irregularities in the electoral process.*
- (bb) *carry out such other functions as it is permitted or required to perform under this law.*

Art. 17 All the administrative structures of the National Election Commission shall be determined by internal rules in accordance with the provisions of this law and with the Regulations and Procedures.

Art. 18 (1) The members of the Provincial Election Commissions shall be appointed by sub-decree, on the proposal of the National Election Commission, from among the general population, public servants and officials of the province or municipality where they are eligible to vote, except for members of the military forces, the police, court officials, monks and ministers of religion.

- (2) *The Provincial Election Commissions shall consist of a Chairman and four (4) to six (6) other members.*
- (3) *The Provincial Election Commissions shall establish a secretariat.*
- (4) *Between elections, the National Election Commission shall designate one or two secretariat officials to maintain electoral continuity in the provinces and municipalities.*

Art. 19 The Provincial Election Commissions shall have the following duties and responsibilities:

- (a) to perform the functions that they are permitted or required to perform under this law;*
- (b) to perform such other functions and exercise such other powers as are conferred on them by the National Election Commission.*

Art. 20 (1) The members of the Commune Election Commissions shall be appointed by the National Election Commission, after consultation with the Provincial Election Commissions, from among the general population, public servants and officials of the commune where they are eligible to vote, except for members of the military forces, the police, court officials, monks and ministers of religion.

- (2) The Commune Election Commissions shall consist of a Chairman and four (4) other members.*

Art. 21 The Commune Election Commission shall have the following duties and responsibilities:

- (a) to perform the functions that they are permitted or required to perform under this law;*
- (b) to perform such other functions and exercise such other powers as are conferred on them by the National Election Commission.*

Art. 22 (1) The members of the polling station commissions shall be appointed by the National Election Commission, after consultation with the Provincial Election Commission, from among the general population, public servants and officials of the commune or district where they are eligible to vote, except for members of the military forces, the police, court officials, commune and district chiefs and deputy chiefs, administrative officials working in the commune or district, village chiefs, monks and ministers of religion.

- (2) The polling stations shall consist of a Chairman, a Vice-Chairman, a secretary and two (2) to four (4) other members, as determined by the National Election Commission.*

Art. 23 The polling station commissions shall have the followings duties and responsibilities:

- (a) to perform the functions that they are permitted or required to perform under this law;*
- (b) to perform such other functions and exercise such other powers as are conferred on them by the National Election Commission.*

Art. 24 The National Election Commission may delegate its authority or powers to the Provincial or Commune Election Commissions, to the polling station commissions or to their officials or agents for the purpose of carrying out electoral tasks.

Art. 25 No candidate for election to the National Assembly or member of the executive committee of a political party shall be a member of the National Election Commission or of any other election commission.

Art. 26 Registered political parties shall be entitled to appoint party agents from among eligible voters to observe and monitor all activities relating to the electoral process in each polling station.

Art. 27 National and international non-governmental organizations and foreign countries may appoint

representatives to observe and monitor the electoral process.

Art. 28 Registered political party agents and representatives of national or international non-governmental organizations and foreign countries who wish to observe and monitor the electoral process shall be accredited by the National Election Commission.

Art. 29 Ministries and institutions responsible for security and public order shall cooperate with the National Election Commission in the maintenance of safety, security and public order during the voter registration process and the election campaign, in accordance with the decisions and requirements of any election commission.

Art. 30 (1) The Chairman of the National Election Commission shall have the rank and privileges of a Deputy Prime minister

(2) The Vice-Chairman of the National Election Commission shall have the rank and privileges of a Minister.

(3) The other members of the National Election Commission shall have the rank and privileges of a Secretary of State.

Art. 31 (1) The compensation of members and staff of the National Election Commission and of the other electoral commissions shall be determined by the Government on the proposal of the National Electoral Commission.

Art. 32 (1) The communal electoral commissions and the polling station commissions shall continue to fulfil their functions until the announcement of the official results of the election.

(2) The provincial electoral commissions shall be dissolved within sixty (60) days of the announcement of the official results of the election, except for the chairman and vice-chairmen who shall continue in their position until new appointments have been made.

(3) The general secretariat and the secretariat of each province and municipality shall maintain electoral continuity proceeding, as determined by sub-decree.

CHAPTER 4

REGISTRATION OF POLITICAL PARTIES AND LISTS OF CANDIDATES

Art. 33 Persons wishing to stand as candidates for election to the National Assembly shall be::

- (a) Khmer nationals from birth;*
- (b) at least twenty-five (25) years of age prior to the date of the elections;*
- (c) eligible to vote;*
- (d) permanent residents of the Kingdom of Cambodia for a least one (1) year prior to the date of the elections;*
- (e) nominated by a registered political party.*

Art. 34 The following persons shall not have be entitled to stand as candidates for election to the National Assembly:

- (a) public servants, court officials, members of the military forces and police on active duty, monks and ministers of religion;*
- (b) persons convicted of a criminal offence or misdemeanour by the courts who have not been rehabilitated;*
- (c) persons whose right to vote or to stand as a political party candidate has been canceled by the courts;*
- (d) insane persons or persons in custody who are certified as such by a competent institution;*
- (e) persons whose right to vote has been suspended;*
- (f) members of the National Election Commission or of other electoral commissions;*
- (f) members of the Supreme Council of the Magistracy;*
- (h) members of the Constitutional Council.*

Art. 35 (1) Public servants, court officials, members of the military forces and police on active duty, monks and ministers of religion, members of the National Election Commission or of other electoral commissions, members of the Supreme Council of the Magistracy and members of the Constitutional Council, who wish to stand as candidates for election to the National Assembly, shall resign from their position at least seven (7) days prior to the opening of the electoral campaign.

(2) If elected, any such person shall apply to the Ministry or other body concerned to be released from his/her duties for the duration of his/her parliamentary mandate, during which period he/she shall retain his/her rights to promotion and his/her seniority for retirement purposes;

(3) At the end of his/her parliamentary mandate, he/she shall be entitled to return to his/her previous position, but his/her function shall be determined by the Ministry or other body concerned.

Art. 36 Articles 32 and 33 of this law shall be implemented in accordance with the Regulations and Procedures.

Art. 37 (1) Registration of political parties shall begin one hundred and twenty days before the polling day.

(2) To register, a political party shall submit to the National Election Commission an application in the form prescribed by it, no later than ninety (90) days before polling day, and shall provide the following documents:

- (a) copy of the certificate of registration of the political party issued by the Ministry of the Interior;*
- (b) name of the political party in full, together with its abbreviation and logo;*
- (c) address of the headquarters of the political party;*

- (d) *list of all candidates throughout the country, for election to at least one-third (1/3) of the seats in the National Assembly, and an equal number of substitute candidates;*
- (e) *names of the constituencies where the party wishes to run, and the corresponding lists of candidates, containing at least as many names as the number of seats in the National Assembly to be filled in the constituencies concerned and not more than twice that number;*
- (f) *a statement indicating the bank account into which all political party revenue shall be paid, including contributions from any source confirmed by the bank concerned in the Kingdom of Cambodia;*
- (g) *copy of the statutes of the political party or other document testifying to its legal existence;*
- (h) *a statement affirming the political party's commitment to free and fair elections, its respect of the election results, and its undertaking to adhere to the code of conduct, the electoral law and the law on political parties;*
- (i) *the list of members of the executive committee of the political party;*
- (j) *a receipt for a deposit of ten million (10,000,000) riels issued by the National Treasury, which receipt shall be returned to the party concerned in the event of its obtaining at least 2 per cent of the vote or of its winning at least one seat.*

Art. 38 The list of candidates standing in each constituency shall comprise:

- (a) *the names of the candidates in the order in which the political party determines that they shall be elected;*
- (b) *the voter registration number of each candidate;*
- (c) *a declaration by each candidate that he/she has accepted his/her nomination by the political party submitting the list.*

Art. 39 (1) Candidates shall stand under only one name and for only one constituency.

- (2) *A candidate who registers on more than one list shall lose the right to stand as a candidate even if he/she seeks to be a candidate of another political party.*

Art. 40 (1) The National Election Commission shall decide on a political party's application to be registered for the election within seven (7) days of receipt of its application form.

- (2) *If the National Election Commission decides to register a party, it shall issue a certificate to that effect to the party concerned.*
- (3) *If the party does not meet the requirements set out in articles 33, 34, 35, 36, 37 and 38 of this law, the National Election Commission shall inform the party concerned accordingly so that it can take appropriate steps.*
- (4) *The party concerned shall have ten (10) days from such notification in which to meet the said criteria.*

- (5) *If, by the expiry of that period, the completed application has not been received from the party concerned, the National Election Commission shall consider it null and void.*

Art. 41 With respect to any candidate or list of candidates rejected by it in accordance with the provisions of articles 33, 34 and 35 of this law, the National Election Commission shall:

- (a) complete the corresponding rejection form, indicating the reasons adduced and the date;*
- (b) provide a copy of the rejection form to the person and political party concerned;*
- (c) inform the person and political party concerned that, in accordance with article 42 of this law, they may lodge an appeal in writing to the Constitutional Council within seven (7) days of notification of the rejection;*
- (d) send a copy of the rejection form to the Constitutional Council for information and retain a copy for its files.*

Art. 42 (1) If any candidate or list of candidates is rejected by the National Election Commission, the person or political party concerned shall be entitled to appeal in writing to the Constitutional Council within seven (7) days of notification of the rejection.

- (2) The Constitutional Council shall examine and rule on the appeal within ten (10) days of receiving the appeal.*

Art. 43 (1) The hearing or partial hearing of the Constitutional Council to rule on the appeal shall be public.

- (2) The Constitutional Council shall make public the date, place and time of the hearing.*

Art. 44 Upon the expiry of the period for registering political parties and ruling on appeals has ended, the National Election Commission shall publish the list of the registered political parties and the list of candidates in the provinces or municipalities where the political parties are located, in accordance with the Regulations and Procedures.

CHAPTER 5

VOTER REGISTRATION AND POLLING STATIONS

Art. 45 (1) Registration centres shall be established by the National Election Commission in the communes in accordance with the Regulations and Procedures.

- (2) All registration centres other than the mobile registration centres shall become polling stations during the elections.*

Art. 46 (1) Each registration centre shall serve no more than six hundred (600) eligible voters, unless otherwise decided by the National Election Commission.

- (2) Where feasible, each registration centre shall be in a central location serving a village or group of villages where all those who have registered are able to go to vote.*

Art. 47 (1) Once determined, the names and locations of the registration centres shall be posted in a public

place

- (2) *Political parties shall be entitled to obtain copies of the list of registration centres/polling stations and their location at a cost not exceeding the cost of producing it.*
- (3) *The National Election Commission shall send a copy of the list of registration centres/polling stations and their location to the Constitutional Council.*

CHAPTER 6

VOTER REGISTRATION AND REGISTER OF VOTERS

Art. 48 (1) The register of voters in each registration centre shall be established by the National Election Commission.

- (2) *Record books shall be kept and secured at the headquarters of the Provincial Election Commission.*
- (3) *The National Election Commission shall complete the registration process at least ninety (90) days before polling.*

Art. 49 (1) The record books shall be maintained and secured on a permanent basis.

- (2) *The period of time for processing the registration of voters shall be determined by public declaration (prakas).*
- (3) *This period of time may be amended by public declaration in the light of the prevailing situation in the country, or in a particular province or municipality, commune, district or registration centre.*

Art. 50 Any Khmer citizen either sex shall be eligible to vote who:

- (a) *is of Khmer nationality;*
- (b) *was at least eighteen (18) years of age prior to the day of the elections;*
- (c) *has resided in the Kingdom of Cambodia for at least six (6) months prior the date of the elections;*
- (d) *is a registered voter;*
- (e) *is not a convict;*
- (f) *has not had his/her right to vote suspended by the National Election Commission;*
- (g) *has not been certified as an insane person or a person under custody by a competent institution;*

Art. 51 Candidates and the members of their family shall be entitled to register in their constituency, in accordance with article 50 of this law.

Art. 52 Persons of either sex shall be registered only under one name and at only one registration centre.

Art. 53 The National Election Commission shall either appoint its voter registration agents to review, or shall itself review, the register of voters in each registration centre.

Art. 54 (1) In order to register to vote, persons of either sex shall present themselves at the registration centre and produce such documentation as is stipulated in the Regulations and Procedures.

(2) In respect of any person who produces the proper documentation, the registration agents shall:

(a) register the person's name in the register of voters;

(b) record his/her name in the record book;

(c) issue a voters' card to the person concerned.

(3) In respect of any person whose name already appears in the register of voters, the registration agents shall verify only the evidence of the previous registration, after which the provisions of paragraph (2) of this article shall apply.

Art. 55 Entry into the security perimeter of the registration centre with any type of explosive or weapon shall be prohibited.

Art. 56 (1) Registration agents shall refuse to register a person if there is any evidence that he/she does not meet the requirements of articles 50 or 51 of this law.

(2) A registration agent who rejects a person's request for registration shall :

(a) complete a rejection form, indicating the reasons adduced and the date;

(b) provide the person concerned with a copy of the rejection;

(c) inform the person concerned that, in accordance with article 57 of this law, he/she or any other person may appeal to the Provincial Election Commission within five (5) days of notification of the rejection;

(d) send a copy of the rejection form to the Provincial Election Commission for information and retain one copy for the registration centre's file.

Art. 57 Any person whose application for registration is rejected by a registration agent or any other persons may appeal in writing to the Provincial Election Commission within seven (7) days of notification of its rejection.

Art. 58 (1) The Provincial Election Commission shall rule on any appeal within seven (7) days of its receipt.

(2) The hearings of the Provincial Election Commission for such appeals shall be public.

Art. 59 (1) If the Provincial Election Commission upholds the appeal, it shall instruct the registration centre concerned to register the voter in accordance with paragraph (2) of article 54 of this law.

(2) If the Provincial Election Commission rejects the appeal, it shall:

- (a) *complete the rejection form, indicating the reason adduced and the date;*
- (b) *provide the appellant with a copy of the rejection;*
- (c) *inform the person concerned that, in accordance with article 60 of this law, he/she may appeal to the National Election Commission within five (5) days of notification of the Provincial Election Commission's ruling;*
- (d) *send a copy of its ruling to the National Election Commission for information and retain one copy for its files.*

Art. 60 Any person whose appeal is rejected by the Provincial Election Commission may appeal in writing to the National Election Commission within five (5) days of notification of the Provincial Electoral Commission's ruling.

Art. 61 (1) The National Election Commission shall rule on any appeal within seven (7) days of its receipt.

- (2) *If the National Election Commission upholds the appeal, it shall direct the Provincial Election Commission to instruct the registration centre concerned to register the voter in accordance with paragraph (2) of article 54 of this law.*
- (3) *If the National Election Commission rejects the appeal, it shall :*
 - (a) *complete the rejection form, indicating the reason adduced and the date;*
 - (b) *provide the appellant with a copy of the rejection form;*
 - (c) *inform the person concerned that, in accordance with article 62 of this law, he/she may appeal to the Constitutional Council within five (5) days of notification of the National Election Commission's ruling;*
 - (d) *send a copy of its ruling to the Constitutional Council for information and retain one copy for its files.*

Art. 62 (1) Any person whose application for registration is rejected by the National Election Commission may appeal to the Constitutional Council in writing within five (5) days of notification of the rejection.

- (2) *The Constitutional Council shall rule on any appeal within ten (10) days of its receipt.*
- (3) *According to whether the Constitutional Council upholds or rejects the appeal, it shall:*
 - (a) *direct the National Election Commission to register the appellant or to reject his/her application, as the case may be;*
 - (b) *send a copy of its ruling to the appellant.*
- (4) *If the Constitutional Council directs the appellant to be registered, the National Election Commission shall instruct the registration centre concerned to register the applicant in accordance with paragraph (2) of article 54 of this law and shall send a copy of the amended register of voters of the registration centre concerned to the Constitutional Council.*

- Art. 63 (1) The National Election Commission shall, as soon as possible after end of the registration period, post the preliminary register of voters at each polling station, at the office of the Commune Election Commissions and at the office of the Provincial Electoral Commission.*
- (2) Political parties shall be entitled to obtain a copy of the register of voters at a cost not exceeding the cost of producing it.*
- Art. 62 Any person or organization may, within five (5) days of the posting of the preliminary register of voters, lodge an appeal in writing with the Commune Election Commission against the omission from the list of the name of a voter who has received a voters' card, or against the inclusion in the list of a person if he/she:*
- (a) does not meet all the requirements of article 50 of this law;*
 - (b) has registered in two or more places;*
 - (c) is awaiting a decision on his/her registration by the Provincial Election Commission, the National Election Commission or the Constitutional Council.*
- Art. 63 (1) The Commune Election Commission shall rule on any appeal within three (3) days of its being lodged.*
- (2) If the appeal is sustained, the Commune Election Commission shall direct that the name of the person concerned be included in the register of voters in accordance with paragraph (2) of article 54 of this law or, as the case may be, that the name be deleted from the register of voters and record book and the person's voters' card be confiscated.*
 - (3) If the appellant or the person impugned is not satisfied with the ruling of the Commune Election Commission, he/she or his/her representative may make a further appeal in writing to the Provincial Election Commission within five (5) days of notification of the ruling.*
 - (4) The Provincial Election Commission shall rule on such appeals within ten (10) days of their being lodged.*
 - (5) If the appeal is sustained, the Provincial Election Commission shall direct that the name of the person concerned be included in the register of voters in accordance with paragraph (2) of article 54 of this law or, as the case may be, that the name be deleted from the register of voters and record book and the person's voters' card be confiscated.*
 - (6) If the appellant is not satisfied with the ruling of the Provincial Election Commission, he/she or his/her representative may make a further appeal in writing to the National Election Commission within seven (7) days of notification of the ruling.*
 - (7) The National Election Commission shall rule on such appeals within ten (10) day of their being lodged.*
 - (8) If the appeal is sustained, the National Election Commission shall direct that the name of the person concerned be included in the register of voters in accordance with paragraph (2) of article 54 of this law or, as the case may be, that the name be deleted from the register of voters and recordbook and the person's voters' card be confiscated.*

- Art. 66 (1) If the appellant is not satisfied with the ruling of the National Election Commission, he/she or his/her representative may make a further appeal in writing to the Constitutional Council within five (5) days of notification of the ruling.*
- (2) The Constitutional Council shall rule on such appeals within ten (10) day of their being lodged.*
- (3) If the appeal is sustained, the Constitutional Council shall:*
- (a) direct the National Election Commission to register or, as the case may be, refuse to register the appellant or the person concerned:*
 - (b) send a copy of its ruling to the appellant or person concerned.*
- (4) If the decision of the Constitutional Council requires the appellant or the person concerned to be registered, the National Election Commission shall direct the registration centre concerned to register the applicant in accordance with paragraph (2) of article 54 of this law, and shall send the amended register of voters of that registration centre to the Constitutional Council.*
- Art. 67 (1) The National Election Commission shall, once all objections and appeals have been resolved, post the official register of voters at the polling stations, at the offices of the Commune Election Commissions and at the offices of the Provincial Election Commissions.*
- (2) Political parties shall be entitled to obtain a copy of the register of voters at a reasonable cost not exceeding the cost of producing it.*
- Art. 68 Any person holding a deceased voters' card shall return it to the Commune Election Commission, which shall take steps to have the deceased person's name deleted from the register of voters and from the registration records and to have the voters' card destroyed.*
- Art. 69 (1) Political parties, candidates and NGOs may appoint representatives to be present at the registration centres as observers.*
- (2) Such representatives shall be accredited by the National Election Commission.*

CHAPTER 7

ELECTORAL CAMPAIGN

- Art. 70 The purpose of the electoral campaign shall be to enable the parties, through their candidates, to present their platform of policies to the voters for discussion and consideration .*
- Art. 71 (1) Political parties and their candidates shall not engage in any form of abuse, threat, intimidation or violence towards other parties or candidates.*
- (2) Political parties and their candidates shall likewise not incite the voters or their supporters to engage in any form of abuse, threat, intimidation or violence towards other parties or candidates.*
- Art. 72 The electoral campaign period and all campaign activities shall last for twenty-one (21) days and shall end at midnight on 21 May.*

- Art. 73 During the electoral campaign and on polling day all the political parties and their candidates, members and supporters shall comply with the rules, regulations, procedures and principles set out in this law and with the code of conduct of the National Election Commission and shall respect the principles of human rights and democracy enshrined in the Constitution of the Kingdom of Cambodia .*
- Art. 74 All the media, including the press, television and radio, shall, as required by the National Election Commission, make their services available at no cost for the purpose of publicising the elections and conducting electoral civic education.*
- Art. 75 The National Election Commission shall take steps to ensure that the publicity requested by each registered political party is accorded equal space or time.*
- Art. 76 In exercising their right of access to the media, political parties and candidates shall refrain from any form of violence, abuse, deception, exploitation or offensive language liable to cause alarm and thereby diminish confidence in the secrecy of the ballot .*
- Art. 77 Public theatres, stadiums, public parks and public halls shall be made available to all registered political parties and their candidates that wish to rent them for the purposes of their electoral campaign, on a basis of equal time.*
- Art. 78 (1) During the electoral campaign, political parties and their candidates who wish to rent public theatres, stadiums, public parks or public halls, in accordance with article 77 of this law, shall submit an application to that effect to the manager of the premises at least three (3) days before the scheduled meeting, with a copy to the relevant Commune Election Commission .*
- (2) Managers of such premises shall respond to the applicant within twenty-four (24) hours of receipt of the application.*
- Art. 79 Political parties and their candidates shall not conduct their campaign in private areas or halls without the consent of the owners or without notifying the Commune Election Commission .*
- Art. 80 (1) Political parties and their candidates shall refrain from interfering with or obstructing other political parties or candidates in the conduct of their campaign.*
- Art. 81 (1) All political parties and their candidates shall have an accounts book in which they shall record any income and source of funds for use in their electoral campaign .*
- (2) The National Election Commission may verify these accounts books, as it deems fit.*
- Art. 82 All contributions received by political parties and all their electoral campaign expenses shall be entered into their accounts book.*

CHAPTER 8

POLLING, COUNTING OF THE VOTES AND CONSOLIDATION OF THE ELECTION RESULTS

- Art. 83 Polling stations shall be established in accordance with article 44 of this law.*
- Art. 84 (1) Polling shall last for one day, starting at 7 a.m. and closing at 4 p.m., unless otherwise directed by*

the National Election Commission

- (2) *However, if all the registered voters in a polling station have cast their ballot before 4 p.m., the polling station commission may decide to close that polling station.*

Art. 85 The National Election Commission shall post and publish the register of voters and the location of the polling stations at least thirty (30) days before polling day.

Art. 86 Registered political parties shall be entitled to obtain copies of the register of voters and of the location of polling stations at a cost not exceeding the cost of producing it.

Art. 87 The National Election Commission shall, one day before polling day, provide each polling station with an appropriate quantity of the following polling material:

- (a) register of voters;*
- (b) ballot papers;*
- (c) ballot boxes;*
- (d) voting screens;*
- (e) indelible ink;*
- (f) seals;*
- (g) statement forms and consolidation forms;*
- (h) pens;*
- (i) printed envelopes;*
- (j) plastic badges;*
- (k) other material and equipment as required.*

Art. 88 (1) One day before polling day, the Chairman of the polling station commission shall call a meeting to verify the presence of its members, ascertain the location of the polling station and check the polling material and equipment.

- (2) Any member of the polling station commission who is not present shall be replaced by a new member, who shall be selected in accordance with the Regulations and Procedures.*
- (3) The Chairman of the polling station commission shall verify that the necessary material, equipment and furniture for the conduct of the poll are available.*
- (4) The Chairman of the polling station commission shall inspect the security at the polling station and, if necessary, shall take appropriate measures to ensure such security.*

Art. 88 (1) On polling day the members of the polling station commission shall present themselves at the polling

station one hour before polling starts, in order to make appropriate preparations.

- (2) The polling station commission shall comply with the instructions set out in the Regulations and Procedures.*
- (3) The Chairman of the polling station commission shall verify the credentials of the political party representatives and of the electoral observers before allowing them to enter the polling station.*

Art. 90 Before the start of polling, the Chairman of the polling station commission shall open the ballot boxes in the presence of its members, the political party representatives and the observers to make sure that they are empty, and shall then lock them, place numbered seals on them and record those numbers in the polling station statement.

Art. 91 Unless otherwise decided by the National Election Commission, voters shall, on production of their voters' card, record their ballot at the polling station where they are registered.

Art. 92 Members of a polling station commission whose name is on the register of voters of that polling station are entitled to record their vote first, followed by the political party representatives and national observers.

- Art. 93 (1) Voters shall cast their own vote, with only one ballot paper and on only one occasion..*
- (2) Voters shall vote by placing a mark on the ballot paper against the political party of their choice, without making any change or addition.*
 - (3) The manner of voting shall be determined by the National Election Commission.*

Art. 94 (1) Voting shall be secret.

- (2) Any attempt to discover or to reveal the manner in which a person has voted shall be prohibited.*

Art. 95 In the interests of maintaining order in the polling station, all persons shall respect the rules of the National Election Commission.

Art. 97 Handicapped voters and voters who are otherwise unable to vote by themselves may seek the assistance of the Chairman of the polling station commission, who shall direct one of its members to help them.

Art. 97 Persons in possession of a voters' card but whose name is not on the register of voters shall not be allowed to cast a vote.

Art. 98 No voter shall enter a polling station if not for voting except the persons authorized by the National Election Commission.

- Art. 99 (1) Entering a polling station with a weapon or any type of explosive and, except by a special permission of the Chairman of the polling station, entering in uniform, shall be prohibited.*
- (2) The area of the polling station shall be 2000 square metres, and the security perimeter shall be set at a distance of 200 metres from the polling station, unless otherwise decided by the National Electoral Commission..*

Art. 100 (1) Any political party representative who considers that the voting is in any way irregular may object

or complain to the Chairman of the polling station, in accordance with Regulations and Procedures.

- (2) The form of the objection or complaint shall be determined by the Regulations and Procedures.*
- (3) The Chairman of the polling station commission shall settle any objection or complaint directly.*
- (4) The Chairman's decision shall be final within the scope of his/her competency, inasmuch as the polling is conducted smoothly*
- (5) If the person lodging the objection or complaint is not satisfied with the decision of the polling station commission, it shall be recorded on the polling statement followed by the signature of the person concerned*

Art. 101 (1) The polling station commission shall, after announcing the close of polling, complete the polling statement with the number of voters who have cast their vote and the number of unused ballot papers, and shall organize the counting of the ballots at the polling station in accordance with the Regulations and Procedures.

- (2) The national and international observers and the political party representatives shall be invited to witness the ballot counting.*

Art. 102 (1) The polling station commission shall be responsible for the ballot counting.

- (2) Before opening the ballot boxes, the Chairman shall invite the members of the polling station and the observers and political party representatives to verify that the seals are unbroken, and shall open the boxes in their presence.*

Art. 103 (1) The polling station commission shall count only the ballot papers that have been placed in the ballot boxes and shall verify that this number does not exceed the number of voters indicated on the register of voters.

- (2) Should the number of ballot papers in the ballot boxes exceed the number of voter indicated, the Chairman shall organize a recount.*
- (3) If the number is still irregular, the Chairman shall note the fact on the polling statement.*
- (4) The Chairman shall then organize the ballot count in accordance with the Regulations and Procedures.*

Art. 103 (1) Any ballot paper issued by the polling station commission which has a mark against only one political party shall be deem valid.

- (2) Shall be deemed invalid any ballot paper:*
 - (a) which is not an official ballot paper;*
 - (b) which bears no mark, or regarding which, although it bears a mark, the commission is unable to determine for which political party the voter has voted;*
 - (c) which bears a mark that allows the voter to be identified;*

(d) which is damaged or torn.

- (3) In respect of points (a), (b) and (c) above, the validity of the ballot paper shall be determined in accordance with the Regulations and Procedures.

Art. 105 (1) The polling station commission shall, after the ballots have been counted, complete the ballot count statement in two (2) copies, one of which it shall send to the Commune Election Commission together with the register of voters, the valid and invalid ballot papers, the unused ballot papers, the record of appeals and complaints if any, and all other polling and counting documents, and the other of which it shall post at the polling station.

- (2) The valid and invalid ballot papers, the unused ballot papers and the record of objections and complaints, if any, shall be packed in separate envelopes

- (3) The Chairman and other members of the polling station commission shall sign the ballot count statement, which may also be signed by the political party representatives as witnesses.

Art. 106 The ballot count statement shall be delivered and received in accordance with the Regulations and Procedures.

Art. 107 Political party representatives and national and international observers shall be entitled to witness the delivery and receipt of the statement.

Art. 108 (1) The Commune Election Commission shall gather all the statements from the polling station commissions, and shall prepare a consolidated statement of the results in the commune concerned.

- (2) The Commune Election Commission (CEC) shall prepare the consolidated statement in two (2) copies, the first of which it shall send to the Provincial Election Commission together with the register of voters, the valid and invalid ballot papers, the unused ballot papers, the records of appeals and complaints, if any, and all other polling and counting documents, and the second of which it shall post at the office of the CEC:

Art. 109 (1) The Provincial Election Commission shall gather all the statements from the Commune Election Commission, and shall prepare a consolidated statement of the results in the province concerned.

- (2) The Provincial Election Commission shall prepare the consolidated statement in three (3) copies, the first of which it shall send to the National Election Commission together with the register of voters, the valid and invalid ballot papers, the unused ballot papers, the records of appeals and complaints, if any, and all other polling and counting documents, the second of which it shall post at the office of the Provincial Election Commission, and the third of which it shall retain for its files.

Art. 110 (1) If there is an appeal against the results of the election or if serious irregularities have occurred, the Provincial Election Commission shall investigate the matter and shall immediately send the statement of the consolidated results to the National Election Commission, together with a recommendation that it verify the statement and decide whether to validate the results or to organize a reelection.

- (2) Any such reelection shall be organized within eight (8) days of the National Election Commission's decision.

- (a) *make a record of its decision, of the reasons adduced and of the date;*
 - (b) *send a copy of the record to the appellant and/or the political party/ies concerned;*
 - (c) *direct the National Election Commission to reject the election results at the polling station concerned or at all polling stations and organize a new poll at that polling station or at all polling stations within eight (8) days of the decision;*
 - (d) *make its decision public and retain a copy of the record for its files.*
- (6) *If the Constitutional Council rejects the appeal, it shall:*
- (a) *make a record of the rejection, of the reasons adduced and of the date;*
 - (b) *send a copy of the record to the appellant and/or the political party/ies concerned, and to the National Election Commission;*
 - (c) *make its decision public and retain a copy of the record for its files.*

Art. 117 (1) *The National Election Commission shall, after all appeals have been resolved and all the election results have been received, including the results of any new polls, make public the official results validated by the Constitutional Council and determine the distribution of seats among the political parties for each constituency.*

- (2) *Any remaining seat shall be allocated to the political party with the most votes.*
- (3) *The name of the elected candidate shall be announced as determined by the list of candidates referred to in article 37 of this law.*
- (4) *In the event of the death or resignation of the elected candidate, the next candidate on the same list shall be selected.*

Art. 118 *The number of days for lodging and resolving appeals stipulated in chapters 4, 6 and 8 of this law shall not include official holidays.*

CHAPTER 9

DEATH, RESIGNATION OR DISQUALIFICATION OF A MEMBER OF THE NATIONAL ASSEMBLY

- Art. 119 (1)** *In the event of the death, resignation or disqualification of a member of the National Assembly more than six (6) months before the end of his/her term of office, the political party/ies concerned shall select a replacement from among the candidates whose names are on the same list.*
- (2) *A candidate who resigns from his/her party shall immediately lose his/her candidacy and shall be replaced in accordance with paragraph (i) of this article.*

CHAPTER 10

BUDGET

- Art. 120 (1) All expenses relating to national elections shall be borne by the national budget and by donations from any individuals or organization..*
- (2) The National Assembly shall approve a special budget for the national election.*
- (3) The said budget shall be submitted by the National Election Commission to the Council of Ministers and approved by the National Assembly.*
- (4) The National Election Commission shall be directly responsible for expenditure, in accordance with the procedures of the financial law.*
- Art. 121 All expenses relating to the political parties and their candidates shall be borne by them.*

CHAPTER 11

PENALTIES

- Art. 122 The National Election Commission shall sanction, by a penalty ranging from a reprimand to dismissal, any member of a voters' registration centre who:*
- (a) registers an applicant but refuses to issue him/her with a voters' card;*
- (b) knowingly registers and issues a voters' card to an applicant who is under age or who does not meet the registration requirements;*
- (c) knowingly registers and issues a voters' card to an applicant who has been deprived of his right to vote;*
- (d) prevents an eligible voter from registering;*
- (e) prevents an applicant whose name has been inscribed in the register of voters from receiving his/her voters' card.*
- Art. 123 The National Election Commission shall cancel the candidacy of any person who violates articles 33 or 34 of this law.*
- Art. 124 Irrespective of any criminal penalties and civil damages, the National Election Commission shall suspend the right to vote, confiscate the voters' card, delete the name from the register of voters and, in the case of a candidate, cancel the candidacy of, and shall impose a fine of between five million (5,000,000) and twenty-five million (25,000,000) riels on, any person or political party that*
- (a) employs force, violence or threats or intimidation against any eligible voter to deter him/her from registering or receiving a voters' card;*
- (b) incites their supporters or eligible voters to commit acts of violence against any candidate or political party;*
- (c) employs pressure, duress or threats to secure a promise to vote for the candidate or party that he/it desires;*

- (d) *employs force or violence to induce eligible voters not to vote or not to stand as a candidate;*
- (e) *prevents a candidate or the supporters of a political party from running their electoral campaign in the prescribed manner;*
- (f) *employs force, violence, threats or insults so as to confuse the voters or to undermine the credibility of the election or the secrecy of the vote.*
- (g) *disrupt the polling process;*
- (h) *disrupts the ballot counting process;*
- (i) *causes a disturbance;*
- (j) *buys any vote by an offer of material reward or cash.*

Art. 125 Irrespective of any criminal penalties and civil damages, the National Election Commission shall suspend the right to vote for six (6) years, delete the name from the register of voters and confiscate the voters' card of, shall reprimand or dismiss from his/her job and shall impose a fine of between ten million (10,000,000) and twenty-five million (25,000,000) riels on, any member of the National Election Commission and of any other electoral commission who falsifies or fabricates any electoral document or ballot paper or uses any other means to falsify or fabricate the election results.

Art. 126 The National Election Commission shall impose a fine of between ten million (10,000,000) and fifty million (50,000,000) riels on any agent or member of the staff of the National Election Commission or of any other electoral commissions who violate paragraph (2) of article 12 of this law.

Art. 127 (1) The National Election Commission shall have any person who violates articles 55 or 99 of this law arrested, shall have his/her weapon confiscated for 48 hours by the competent authority and shall fine him/her between five million (5,000,000) and ten million (10,000,000) riels.

(2) If the offender is a civil servant or a member of the military forces or the police, the National Election Commission shall:

- (a) requests the relevant institution to impose on him/her a disciplinary sanction ranging from suspension without pay to dismissal, according to the seriousness of the violation;*
- (b) delete his/her name from the register of voters and confiscate his/her voters' card.*

(3) If the offender is an agent or member of the staff of the National Election Commission or of any other electoral commission, the National Election Commission shall immediately dismiss him/her without benefits and shall bar him/her from employment with any electoral body for ten (10) years starting from the current election, in addition to the disciplinary sanctions provided for in paragraph (1) of this article.

Art. 128 The National Election Commission shall suspend the right to vote for six (6) years, delete the name from the register of voters and confiscate the voting card, of any official of the ministry in charge of the security forces who violate article 29 of this law, and shall request his institution to impose on him/her administrative and disciplinary sanctions ranging from suspension to dismissal.

- Art. 129 (1) The National Election Commission shall suspend the right to vote for six (6) years, delete the name from the register of voters and confiscate the voters' card of, and shall impose a fine of between five million (5,000,000) and ten million (10,000,000) riels on, any person who directs or deceives any other person to vote for a particular political party by pointing or by any other means during the polling.*
- (2) If the offender is an agent or a member of the staff of the National Election Commission or of any other election commission, the National Election Commission shall immediately dismiss and bar him/her from employment with any electoral body for ten (10) years starting from the current election.*
- (3) If the offender is a candidate, the National Election Commission shall cancel his candidacy, in addition to imposing the penalties provided for in paragraph (2) of this article.*
- Art. 130 (1) Irrespective of any criminal penalties and civil damages, the National Election Commission shall suspend the right to vote for six (6) years, delete the name from the register of voters and confiscate the voters' card of, and shall impose a fine of between ten million (10,000,000) and twenty-five million (25,000,000) riels on, any person who cause to break, tears or loosens the seals or security tags on the ballot boxes, or who loses or steals a ballot box containing ballot papers.*
- (2) If the offender is an agent or a member of the staff of the National Election Commission or of any other election commission, the National Election Commission shall immediately dismiss and bar him/her from employment with any electoral body for ten (10) years starting from the current election.*
- (3) If the offender is a candidate, the National Election Commission shall cancel his candidacy, in addition to imposing the penalties provided for in paragraph (2) of this article.*
- Art. 131 Irrespective of any criminal penalties and civil damages, the National Election Commission shall suspend for six (6) years the right to vote or to be a political party candidate of, and shall impose a fine of between five million (5,000,000) and ten million (10,000,000) riels on, any person who violate articles 73 or 76 of this law.*
- Art. 132 (1) The National Election Commission shall warn any person who violates article 77 or paragraph (2) of article 78 of this law that he/she must comply with the law.*
- (2) In the event of his/her refusal to comply with the law, the National Election Commission shall suspend his/her right to vote, delete his/her name from the register of voters, request the relevant institution to impose on him/her a disciplinary sanction ranging from suspension without pay dismissal and impose on him/her a fine of between one million (1,000,000) and two million (2,000,000) riels.*
- Art. 133 (1) The National Election Commission shall warn any person who violates article 72 of this law that he/she must comply with the law.*
- (2) In the event of his/her refusal to comply with the law, the National Election Commission shall suspend his/her right to vote, cancel his/her candidacy or that of his/her political party if he/she is a candidate and impose on him/her a fine of between five million (5,000,000) and ten million (10,000,000) riels.*

CHAPTER 12

TRANSITIONAL PROVISIONS

- Art. 134* *Once this law comes into effect, the number of seat in the National Assembly for the coming election on 23 May 1998 shall be at least 120, and the number of seats shall be made public.*
- Art. 135* *Once this law is enacted and the mandate of the present Government is teminated, the wordts "Co-Prime Ministers" and "Co-Ministers" shall be replaced by the words "Prime Minister" and "Minister" wherever they appear.*
- Art. 136* *Once this law is enacted, a Chairman and Vice-Chairman of the National Election Commission shall be immediately appointed by Royal Decree on the proposal of the Co-Ministers of the Interior, after approval by the Council of Ministers.*
- Art. 137* *In order to hold the election on 23 May 1998, once this law is enacted, eligible voters who meet the requirements of paragraphs (1), (2), (3) and (5) of article 33 of this law and who have been permanent residents of the Kingdom for at least three (3) months shall be entitled to stand as political party candidates.*
- Art. 138* *In order to hold the election on 23 May 1998, once this law is enacted, any person shall be entitled to register to vote provided he/she meets the requirements of subparagraphs (a), (b), (c) and (e) of article 50 of this law and has been a permanent resident in the constituency of the province or municipality concerned for at least one (1) month prior to the start of registration.*

CHAPTER 13

FINAL PROVISIONS

- Art. 139* *Any provision that is in conflict with the provisions of this law shall be null and void.*
- Art. 140* *This law shall be immediately promulgated.*



Appendix O: Law on Political Parties

***Law
on
Political Parties***

***TRANSLATED BY
Mr. MOEUNG bunnath
IFES
MINISTRY OF INTERIOR***

Political Parties Law

Chapter I

General Provisions

Art. 1 The objective of this law is to determine the establishment, registration and activities of the political parties in the Kingdom of Cambodia.

Art. 2 A political party is a group of persons who have the same ideas and who voluntarily form a permanent and autonomous association in order to participate in the national political platform in accordance with the principles of liberal democracy and the multi-party system, and to contest free and fair election as provided for in the Constitution and relevant Legislation.

Art. 3 A political party shall have its Head Office either in Phnom Penh or in a provincial/municipal town in the Kingdom of Cambodia.

Art. 4 All political parties shall have rights and privileges and shall receive equal treatment from the Royal Government and support from all levels of authority

Art. 5 (1) All Khmer citizens shall be at liberty to join a political party.

(2) No person shall be deprived of his/her civil, political or professional rights on the ground that he/she is or is not a member of a legally established political party.

Art. 6 Political parties shall not :

seek to encourage the creation of an autonomous zone so as to destroy national unity and sovereignty ;

conduct subversive activities contrary to liberal democratic multi-party principle by means of violence for the purpose of seizing the power ;

establish any kind of armed force.

Art. 7 No political party shall be subordinated to or received instructions from a foreign political party or a foreign Government.

Art. 8 The registration of political parties shall come within the competence of the Ministry of Interior.

Chapter II

Establishment of Political parties

Art. 9(1) Political parties may, after informing the Ministry of Interior in writing, be established by at least 120 Khmer citizens of at least 18 years of age who have a permanent residence in the Kingdom of Cambodia.

(2) The Ministry of Interior shall respond in writing within 15 days of receipt of the information concerning the establishment of the party.

(3) Newly established political parties shall appoint a provisional committee of seven (7) members of at least 25 years of age to prepare an application for registration of the political party in accordance with Article 20 of this law.

Art. 10 The by-law and political platform of the respective political party shall contain at least the following information :

In the By-laws :

the full name, abbreviation and the distinctive symbol of the party ;

the address of the head office of the party;

the date of creation of the party ;

the rules regarding the admission and the expulsion of members of the party ;

the rights and duties of the members ;

the structure of the party at the national level and all other branches ;

the jurisdiction of the various bodies of the party ;

the criteria for the selection, and the procedure for the removal, of members of the party's Board of Directors;

the schedule of ordinary sessions of the various bodies of the party ;

the quorum required to hold legal meetings of the various bodies of the political party ;

the Rules regarding the dissolution of the political party and the liquidation of its assets after dissolution ;

the Rules regarding the amendment of the By-laws ;

B- The party's political platform shall state the objectives and goals of the party.

Art. 11(1) The full name, abbreviation and symbol of a newly established political party shall be distinct from those of existing political parties.

(2) The name of a newly established political party shall not resemble the abbreviation and symbol, and the case may be, if any, other political party to such an intent that it may possibly be confused with or mistaken for that name.

(3) The symbol of a party shall not duplicate or copy the national coat-of-arm nor contain any portrayal associated with religion or with Cambodian kings.

Chapter III **Membership**

Art. 12 Khmer citizens of either sex at least 18 years of age shall be entitled to participate in and be members of political parties.

Art. 13(1) Membership of political parties shall be voluntary.

(2) Members of political parties may resign from the party at any time without giving any reason.

Art. 14 Members of political parties shall have the equal rights and duties under the party's By-law.

Art. 15(1) No Khmer citizen of either sex may be a member of more than one political party at a time.

if a person registered more than once, his/her last registration shall be considered as the only valid membership.

(3) Monks, Ministers of religion, court officials, members of the Royal Armed Forces and members of the military and national police shall be entitled to be members of any political party but shall maintain in a neutral and impartial position and shall not use their rank or position to support or combat any political party.

(4) No political party shall establish an Organizational Structure within the Royal Armed Forces or military or national police.

Art. 16 Membership in a political party shall terminate upon a member's :

loss of his or her political rights ;

resignation from or abandonment of his membership;

dismissal from the party in accordance with its By-laws.

Chapter IV

Organs of a Political Party

Art. 17 A political party's bodies shall comprise at least :

a supreme body such as General Assembly or Congress or their equivalent ;

a central body such as a National Council or Central Committee or their equivalent ;

an executive body such as a Board of Directors or Standing Committee or their equivalent ;

specialized body such as a Mediation Committee, Monitoring Committee, Conflict Resolution Committee or their equivalent.

Art. 18 *The mandate, duties and organizing and functioning of the bodies of a political parties as determined in Article 17 of this Law, and any other bodies, be defined in the party's by-laws.*

Chapter V

Registration of Political Parties

Art. 19 *In order to apply for registration, an eligible political party shall have at least 5,000 members from the provinces and municipalities in the Kingdom of Cambodia.*

Art. 20 *To register, a political party shall provide :*

an application for registration signed by the president of the party ;

the full name, abbreviation and the symbol of the party;

the address of the head office of the party;

two copies of the By-laws of the party;

the internal regulations of the party;

the political platform of the party;

a statement of the party affirming its commitment to respect the Constitution, the Law on political parties, and all other laws and regulations in force, the principles of liberal democracy and multi-partism and the respect of the human rights ;

list of the names of the five thousand members, together with their addresses, ages and thumb prints ;

a summary of the personal history of the president of the party or of at least three members of the party founders, with a 4 x 6 photos attached ;

the Statement of the bank accounts from the only bank where the political party has deposited its incomes in Cambodia, including all contributions received from any source whatever, and which is recognized by the National Bank of Cambodia.

a copy of the receipt of the payment of the party's registration fees, which such fee shall be determined by the Ministry of Interior and Ministry of Finance and Commerce.

Art. 21 *The Ministry of Interior shall deliver a receipt of the application for registration to any political party which meets the requirements of article 20 of this law.*

Art. 22(1) *The Ministry of Interior shall process to the application of the political party and verify the documents presented upon the receipt of the application in accordance with article 21 of this law.*

(2) *The Ministry of Interior shall, within 30 days of delivering its receipt of the application, decide whether to approve to registration of the political party.*

Art. 23 *If the Ministry of Interior finds that the application for registration of a political party contains all the documents required and is made in accordance with the Constitution, the Law on political parties and other laws of the Kingdom of Cambodia, it shall notify the party in writing of its approval of registration, together with a copy of the party's By-laws bearing the registration date and the signature and seal of the Interior Ministry.*

Art. 24 *If the application does not contain all the required documents or is not made in accordance with Constitution, the Law on political parties and other laws of the Kingdom of Cambodia, the Interior Ministry shall send the political party concerned a notice of refusal of registration.*

Art. 25(1) *Any political party of which application for registration was rejected by the Ministry of Interior in accordance with Article 24 of this law, may, if he wishes, file a complaint to the court.*

(2) *The court shall take a decision within 30 days after the receipt of the complaint.*

(3) If the court accepts the complaint and decides that the documents submitted by the political party are valid, the Ministry of Interior shall immediately register that party in accordance with article 23 of this law.

Art. 26(1) A registered political party may change its names or political platform, or may make an amendment of its By-laws in accordance with those by-laws.

(2) In such case, the political party concerned shall notify the Interior Ministry in writing and shall request its approval, enclosing the amended documents.

(3) If a new president of the party is appointed, a summary of his her personal history, with a 4 x 6 photo attached, shall be submitted with the said documents.

Chapter VI

Political Party Finances

Art. 27 Shall be considered as revenues of a political party those incomes coming from:

regular donations from members;

any other incomes received in accordance with the Law on Political Parties and other laws and regulations in force;

contributions from the State, in accordance with article 28 of this law ;

donations from private companies or individuals living in Cambodia;

the properties of the political party.

Art. 28(1) The State may provide every registered political party participating in the general election with an equal contribution.

(2) Any political party which fails to receive three (3) per cent of the valid ballots in the Kingdom, or fails to win one seat in the National Assembly, shall

reimburse the above-mentioned contributions within three (3) months of the publication of the official results.

Art. 29 *Political parties shall at all times be prohibited from receiving contributions from any government institution, public association, Non-Government Organization, public corporation, public establishments, public institutes or foreign corporations, except as stated in article 28 of this law.*

Chapter VII

Records and Audits

Art. 30 *The financial records of political party shall be kept for at least 7 years and shall be available for audit in accordance with the internal Regulations of the party, or by decision of the court or competent institutions .*

Art. 31(1)*Registered political parties shall send their report to the Ministry of Interior and Ministry of Finance and Commerce before the 31st day of December of each year, approved by the Board of Directors and signed by the President of the party and the treasurer.*

(2) *The report shall contain the following information :*
the principal activities of the political party;
the annual financial statement prepared by the accountant of the particular party;

a bank statement of accounts of the political party;

list of all properties which belonged to the party, assets and liabilities.

Art. 32 *The Ministry of Finance and Commerce shall be responsible for verifying the financial records referred to in sub-paragraphs (b), (c) and (d) of article 31 of this Law.*

Chapter VIII

Dissolution, Affiliation and Alliance of Political Parties

Art. 33(1) A political party may be dissolved by decision of its General Assembly in accordance with its By-laws, after all legal debts have been cleared and all its assets liquidated.

(2) A political party shall immediately inform in writing to the Ministry of Interior on such dissolution so that it can be struck off the registry of political party.

Art. 34 No institution shall dissolve any political party unless the court has so declared.

Art. 35(1) The assets of a political party that has been dissolved by virtue of article 33 of this law shall be liquidated in accordance with decision of its General Assembly.

All the assets of a party which is declared dissolved by the court judgement in accordance with article 34 of this Law shall be confiscated by the State.

Art. 36(1) A political party may choose to dissolve itself and merge with another political party as determined by its By-laws.

(2) If its By-laws contain no such provision, a political party shall comply with the decision of its General Assembly.

(3) The Ministry of Interior shall strike any political party which has dissolved to merge with another party from the political party's registry, as soon as it has been notified of its dissolution and merger.

Art. 37 Political parties shall be at liberty form bilateral or multilateral alliance by decision of the political party concerned.

Chapter IX

Penalties

Art. 38(1) Any political party that violates Article 31 of this law shall be fined three million (3,000,000) Riels in cash.

(2) If the offending party fails to comply with the provision of paragraph 1 of this article, the fine shall be doubled.

(3) If the party still does not comply, the court shall order the offending political party to cease temporarily all activities.

Art. 39(1) Any political party that violates Article 7 or 29 of this law shall be fined between three million (3,000,000) Riels and five million (5,000,000) Riels in cash.

(2) If the offending party fails to comply with the provision of paragraph 1 of this article, the fine shall be doubled.

(3) If the party still does not comply, the court shall order the offending political party to cease temporarily all activities.

Art. 40 Any person who violates Article 5 or paragraph 2 of Article 15 of this law shall be fined one million (1,000,000) Riels in cash.

Art. 41 Any person who :

Violates Paragraph 2 of article 28 of this law;

continues to lead and administer a political party whose application to register has been refused by the Ministry of Interior;

continues to lead and administer a political party which has been dissolved by a court judgement;

leads and administers a political party which has not applied for registration; or

maintains a party office open after the court has declared the party dissolved or has suspended its activities.

Shall be fined between one million (1,000,000) Riels and five million (5,000,000) Riels in cash, or shall be punished from one (1) month to one (1) year imprisonment.

Art. 42 Any person who violated article 6 of this law shall be imprisoned for between one and five (5) years.

Chapter X
Transitional Provisions

Art. 43(1) Upon promulgation of this law, all political parties registered in accordance with UNTAC provisions in 1993 shall within ninety (90) days deliver their documents as specified in the article 20 of this law, except for the sub-paragraph (k), to the Ministry of Interior.

(2) the registration of any political party that fails to meet the deadline indicated in the paragraph 1 of this law, shall be canceled.

Chapter XI
Final Provisions

Art. 44 Any provision that is in conflict with the provisions of this law, shall be hereby repealed.

Art. 45 This law shall be immediately promulgated.

THE END



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