

## Trust Deteriorating On National Election Committee

In the multiparty democratic election regime, the Electoral Management Body (EMB) is one of the key institutions that act as the catalyst of democracy assistance. Since there is no single principle norm to form neither the perfect EMB nor the best practice to administer the electoral process, thus, EMB has encountered many challenges such as: experiences, knowledge and resources to guarantee free fair and genuine elections to the stakeholders. Some countries in the Arab world that just emerged from the popular uprising has strongly committed to multiple party democratic elections by prioritizing firstly the EMB to be a neutral and impartial institute and credible to all the stakeholders. Throughout, however, the successive electoral management, many EMBs have handled those challenges successfully by overhauling the EMB after each election to meet the demand of its stakeholders.

Recently, the most common challenge that many EMBs are facing is to be of ensuring that the stakeholders, particularly political party candidates and electorate, have trust in the electoral process and perceive electoral administration as a credible institution. These are not only important to election processes per se but also the legitimacy of the government that it results. In Egypt, the date of holding the general election had been set and delayed over and over due to the EMB, part of the grounds, are not to be seen yet as the credible institute to the stakeholders.

Similarly, the EMB of Cambodia, which is widely known as National Election Committee (NEC), had been given a policy recommendation paper, which was signed by each political party representative. On NEC Composition by its primary stake holders, four out of five political parties that have a seat in the National Assembly excluding the ruling party, to take into account in order to gain trust from these primary stakeholders. In that signed-policy recommendation paper, the representative of each political party had agreed and asked to have a stake in the composition of each NEC's level (from National to polling station level). It also ensuring that, the electoral-relate dispute and other matters comparable would be reduced from arising, as long as the primary stakeholders having a stake in electoral process management.

In its response, sadly, to this joint effort done by the four political parties above, the NEC has shown firmly that it has no open-door policy to accept anything so the call to be a credible institute recommendation, even from *its primary* stakeholders, which would result in, or be deemed by the public domain, that the relationship between the NEC and its primary stakeholders are seriously deteriorating by refer this to other legal-making organ, noticeably the Council of Minister or National Assembly. As for the competitive political parties and candidates to have no other choice but to step up in the electoral arena which they already foresee or be foreseen the result of the election by the rest of the stakeholders. In addition, the NEC has issued the instruction in which it is stated that any political party's action in electoral-related activity take place outside of the legal-campaign period is under the authorities of Ministry of Interior, which appear to the public domain that there are two NECs in Cambodia as one, Ministry of Interior, for non-electoral period. This is, based on the perspective of the electoral legal framework an obvious contradiction to the prescribed electoral legal framework. This is because the NEC, since it modeled the independence one, has the exclusive authority over any electoral-related activity. The NEC has displayed the lack of professionalism to be a professional institute. This

could lead to a worsening of the trust by the public and skepticism of the task undertaken by NEC. On the other hand, a lack of professionalism will easily prompt many complaints from the election losers.

In order to seek and captivate confidence from its stakeholders, NEC needs to seriously take into consideration the stakeholders' concerns, views, and needs. Moreover, conduct regular meetings with stakeholders to gain feedback or assessment over the performance of the last election management or strategize to improve for the next electoral process. It's just like the business culture, knows what customer is expecting. The legitimacy of the new government that results from the election immensely relies on the quality of service delivered by the NEC to the stakeholders, but if the NEC is distrusted, the result it produces will be meaningless.

What I had wrote above is intended to be nothing but constructive criticism, and hopefully this will provoke further discussion among the stakeholders to enhance the credibility of the electoral process and administration in Cambodia.

Committee for Free and Fair Election in Cambodia (COMFREL)

Soun Yuthyia (Mr.)

Legal Officer