

# The Committee For Free And Fair Elections In Cambodia

**Report on the Commune Council Elections**  
(February 03, 2002)



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**CAMBODIA**

# The Committee for Free and Fair Elections in Cambodia (COMFREL)



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## ACRONYMS

ANFREL	Asian Network for Free Elections
CDRI	Cambodian Development Resources Institute
CEC	Commune Election Commissions.
CIDA	Canadian International Development Agency
COFFEL	Coalition for Free and Fair Elections
COMFREL	Committee for Free and Fair Elections in Cambodia
COMs	Council of Ministers
COPCEL	Conflict Prevention in the Commune Election
CPP	Cambodian People's Party
DoLA	Department of Local Administration of the MOI
EC	European Community
EMOs	Election Monitoring Organizations
EU	European Union
FUNCINPEC	United Nation Front for an Independent, Neutral, Peaceful and Cooperative Cambodia
IRI	International Republican Institute
KDP	Khmer Democratic Party
KIP	Khmer Improvement Party
MOI	Ministry of Interior
NCSC	National Council to Support Communes.
NDI	National Democratic Institute
NEC	National Election Committee of Cambodia
NICFEC	Neutral and Impartial Committee for Free and Fri Elections in Cambodia
NGO CC	NGO Coordinating Committee
PEC	Provincial Election Commission
PEFO CAM-J	People's Forum on Cambodia-Japan
PSO	Polling Station Officer
PVT	Parallel Vote Tabulation
RGC	Royal Government of Cambodia
RSOs	Registration Station Officials
SRP	Sam Rainsy Party
TAF	The Asia Foundation
UNCOHCHR	United National Cambodia Office of the High Commission for Human Rights
UNDP	United National Development Programme
UNDPA	United National Department for Political Affairs
UNEAD	United National Electoral Assistance Division
USAID	United States Agency for International Development

## I. Executive Summary

The 2002 Commune Council Elections officially set in process the new system of local democracy and decentralization for communities throughout Cambodia. These elections marked a key turning point. They were the first local elections held since the Paris Peace Accords of 1991 that led to the new Cambodian Constitution of 1993.

One very positive outcome of the commune council elections was the greater participation of women. 920 (8%) of the 11,261 commune councilors are women. (*Please refer to Appendix 2: Table - Numbers of Women Commune Council Members*). This compares favorably with the previous system where most of all commune chiefs were men. However, there is still a marked lack of gender equity. There is a slight female majority in society that translates into larger majorities in rural areas, due to male migration to the cities and their greater conflict mortality rates.

This positive gain for women remains in sharp contrast to one disturbing negative outcome. Although Comfrel took a lead in advocating against pre-election violence and intimidation, regrettably too many incidents occurred. There were 18 deaths attributed to election-related causes, 3 being women. The undoubted electoral success of the ruling party in 2002 may well embolden hardliners to persist with such coercive tactics to garner votes in future.

The commune council elections were marked by fewer technical irregularities compared to earlier elections but their fairness and credibility remain questionable due to the unresolved partisanship of the election institutions. The freedom of voters and their ability to make informed decisions were hampered by restrictions on educational efforts to inform them of their rights, the election procedures, and how **their** new elected commune councils were to function. As with the 1998 National Assembly Elections, there was a lack of will to resolve election violations. There was also a serious disparity against the opposition parties in media access during the election campaign.

Pluralism in Cambodia's nascent democracy was not advanced by these local elections. Only 5 small parties, as well as the 3 major parties, participated in 2002, down from 39 parties in the 1998 elections. Local government should not be the preserve of national political parties and will remain weak without allowing independent individual members to stand and for local community associations to field their own candidates.

Comfrel's activities for the commune council elections were conducted throughout the country reaching virtually all 1,621 communes. A total of 15,500 voluntary election monitors were deployed on election day. The activities gave the opportunity to the people to understand the Commune Council Election process and the significance of their choice as voters.

Comfrel advocated with some success against the censorship plans of the National Election Committee (NEC) regarding educational materials, freedom to campaign, freedom to vote according to conscience not fear, and increased woman participation as candidates. Comfrel's monitoring activities were widely respected, gathering and analyzing data for authoritative impartial information made available to the public, media and other stakeholders. The monitoring and advocacy achievements have strengthened Comfrel's voice on election-related issues.

Comfrel, however, is not complacent. There is room for further improvement in monitoring, advocacy, lobbying, and raising awareness. Progress in Cambodia is incremental. Steady progress is made step by step. Comfrel intends to understand lessons learned from its activities and develop accordingly.

This report, therefore, is written with the first aim of reflecting on Comfrel's achievements and its constraints. The report analyzes and compares the 1998 and 2002 elections and an assessment is made of key issues such as election laws, election irregularities etc. Finally Comfrel looks forward to the next commune council elections in 2007. Three key advocacy issues are likely to feature - participation of women and the need for quotas, facilitating non-party and new party participation in local government, and repealing the de-selection provisions that enable political parties to remove and replace their elected members with non-elected ones.

Comfrel concludes that despite many difficulties and the continued problems of political killings and intimidation, Cambodia has taken an important step forward for democracy. Although the CPP are the controlling party in 99.4% of commune authorities at least now other parties do hold deputy chief and member positions, thus removing the previous one party monopoly of the former 1,487 communes that

numbered 1,487. That monopoly exists still in 134 communes where CPP took all the commune council seats. 10 of the 1,621 communes have a Funcinpec party commune chief and 13 a Sam Rainsy Party one. The elections have the potential to bring good governance to local public affairs, to engender greater participation of people in community affairs and to consolidate the role of civil society. Judgment on converting potential into practice will depend on the quality of the work and accountability of the new elected members. Their success will be largely influenced by their ability to mobilize resources through genuine community participation with people free, fully informed and involved in decision-making. Therefore, Comfrel is embarking on a post-commune election program with the following elements:

- Monitoring the commune council's performance, including both elected members and the central government appointed clerks.
- Monitoring the commune council's procedures for appointment of village and group chiefs.
- Monitoring the devolution of powers from ministries to the councils and the new working arrangements between the authorities.
- Raising awareness in the general public regarding the right of citizens to participate in the decision making process of their councils.
- Establish tangible channels through which the public can voice their opinions, such as, via local public forums.
- Monitoring the work of the Department of Local Administration (DoLA) of the Ministry of Interior (responsible for assisting the new councils), and
- Leading the civil society strategy for local government with a perspective on the 2007 elections.

Comfrel will be conducting local public forums to encourage and promote dialogue between the local authorities and the commune residents. Decentralization will hopefully allow people to exercise initiative and learn about their vital role in the decision making process of their communes. Thus, hopefully the citizens will join Comfrel's network of dedicated 3,500 district and commune activists, to become more engaged in local affairs. National Assembly members will be asked to join, along with local authorities and ordinary citizens in order to strengthen the link between all elected representatives and their constituencies.

Comfrel takes this opportunity to thank its many supporters and partners, Cambodian and International, undoubtedly our achievements are theirs too.

## II. Comfrel's Achievements and Constraints

Comfrel, along with the other Election Monitoring Organisations (EMOs) have been exceptionally important for Cambodian elections. The EMOs are the only neutral domestic force for free, fair and credible elections, with complete coverage at all 12,534 polling stations. Comfrel's activities for the 2002 elections are described below.

### 1. Advocacy and Lobbying

In the period before the commune council elections, Comfrel worked with election-interested groups that ranged from the general public, to donor organizations, civil society colleagues and government institutions. Comfrel's advocacy campaign included studying and making representations on draft laws and regulations, disseminating information, holding forums to raise public awareness and express concerns, and conducting lobbying.

Comfrel's careful study of laws and regulations led to six key recommendations for legislative and policy agendas and priorities.

- (1) *Election reforms were called for. The National Election Committee (NEC) should be composed of only five members selected for it to be a truly neutral, independent and competent body.*
- (2) *The electoral system should permit independent groups to contest elections.*
- (3) *A quota should be allowed for at least 30% of candidates to be women.*
- (4) *The system for investigating of electoral infractions should be improved.*
- (5) *More equitable access to media should be afforded to all parties.*
- (6) *The independence and role of election monitoring groups should be respected.*

The lobbying group was composed mainly of Comfrel board members and staff members. Eleven (11) public forums were organized which brought members of the National Assembly and provincial governors to meet constituents with the purpose of raising their awareness. Discussions related to commune council election issues that would need to be addressed by the legislators. After the forums, Comfrel followed up by sending recommendations to the National Assembly and organized more than 20 personal and group lobbying meetings with legislators, government officials, the NEC, and leaders of political parties.

Despite vigorous advocacy and lobbying efforts throughout the years 1999 to 2001, the National Assembly passed the Commune Council Administration and Commune Council Election Laws in January 2001 with very few changes. Fortunately, Comfrel and its sister organizations were more successful in several crucial achievements including educating the public and stakeholders to support and understand the election reforms. They asserted the independent role of the Non-Governmental Organisations (NGOs), i.e., the Election Monitoring Organisations (EMOs) not to be subject to control by the NEC. They encouraged political party efforts to increase the proportion of women candidates to 16%. Comfrel arranged for the political parties, the NEC and government to take part in public forums on election reforms.

Comfrel arranged meetings between the NEC and EMOs that proved to be constructive in particular with the technical group of the NEC on election regulations. The feedback on the recommendations was shared and debated by Comfrel's legal group, board members and election advocacy working group. Comfrel also organized meetings with the three main political parties, the Cambodian People's Party (CPP), the Sam Rainsy Party (SRP) and the Funcinpec Party (FCP), to exchange ideas and information related to election issues. *(See the photos below - Roundtable discussions on election conflict prevention and access to media of political parties during the 2002 election campaign)*



**COMFREL's Boards of directors discuss with the NEC's members and top-ranking governmental officials**

Comfrel's managed to remove the compulsory censorship of materials and restrictions on the distribution of voter education. They were instrumental in arranging the extension of the voter registration period, clarification of candidate registration provisions, enforcement of electoral infraction procedure, and promoting election conflict prevention. Comfrel raised other concerns such as only one party running in 14 communes, registering preliminary complaints over results, the need for a financial audit for the party political campaigns and the conditions governing transparency during the count. The NEC and provincial and commune election commissions (PECs, CECs) responded in varying degrees to Comfrel's recommendations such as the three day extension of voter registration, facilitation of candidate registration, the withdrawal of the power of the commune election commissions to reject entire lists of candidates, and local roundtable discussions to prevent conflicts. (Detailed more fully later.)

***One example: The original counting procedure was not conducive to transparency. The counting officials did not have to show clearly the marked ballot papers to observers and party agents and how they were recorded. After COMFREL's advocacy efforts, it was decided that each ballot paper was to be held so that it could be read by all and the record of counting was to be done on a wallboard in front of observers.***

## 2. Network

Comfrel has developed a strong network of local civic-minded volunteers who are now members of Comfrel. The network and membership have successfully built up their capacities through training, regular meetings and coaching. Comfrel's 3,500 provincial executive group members, district contact persons, and commune activists were reached plus about 15,500 village volunteer observers. They were all trained in election monitoring, codes of conducts, effective communication, and dissemination of information. The training sessions increased the level of knowledge on average by 22%<sup>1</sup> in relation to the codes of conduct, effective communication, election monitoring and legal aspects of the commune council elections. (See Appendix 3)



[Network Capacity Building on Observation](#)



[Training on Observation Technique](#)

*An evaluation of the network training by consultant Andrew Little and Comfrel board members in December 2001 found that "participatory procedures were employed in observer training for election monitoring duties. This training made considerable use of role-play in a setting resembling a real voter registration station or polling station. Trainees participated in the various roles as election officials, observers and voters, while others watching the role-play were asked to identify irregularities as they were played out. However, one comment frequently aired by network members indicated that training sessions tended to be packed with too many subjects, leaving the participants overwhelmed. Some also commented that trainers would at times rely on distribution of training materials to participants to make up for inadequate teaching time".*

Aware of these limitations, Comfrel is trying to supplement and improve its traditional cascade training for its network. Firstly provincial trainers will be brought into more direct and frequent contact with commune activists and village volunteer observers. Secondly where cascade training is unavoidable only the most essential key messages will be conveyed directly by provincial trainers. Each message will be designed in such a way that loss in onward transmission is minimized. Trainers will be made especially alert to the problem. Time is always of the essence. The earlier Comfrel is funded for election activities, the less intensive will be the training and last minute rushes avoided. Comfrel will seek the best technical help to improve the methodology of training and attract more resources to invest in the development of provincial and district trainers.

Observers were trained in monitoring skills to complete the report forms and send them expeditiously to central office. There the data was recorded and used for advocacy efforts and for general dissemination to the NGO/donor communities. There were several checklists and reports where each one focused on an election process, such as voter registration, the election campaign and polling/ballot counting procedures. The complaint reports covered the minor and more serious electoral infractions, for example, from electoral material that arrived late to people entering the polling station with weapons.

The provincial network served not only as election watchdogs but also as the main conveyors of information to grassroots levels in remote rural areas. Training for the commune activists proved to be especially fruitful. They proved to be adept students of election-related issues such as conflict prevention in particular during the post-election period and the reforms needed of the provincial and commune election commissions.

## 3. Voter Education

Comfrel prepared variety of means to raise awareness levels in the public, namely house-to-house meetings, video spots, and informal workshops through distribution of printed materials.<sup>2</sup> Most awareness-raising was done outside of the urban areas. 35,978 sessions were conducted with participation of about one million villagers of whom 40% were female participants. According to the evaluation checklist compiled at post-training informal meetings, the increased awareness on the

<sup>1</sup> Evaluation Report of COMFREL, before and after the training courses for the trainees as an average percentage.

<sup>2</sup> Please refer to Appendix 4 for more details.

importance of the commune vote was as high as 70% of participants. This compared favorably with the 33% level found in an earlier survey of voters for the Asia Foundation, 2001. Comfrel is conscious that obtaining authoritative measures of changes in knowledge and behavior is difficult and expensive. Nevertheless it is committed to developing and refining methodology to ensure that this - the most essential aspect of a democracy to empower voters - is achieved.

**House-to-house meetings** →



Comfrel successfully pioneered a new method of voter education - a radio talk show with listener call-ins based on "102 Question and Answer" booklets. 80 radio shows were broadcast each lasting 30 minutes on FM 97.5, FM 99, and FM 105. They provided deep understanding of topics for discussion on the importance of democratic participation in commune council elections. Radio is still the most popular media in rural Cambodia where there is little electrification for TVs.

**4. Monitoring**

Comfrel preceded its nationwide monitoring by establishing comprehensive information on the whole electoral process. A strictly neutral perspective was taken. Comfrel also addressed the task of how complaints were to be dealt with.

Comfrel monitored the entire pre-election process including the general atmosphere, the security situation for parties, the voter registration, candidate registration, and electoral campaign.



**Comfrel's Monitors**

Comfrel achieved a deployment of 15,500 observers reaching more than 12,400 of the 12,534 polling/counting stations national coverage of 99% of polling and counting. One significant Comfrel's strength was its parallel vote count to verify the official results of elections.



**Votes Counting Process**

Comfrel's Database Center had the responsibility for inputting all the information that was gathered by observers during the various electoral processes. The quantitative and qualitative information covered the full range of infractions- from recording of minor offences and chaos outside the polling stations to serious offences. Furthermore the center also conducted parallel vote tabulations to produce independent results that could be used to verify the NEC count results. Observers collected results from counting (polling) stations. These results were collected through a Parallel Vote Tabulation (PVT) center of Comfrel and so were not "official". Nevertheless, they were certainly close enough to provide an effective check on any mistakes or malpractice in aggregating and reporting results from the polling stations through the Commune Election Commissions (CECs), Provincial Election Commissions (PECs), and the NEC. Independent results can be used to check the credibility of the official results in case of a challenge by any political party.

Nationwide monitoring was an enormous Comfrel accomplishment - to recruit, train, deploy and receive reports from observers who covered 99% of all polling stations.



**Comfrel's Database Center For Parallel Vote Tabulation (PVT)**

Media monitoring was added to the plan, after consultations, technical advice and funding from the Asia Foundation. The aim was to assess if equal access was provided to the political parties and the candidates. Seven, the most popular, TV and radio stations were monitored in Phnom Penh, as well as in 5 provinces<sup>3</sup> for five weeks through the pre-election campaign, election campaign, polling and counting days. Comfrel produced a weekly report to the NEC, Media and the public. (See Appendix 5: Conclusion of the finding of Media Monitoring)



The team of 10 trained monitors was using a methodology based on internationally recognized standards that have been successfully employed in many countries.

Comfrel maintained the monitoring after the poll to follow up the election complaints, transfer of powers, and early performance of incoming commune councils.

### 5. Media

The Comfrel media section made formidable efforts to support the advocacy campaign and maintain its activities to publish various materials including the bulletin *Neak Kloam Meul* (6 volumes: 6,000 copies for each issues, except volume 15: 20,000 copies and a special volume of 13,000 copies), 10,000 calendars and brochures (40,000 copies in Khmer and 10,000 copies in English). Comfrel built up good relationships with the media through 10 press conferences and its steadily improving e-mail communication made available to everyone (over 500 local and international subscribers in our mailing lists). Develop Comfrel Websites to allow various visitors (more than 300, so far) to access information about the election process in Cambodia. This section contributed to strengthening Comfrel's voice, giving authoritative information for supporting the advocacy work. Comfrel worked with journalist institutions and provided trainers and resource persons to attend workshops and training for journalists in elections.

The Comfrel network was used to distribute the rural electorate especially Cmfrel's activists with a valuable source of information on contemporary public affairs. The Open Forum's weekly overview of the Khmer language media, "Kanychok Sangkum" (The Mirror) was kindly distributed - 70,000 copies.



### Press Conferences during Election Period

<sup>3</sup> - TVK Phnom Penh, TVK in Battambang, Preah Sihanouk and Pursat: Stated owned and operated, controlled by the CPP,  
 - TV 3: Operated jointly by a Thai company and the Phnom Penh municipality, controlled by the CPP,  
 - TV 5: Owned jointly by a Thai company and the Ministry of Defense, controlled by the CPP,  
 - AM 918: National Radio, controlled by the CPP, nationwide coverage,  
 - FM 96: State owned radio station, controlled by the CPP, covers Phnom Penh and some area,  
 - FM 98: Owned jointly by a Thai company and the Ministry of Defense, controlled by the CPP,  
 - FM 103, FM100.5 Kampong Cham, FM100.5 Siem Reap: Operated by the Phnom Penh municipality, controlled by the CPP,  
 - FM 91: Private owned radio station, pro-CPP

### III. Co-operation with Stakeholders

#### 1. Donors and International Organizations

Comfrel was very fortunate to have the cooperation and support of helpful donors, namely The Asia Foundation (TAF), Forum Syd, NOVIB, The Japanese Embassy, Canadian International Development Agency (CIDA) and Trocaire Fund.

<b>Total Funds (January 2001 - February 2002)</b>	:	<b>US\$ 650,970.37</b>	<b>(100%)</b>
Advocacy and Lobbying Activities	:	US\$ 6,976.00	(1.07%)
Network's Capacity Building	:	US\$ 11,000.00	(1.69%)
Monitoring (including training for observers)	:	US\$ 285,199.13	(43.81%)
Education	:	US\$ 95,881.92	(14.73%)
Media (including some publications)	:	US\$ 28,596.22	(4.39%)
Fee for Activities	:	US\$ 148,129.36	(22.75%)
Administration Cost	:	US\$ 75,187.74	(11.55%)

The Asia Foundation, Forum Syd and the National Democratic Institute (NDI) shared the organization of regular NGO meetings for election activity coordination and discussion on election concerns. The Asia Foundation provided Comfrel with technical advice generally and special support for its media monitoring project.

Comfrel participated in the regular coordination meetings of donors facilitated by the United Nation Development Program (UNDP). Comfrel's regular feedback on the election process was appreciated and respected by international donors, the NEC, and civil society colleagues.

#### 2. Cambodian Organizations

The EMOs reinforced their solidarity and strength through joint advocacy activities. They issued joint statements, conducted press conferences, initiated personal lobbying along with the Comfrel Board members on key issues that needed to be addressed. Mutual discussions took place on the means, solutions and alternatives.

Comfrel cooperated very closely with other local human rights organizations such as Human Rights Action Committee to share the information on human rights violations. Comfrel participated in regular meetings of the committee.

Comfrel members were invited as speakers, leading activists and key players in the national arena to join and give advice in discussions on the free and fair principles of elections. Comfrel participated in the monthly COPCEL (Conflict Prevention in the Commune Election) meeting facilitated by CDRI (Cambodia Development Resources Institute). These meetings were initiated with the goal of preventing election conflicts by establish a forum for dialogue between the political parties, government officials and civil society groups.

#### 3. International Observers

Comfrel worked with all international observer missions and was especially close to the Asian Network for Free Elections (ANFREL) and the People's Forum on Cambodia-Japan (PEFO CAM-J). Comfrel was fortunate to be the hosting NGO for Anfrel observers. Six election experts arrived on the 24<sup>th</sup> December 2001. These long-term observers were requested to stay one month before and after the Commune Council Elections. They were deployed in eight different provinces. Two groups of short-term observers (approximately 60 observers) arrived a week before the actual election took place. Anfrel observers and PEFO-CAM-J observes were facilitated by Comfrel, indeed the Anfrel observers worked very closely with Comfrel's provincial network observers who had already identified crucial issues such as the political situation, cases of violence and campaign activities, to name a few.

Comfrel encouraged its offices to coordinate and cooperate with international observers, in particular European Union's (EU) observers and delegations to share election information, advice and judgments.

#### 4. Cooperation with Governmental Institutions

Comfrel communicated letters and frequently conducted various discussion meetings with the Royal Government of Cambodia (RGC) for the commune council elections, especially with the MOI and Council of Ministers (COMs). The communication and discussions were focused on security and public order during the electoral processes to ensure a free environment for voters, to prevent and intervene in relation to irregularities such as threats, intimidation, and cases of killing the political parties' supporters, activists and candidates as well as citizens at large. We also invited high-ranking officials of RGC such as H.E. Sak Setha, Director General of Administration of the MOI to be a speaker in various training courses for our network, which focused on decentralization, commune council administration, etc. Comfrel's roundtable discussions were supported by Co-ministers of the Interior and attended by high-ranking police officers, provincial governors, district and local authorities, three main political parties, civil society and citizens. Comfrel also made contact with the Ministry of Religion and Cults to ensure that the rights of monks as voters were as stated in the law. We cooperated with Phnom Penh authorities to try to maintain eligibility of voters' rights for the people whose houses were destroyed by fires and who had to be relocated to new polling station areas.

#### 5. Communication with National Assembly, Senate Constitutional Council

Comfrel also communicated and often held various discussion meetings to lobby and advocate for our recommendations related to legal issues for the commune council elections, especially with the members of the National Assembly, Senate and Constitutional Council to discuss the legal framework of electoral reforms. About 20 parliamentarians joined in the public forums.

### IV. Legal Framework

Comfrel studied closely the legal framework to find weaknesses and problems of the Commune Council Election Laws and regulations that were established for the Commune Council Elections. The Election Laws were adopted by the National Assembly on January, 18<sup>th</sup> 2001. Regulations were adopted by the NEC at various times up to polling day.

#### 1. The Commune Council Election Law

##### 1.1. The Electoral Body

The National Election Committee was formed to conduct the 1998 National Assembly Elections and was assigned a similar task for the 2002 Commune Council Elections. The NEC and its 11 commissioners are supposed to be neutral and independent but suitable criteria were never defined to govern these requirements. Many observers including Comfrel agree that the NEC's neutrality is compromised. Most appointments were made on political party basis rather than a professional basis. The Ministry of Interior was responsible for compiling the list of the nominees. A clear majority of members were affiliated with the CPP party that had effectively secured control of the coalition government in 1997, including the NGOs' representative. The overall membership did not reflect the political balance of the elected National Assembly with FUNCINPEC as the largest party. This same imbalance is reflected in the PECs and CECs.

Comfrel with civil society colleagues and the international community lobbied for the NEC to be reformed for the commune elections. Eventually a modest concession was won. The NEC membership was changed to allow the Sam Rainsy Party to be represented and for the current leadership of Funcinpec to nominate a new member. They took the place of the representatives of the two parties no longer with seats in the National Assembly.

The post-1998 National Assembly election period was overshadowed by the deaths of innocent people. They had been mounting a demonstration against the decisions of the NEC and Constitutional Council not to investigate election complaints. Both bodies in this sense failed to discharge their responsibilities to the Cambodian people. Election related crimes were never fully investigated. Requests to recount ballots were rejected summarily. In both the National Assembly election and commune council elections, vote buying, threats and intimidation were not tackled. The NEC lacked the will. They were not impartial. This was proven clearly during the commune council election, as it did not take any reasonable measures to promote equitable media access for political parties participating in the election to broadcast their policies and political platforms. The NEC commissioner responsible for media is a well-known CPP hardliner.

## 1.2. The Role of the NEC to Ensure Equal Access to Media

The media has never provided equal access to the political parties. In fact Article 132 of the election laws covering the campaign refers to the NEC to organize comprehensive voter education programs. State-run radio and television should broadcast, free of charge, all news requested by the NEC in order to disseminate the progress of the election and civic/voter education. In addition, "Chapter 8" of the NEC's regulation governing the election campaign, permits political parties to use private radios and TVs. The chapter also suggested the NEC to meet the managing directors of media to discuss and take measures to use their services.

Comfrel concluded that the NEC did not make a proper effort to "inform the voters". Comfrel also believes that for the commune elections, the political parties themselves failed the voter. Their manifestos and campaign material did not give a clear choice on policy issues. They were unattractive to the general public. The political party platforms and guidelines seemed to be portraying mere advertisements rather than informed choices for the election campaign. An election campaign should be a process to inform the voters about the content of each political party's goals and commitments. Unfortunately, broadcasting political party debates via TV and Radio that could have helped inform voters was not encouraged by the NEC regulations.

## 1.3. Candidate Registration

Article 121 of the Law on Commune Council Election proved to be controversial leading to official obstruction of lists for candidate registration. The NEC interpreted the article that if one candidate was disqualified, the entire slates of candidates for a party should be deleted. The original article says that *"if an opposition has been agreed upon the CEC shall reject the registration of that list of the candidates of the political party against which the opposition complaint was brought, then shall delete the candidate list, revoking the letter of certification of the registration of that candidate list"*. The rules governing eligibility of candidates to stand - for example on literacy - were easy to be interpreted in order to reject one or more candidates, so eliminating an entire party from standing in a commune and depriving the electorate of a choice.

Comfrel with EMOs and other partners successfully campaigned against this key weakness when the rule permitting entire slates to be barred was dropped.

## 1.4. Electoral System: Rights of Local Citizens to Contest as Candidates

The commune electoral system adopted is proportional representation as stipulated in the commune election law and employed for the National Assembly elections. This means that the voters do not elect the candidates directly, but vote for the political party of their preference. Hence, the new commune council members shall be selected from the candidate lists of political parties, as nominated by the parties for each Commune or Sangkat Council.

The seats shall be allocated by determining the highest average in accordance with the official Commune Council Election formula<sup>4</sup>.

Public opinion favoured a change in the system for the elections<sup>5</sup>. They wanted to vote for clearly named and identifiable candidates. That system would be more effective in holding the winning candidates accountable to their constituents and increase the rights of local citizens, especially non-politically active but community-minded women, to contest as candidates. Qualified citizens should be permitted to form their own local groups to participate as candidates in the commune council elections without any prior requirement to join a national political party. Such local citizen groups should be exempted from the requirements for registration as national political parties, in particular the large deposits of money required for the party to register, which is beyond the financial resources of grassroots people.

Civil Society has been lobbying for an amendment to the Law on the elections to include a mixture of proportional representation and election of independent candidates as a means of giving more political rights to the people, attracting non-political but talented people into local government, and extending the opportunity for local citizen groups to nominate candidates for public office.

<sup>4</sup> Law on Commune/Sangkat Council Election – Chapter 4

<sup>5</sup> A public opinion survey conducted by the Center for Advance Study (CAS) and series of public seminars held in 13 provinces by EMOs, indicating a prevailing trend of misgiving about the use of the current proportional system. It shows an overwhelming preference (83%) for direct system.

### 1.5. Co-ordinating Committee for NGOs

NGOs expressed grave concern about manipulation by a new body formed by the Commune Election Laws - the NGO Coordination Committee (NGO CC). The three EMOs were united in the viewpoint that the NGO CC was unnecessary. It would duplicate their already established co-ordination arrangements. It was likely to create new problems and impose an extra hierarchical and bureaucratic layer between EMOs and the NEC particularly if committee members were selected from partisan or governmental NGOs.

Article 148 of the law states that a Coordinating Committee for Associations and NGOs Electoral Observers shall be established to enhance the efforts of the NEC in organizing the Associations and NGO observers that intend participating in the observation of the Commune Council elections.

The original idea of an NGO Co-ordination Committee was not clear from the Ministry of Interior and NEC. Their argument appeared to refer to the committee as a means to prevent the problems of the 1998 elections when the reputable EMOs were almost crowded out by non-reputable NGOs. The NEC had approved thousands of observer passes to the latter, while being languid in approval for Comfrel, Coffel and EMOs. However since 1998 events had moved on considerably.

The three domestic EMOs had no choice. All three had to participate in the establishment of the committee organized by the Ministry of Interior and the NEC. They had plans and activities organized, formed working relationships, and there seemed little sense in a new body getting involved. The three EMOs said this but the NEC went ahead to pursue the NGO CC to control the EMOs through the manipulation of their duties. The interaction that was unavoidable proved EMOs predictions to be accurate, with delays and inconvenience for example in processing accreditations for observer passes.

The main duties of the NGO CC were to train the NGO electoral observers, seek financial resources, enhance coordination between the NEC and the NGO electoral observers and cooperate with the NEC in undertaking voter education. The NGO CC was also responsible for providing the accreditation cards to observers.

The EMOs viewed these articles of the NGO CC as having been written in a way calculated to undermine the independence of the election monitoring groups. In this sense it repeats the incurable defect of Cambodian Law of charging one body, the NEC, with the inherently incompatible role of both organizing and monitoring the conduct of elections.

Comfrel will continue to oppose a statutory based NGO CC under the NEC or public sector control for future elections.

### 1.6. Electoral Infractions

Chapter 16 of the Commune Council Election Laws were not clear as to which institutions, the NEC or the courts would be responsible for dealing with infractions, imposing sanctions and penalties. The NEC assumed it was given a quasi-judicial function. For instance, the NEC issued a directive to its PECs and CECs to organize bodies to examine electoral infractions. Were they competent as courts to levy fines, which in the commune election law ranges from 5,000,000 Riels to 50,000,000 Riels? In practice, Comfrel observed in this regard the weak performance of all levels of election commissions in dealing with complaints relating to political cases such as intimidation, harassment, assassination, and torture. They never held proper hearings or imposed any sanctions for any violations, even obvious ones like confiscation of voter registration cards, eliciting thumb-prints of voters to swear party allegiance, etc.

### 1.7. Unopposed Commune Council Elections

Article 25 of the Commune Council Election Law triggered the question as to what is a democratic election? Voter choice is limited. The article states that a commune, that has a candidate list from only one political party, is still valid for the election. The article by definition removes the right of voters to have any choice other than not to vote. Any voter abstaining would be clearly identified as being opposed to that one party.

For example, only one party ran for 14 communes in Pursat province for various reasons - some due to disorganization of parties but others more sinister where pre-election intimidation had meant candidates were not willing to stand. True democratic principles require voters to have a choice, at minimum two-party participation, at best multi-party and independent candidates. If Cambodia's democracy is to advance, circumstances that give rise to uncontested elections should not be allowed to happen. If they are unavoidable, then there is no need for an election that can only compromise the right of confidentiality of voters

## 2. NEC Regulations and Directives

### 2.1. "Censorship"

The NEC's regulations were clearly intended to provide censorship of election information and education materials. Such regulations should be deemed unconstitutional given the direct breach of the freedom of speech provided for by the 1993 Cambodian Constitution. Unfortunately the old communist mentality lingers on. ("If it is not expressly permitted, it is not allowed!") The NEC's Chapter 8 regulation 8.9.3 stated that 'local NGOs or associations and international associations or organizations operating in the Kingdom of Cambodia, that want to disseminate electoral education to the public shall first be approved by the NEC...documents needed to be examined are video spots, tapes, leaflets, books, texts and pictures published in newspapers or pictures or slogans on T-shirts and hats...'

Fortunately, after considerable pressure from civil society and donors, the NEC was forced to revise the articles of chapter 8 to remove compulsion and in fact the modified text turned out to be based on the recommendations set out by Comfrel. The new section confirmed that the responsibility for the accuracy of voter education material rested with the organizations that produced it. Thus, section 8.9.3 of the modified regulation affirms that organizations and associations, "*acting to educate elections to the public may request the National Election Committee to monitor and give recommendations on the education materials for all activities*"<sup>6</sup>. As such, the new regulations did not make any mention of the NEC's 'stamp of approval.'

However again days before the election campaign was to begin, the NEC appeared to back-track. A directive was sent out on December 29, 2001 telling PECs to review all spots and documents in their provinces or municipalities. Voter education material once again had to be submitted for approval. Thus, in some provinces the NGO's and associations had to submit their voter education materials to the PEC. Some PECs ignored the NEC's unjustified new directive.

Comfrel registered a complaint with the NEC on January 9, highlighting the lack of competence of PEC and CEC that by the amendment of the regulations did not give them the authority to check voter education materials before distribution. The outcome of complaint was effective because most of PECs did not proceed to implement the directive. Comfrel was allowed to re-distribute electoral material.

### 2.2. Preliminary Vote Result Complaint

Comfrel submitted an official letter to the NEC dated January 10, 2002, requesting a clarification of the NEC manual to CECs, Section VIII, regarding the objection procedure on complaints at the polling and vote counting station. The deadline for recognizing the complaint made was one day only, no later than 12:00 am of February 4, 2002. For the objection deadline, the NEC's manual was wrong in referring to **one** day only of the deadline of the objection procedure, but a **three** day deadline is stipulated in the Commune Election Law.

Article 210 of the Communal Election Law mentions that those who oppose a preliminary vote result that has seriously been influenced by irregularities are eligible to register an objection to PEC no later than 3 days after CEC's public-announced preliminary vote result. This means that political parties are eligible to submit objections to the PEC, with an official deadline from 7 to 9 of February 2002, as first complaint, even if they did not object to the irregularity at the PSC (Polling Station Commission), and CEC, in order to ensure the legal procedure on objection shall be clarified.

Comfrel did observe this procedure during the polling and vote count period when the three (3)-day deadline of objection procedure was complied with.

<sup>6</sup> Amendment of Chapter 8 of the Regulation and Procedures of the NEC for the 2002 Commune/Sangkat Council Election. Unofficial Translation by Legislative Development Program of Star Kampuchea.

### 2.3. Issuance of Observer Accreditation

Comfrel and the other EMOs experienced difficulties in the 1998 elections in getting observer accreditation cards. Last minute pressure from the international donor community that was funding the NEC forced a change to facilitate the needed accreditation for polling day observers. This process happened again in these commune elections, although in 2002 unlike 1998 there were no "bogus" NGOs. Indeed, Comfrel and its sister EMOs suffered worse bureaucratic difficulties due to the extra stage of working through the NGO CC coordinating committee. Most Comfrel observer accreditation passes were received 5 days after voter registration began. This must be regarded as a serious impediment to free and fair elections - not being able to attest that all voters wanting to register could do so. This is especially poignant for the 2002 commune council elections when official registration turnout was 10% down on the 1998 figure.

Comfrel made a three-month plan (November – January) to meet the NEC's accreditation procedure. Comfrel wished to issue and distribute the accreditation cards to its nationwide observers of around 15,500 observers at all polling stations. The first step was the submission of a list of about 6,000 observers to the NGO CC. The NGO CC instead of *facilitating* approval as they were supposed to actually *obstructed* Comfrel's application. The NGO CC is governed by Article 152 of the Commune Election law, "the Coordination Committee for Associations and NGOs Electoral Observers have the following duties: Cooperate with other associations and NGOs in organizing Associations and NGOs Electoral Observers in order to participate in observing the process of updating the list of voters, voter registration, casting ballots and ballot counting under the NEC instructions;...".

The NGO CC took it upon themselves to judge the quality of Comfrel's observer training and hold up accreditations. Who knows best to how to validate the training - a new untried inexperienced body like NGO CC, or Comfrel with its seven (7) years of experience in Cambodia with considerable technical assistance from international election experts?

The NGO CC interpreted their role in a letter dated October 12 to reject all of the application lists submitted for observers saying that Comfrel's observers had not yet been trained in the commune council election law. The application we had sent was returned after two weeks. Comfrel explained and assured that training had been provided for its observers ever since their recruitment. Comfrel disseminated the code of conduct for the observers and also the book on the 102 questions and answers for the commune council elections. The second step referred to NEC's duty to recheck all lists of observers and stamp its lists for the NGO CC that took for 5-6 days. Comfrel had then to send the approved lists to its provincial representatives. Another difficult step was at the provincial level. The provincial representative of Comfrel presented the NEC's approved lists to the PEC in order to obtain the accreditation cards, but again time-consuming pedantic obstacles were placed that caused delay and anxiety. Incomplete cards were sent to village observers requiring them to be completed with signatures, photographs, and a signed declaration. Then they had to be sent back to PEC to have them stamped. Finally, eventually, the stamped cards were distributed to each observer in their villages. Comfrel petitioned the NEC to ease the provincial formalities that were duplication of the work already done by the NEC and NGO CC.

### 2.4. Qualified Candidates and The Role of the CEC

Comfrel submitted a letter to the NEC on October 02, over concerns about the application procedures for registration of candidates. Three concerns were raised.

- Firstly, CEC had been given full powers to deny or register the candidates for the list.
- Secondly, the procedure required that a political party submit a number of candidates in excess *by at least 2 times* of the number commune council members to be elected. They had to do send this to the CEC within three days.
- Thirdly, strict criteria seemed to apply in order for candidates to be qualified to run for office - literacy, Khmer nationality, Khmer speaking etc. These could and were being arbitrarily interpreted by CECs. Highly qualified, fully literate candidates are scarce in most rural areas. Rattanakiri, Mundulkiri, Stung Treng, Preah Vihear and communities where Vietnamese ethnicity is prevalent have double barriers to participation. This was a serious problem for parties and clearly contrary to the very idea of establishing local democratic institutions to serve residents.

Following pressure from Comfrel and partners, at the last minute (5 October), the NEC decided to withhold the powers of CECs to make rejections or question candidates on the nationality or literacy issues. CECs role was simplified to process applications to see that they were completed properly.

## V. Election Observation and Irregularities

### 1. Voter Registration

The NEC's press release of August 26, 2001, revealed that only 83.06% of the estimated 6.25 million eligible voters had registered for the commune council elections. Therefore, approximately one million potential voters had not been registered. The registration rate for this election was down 10% in comparison to the 1998 elections.

Comfrel and partners again campaigned for the NEC to extend the registration period. Eventually an additional three days was agreed in selected locations. These were cases proven by the EMOs where the stations had closed early, or been very badly organized, thus depriving voters of the chance to register. Although these extensions were welcome they did not meet the general requirement of Comfrel and other organizations for all electors to have the chance to register. An extra period of at least two weeks should have been allowed. Very many potential voters were denied the chance of registration - some with jobs and family commitments just could not spare the time to wait days on end. The number of registered voters during the extension period increased only by 2.2% from 80.84% on August 21 to 83.02% on August 26. (See Appendix 6: Table - Turnout of voter registration)

Comfrel and other EMOs identified several factors that contributed to the low voter registration mainly related to poor organization, management, training, and a lack of time and materials (despite the NEC spending US\$ 3 million on voter registration) and a lack of political commitment.

- Inadequate voter education and training of election officials, which was primarily caused by the lack of resources and the lateness of the finalization of regulations governing registration and, in some cases, the result of unequal dissemination of information by PECs, CECs and RSOs (Registration Station Officers). Local authorities were well-placed for CPP supporters to be registered early and in mass.
- Many voters were not allowed to register on their normally scheduled registration day or at their local registration station because of confusion about the registration requirements, or for politically motivated reasons.
- Inadequate quantities or late distribution of registration materials and equipment meant many registration stations opened late or closed early.
- Unreliable population figures (despite a recent census and commune registers of residents) and the lack of suitable premises meant that insufficient and inadequate places were allocated as registration stations.
- Moreover, the commune council elections were different from and more complex than the national one. The initial requirement that voters had to register at their permanent residences proved problematic to students, workers, monks and others who had moved to the cities to find jobs and/or study. Although this requirement was removed midway through the registration process, it was not widely publicized. Comfrel and NGOs did their best to inform the people of the change, but there were many people who did not hear it in time to register.

This change in the residency requirement ostensibly would assist the migrant working population, especially of garment workers in Phnom Penh, who are most likely to vote with the opposition. In practice the move was also generous to members of the security forces who are more inclined to vote for the CPP.

***Comfrel welcomes all moves that allow as many Cambodians as possible to vote. Hopefully soon Cambodians will be offered the same benefit as in more developed economies, with postal votes enabling overseas nationals and absent voters to take part in elections,***

- The attention of the general public did not seem to be captured to understand fully the importance of the commune council elections.

### 1.1. Irregularities and Violations During Voter Registration

Reports were provided from the Comfrel's nationwide network of observations at 10,647 stations equal to 86.10% coverage of the NEC's voter registration stations of 12,378. They showed that 65.14% of the monitored voter registration stations (6,936 out of 10,647) ran smoothly with minimal technical irregularities. Comfrel found unacceptable problems at 29 stations. 7,477 cases of the technical irregularities were reported at 3,711 voter registration stations. Many errors were replicated in stations and were widespread:

- Pre-registration publicity was inadequate for 2,298 registration stations (21.60%). They failed to inform voters about the location and schedule for registration centres and the 1998 voter lists were not well publicized.
- Threats or intimidation of voters took place at 598 stations (6.22%), 819 cases in all.
- Non-neutral behavior by PEC, CEC or RSOs was noted in 2,754 cases.
- Correct procedures were not followed at 2,558 stations (24.10%).
- Observers were harassed in 1,011 cases stations (equal to 9.5%) - officials barring the presence of observers and/or confiscation of observers' accreditation cards.
- Suspect registrations took place - 206 cases of 652 ineligible, unidentified, suspect and illegal immigrants were allowed to register at 100 stations.
- Refusal and complaint forms in 275 stations (forms 1201 and 1202) were not provided to voters.
- There were 27 cases of voters who registered more than once.
- There were 87 cases of confiscation of voter cards by local authorities.

In addition to the report, there were countless cases of irregularities including the shortage of registration materials, equipment and the improper performance of the PEC, CEC and RSOs.

### 1.2. Checking of the Voter Lists

The announcement to registered voters to check their name on the voter list that was released by the NEC seemed to be well organized. However there were exceptions in some provinces and towns. Regrettably most of the population were oblivious to the announcement and therefore did not check their names. They did not understand the significance of checking voter lists. Communities were not encouraged to check for missing names or for ones they did not recognize.

### 1.3. Fire victims denied the right to vote

There were 3,448 families or 17,000 people living in the area of two major fires in Phnom Penh in Meanchey and Chamkarmorn districts. The municipal authorities moved them to other districts up to 20 kilometres away. Amongst the 9,690 victims, 57% had registered for the forthcoming commune election. Only 38% of the registered victims were able to safeguard their voter cards so 62% lost theirs.

Almost 100% of the victims showed their willingness to participate in the upcoming commune election. The NEC regulation and procedures meant they could only vote for the council where they registered. What would be the point? They had no information on the candidates and parties to vote for? Why would their last commune/sangkat council pay attention to them? It was sensible to vote for the new commune/sangkat council in the new area where they live.

Comfrel took up their cause by suggesting that the NEC should provide special conditions to the victims who had no choice but to relocate and should be allowed to use their vote in their new location. A mobile team could be used to issue replacement voter registration certificates for the lost cards and the list of registered electors by updated in the new locations.

The NEC denied Comfrel's requests. Not for their first time did they forget the supremacy of the rule in a democracy that voters should be allowed to vote, and that right should never be unreasonably denied.

## **2. Candidate Registration**

### **2.1. Pre Registration of Candidate**

Another pre-poll controversy was the CPP's public opinion survey of the popularity (and therefore electoral prospects) of its candidates. Although there is no law to prevent political parties doing this, there were widespread concerns that the civil servants, local authorities and resources were used to conduct the activity. The survey allowed the CPP to name more popular candidates.<sup>7</sup>

This use of public resources was not fair to other parties and a breach of the neutrality requirement of officials. Voters were confused, the questions invaded their rights concerning the secrecy of the vote and the exercise added to the intimidatory climate.

### **2.2. CEC Role in Registration**

One NEC instruction intended to give power to CECs to deny the approval of submitted party candidate lists. At the last minute after united stakeholder representations, on 5 October, the NEC decided to issue the "Instruction" to withhold powers of the CEC from making rejections or questions of candidates over "nationality or literacy". The CEC's role was redefined to check that the applications were completely filled out in accordance with the criteria and conditions.

### **2.3. Registration Process**

Comfrel's network in the provinces/municipalities reported that the 3-day candidate registration proceeded smoothly with almost no serious incidents and irregularities. There were some oral threats and intimidation, after the candidate registration period, against opposition party members or activists in most areas and especially in the provinces of Kampong Cham, Battambang and Phnom Penh.

### **2.4. Women Candidates**

The party lists showed female candidates making up 16% of the total but actually this disappointing figure grossly overstated the true position. If the positions near the tops of the list are taken - the ones denoting party seniority, the ones with a realistic possibility of gaining a seat - then only 8% of the commune seats could be taken by women. This was in fact the actual outcome!

The low rate of female candidates of seniority showed that all major political parties displayed little political will on the issue of promoting women candidates for the commune elections. Political parties had not adopted the solution of alternative listing of women candidates in the order on their party lists. That solution, advocated by Comfrel, would have promoted parity. The political parties in effect created a barrier to women by favouring men at the top of lists.

### **2.5. Pluralism at risk - more factors against multi-party participation**

Only 8 parties participated in the commune elections in the 24 provinces/municipalities, as distinct from 39 in the 1998 national elections. One of them was the Cambodian Women's Party. The Cambodian People's Party (CPP) was the only one to contest all 1,621 communes, Funcinpec stood in 1,605 communes, the SRP (Sam Rainsy Party) stood in 1,501 while the smaller parties were found in only a few communes. 75 communes for KDP (Khmer Democratic Party), Vongkut Khemarak Moha Norkor - 6 communes, Chamreoun Niyum Khmer Party - 5 communes and Khmer Angkor Party - 4 communes.

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<sup>7</sup> The Commune Council Election Law allows the political parties to deselect and replace winning candidates.

Political parties such as SRP, Funcinpec and KDP complained about the security and politically unstable environment during the candidate registration. The pre-registration period of 14-16 October in particular showed special determined efforts to intimidate in some communes. The Khmer Democratic Party made an equally telling point in a country like Cambodia subject to heavy monsoon downpours that no account was taken for inclement weather and flooding. CECs were inflexible. Local authorities were slow to respond to KDP requests to set up offices in some provinces - Kandal, Pursat, Banteay Meanchey and Kampong Thom. SRP and KDP asked the NEC for extensions of the candidate registration. Funcinpec too encountered difficulties. 5 communes in Pursat province had insurmountable security problems for them. SRP activists had a similar concentration of intimidation in 6 communes in Siem Reap province.

Comfrel obtained reports from its provincial networks at the time warning that as many as 14 communes would hold elections with the participation of only one political party (CPP).

### 3. Election Campaign:

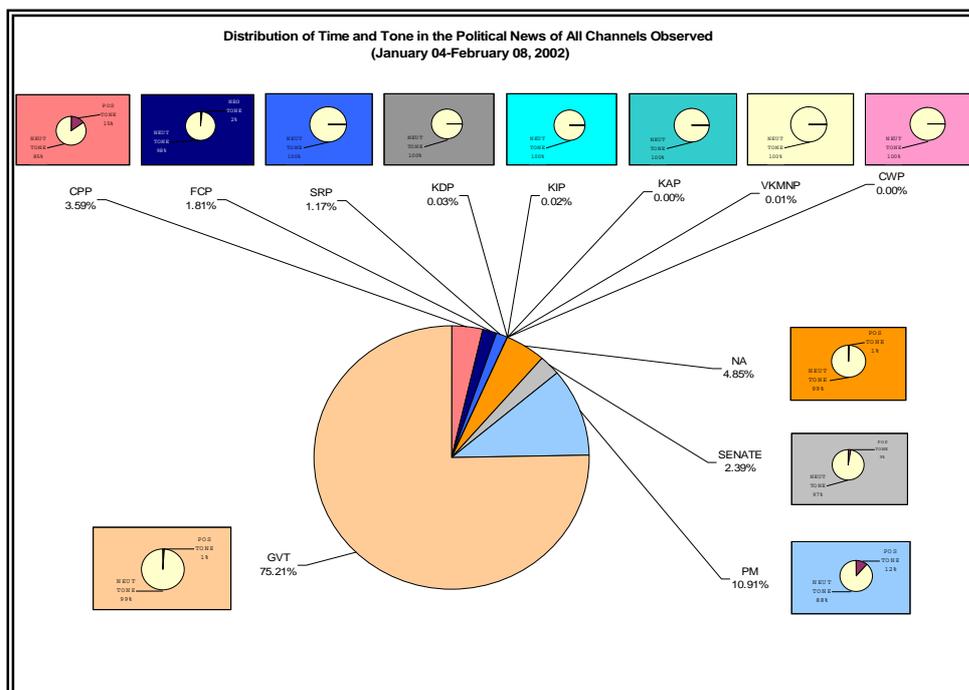
#### 3.1. Unequal Access to Broadcasting Media

Comfrel's policy is that if an election is to be judged as *fair* there must be clear evidence of genuine electoral competition especially in providing media access to all political contestants during the election campaign.

Comfrel therefore conducted electronic media monitoring in order to collect and analyze evidence State-owned TV and radios were carefully monitored to discern the access they provided to political parties: 3 TV and 4 radio channels in Phnom Penh, 7 days per week, 6 hours per day in prime time, as well as 3 TV and 3 radio channels in 5 provinces included Pursat, Battambang, Siem Reap, Kampong Cham and Sihanoukville. Comfrel monitors covered 7 days per week at selected times for a comprehensive check of programming.

The evidence confirmed absolutely the trend observed from January 4 when monitoring began that the CPP dominated government was still the main political actor in the news of the channels monitored, leaving a very limited time for other political parties competing for the forthcoming commune council election. On average, the activities of the government (included Prime Minister) took 86% of the total political time, followed by the National Assembly (5%), the Senate (2%) and the rest is 7%. (Chart #1)

**Chart 1 - Distribution of Time and Tone in the News of all media observed**



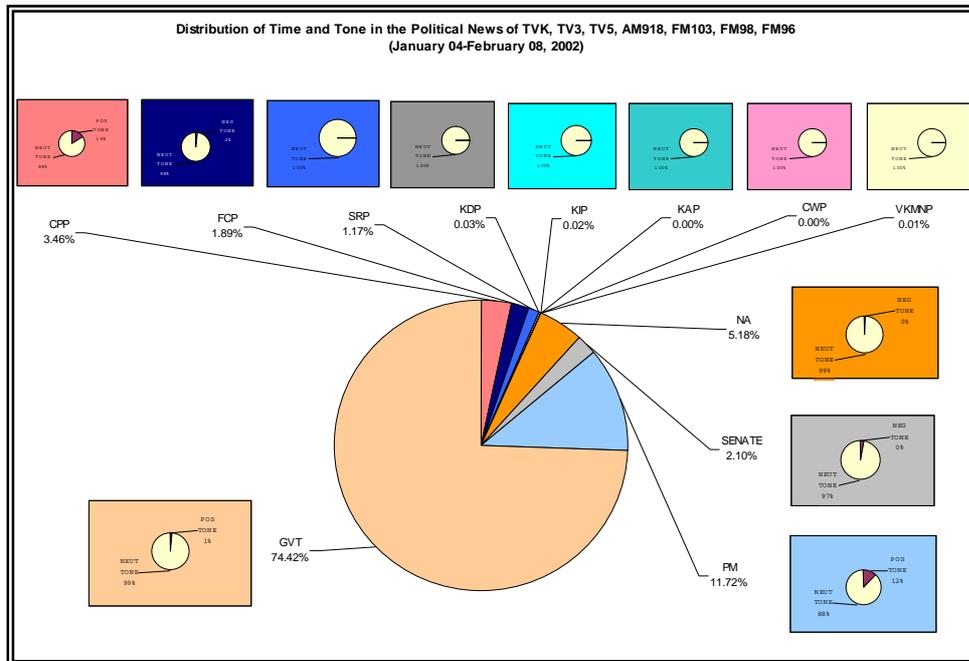
If the political affiliations are considered of members of the government, the National Assembly, the Senate and other national institutions, then the distribution of time in the news showed that the activities of the CPP counted for approximately 90%. Their coalition government partner, Funcinpec,

featured less than 10%. SRP members although the official opposition in Cambodia was never shown on TV during the period observed. The name of the party was sometimes mentioned.

A controversial but very interesting incident took place during the campaign when the highly active Funcinpec Women's Minister, Mu Sochua, was heavily criticized by the CPP for claiming one of her ministry's initiatives as an achievement of her party. The CPP critics said that it was a coalition government achievement. She was forced to apologize for her "mistake", and the incident was used in the campaign to discredit Funcinpec. Political observers from outside Cambodia saw nothing wrong in what Mu Sochua said, suggesting it was in essence no different from the CPP's philosophy in the campaign. They were asking for the electorate's vote because of the peace and stability they and their part in the coalition government, had brought. The incident, the unequal media coverage, and the lack of an informed independent public commentary on elections issues<sup>8</sup>, demonstrates how far Cambodia is away from creating a "level playing surface" for elections.

Amongst parties, the Cambodian People's Party (CPP) dominated the political news and was the only one to be covered by the Phnom Penh-based media observed. Five parties were reported, but only one was significantly covered: the CPP with an average of 4% of the political news. The activities of the Funcinpec Party took an average of 2%, Sam Rainsy Party 1%. FM 91 Battambang was the only channel monitored to have mentioned the names of Khmer Improvement Party (KIP) and Khmer Democratic Party (KDP) during the time under study (This was a reference in a report on a workshop on Women in Politics). (Chart #2)

**Chart 2 - Distribution of Time and Tone in the News in Phnom Penh-based media observed**



Public TV and Radio stations during the election campaign gave no free time to any political parties competing for the commune elections. FM 96 was the only channel observed on prime time to have broadcast a debate amongst parties (with representatives of the Cambodian People's Party, Funcinpec, Sam Rainsy Party and Khmer Democratic Party, at Veal Vong commune, Kampong Cham province.

FM 91MHz Battambang was the only channel observed to have broadcast political advertisements (spots of the CPP, for a total time of around 4 minutes).

TV and radio news did not report any instances of violations of the election law, NEC procedures and regulations, the citizen's right to appeal regarding registration and casting their ballot. There was no coverage of any comments or disputes with civil society and journalists on political party coverage by the electronic media monitored during this period. (See Appendix 5 for details)

<sup>8</sup> The NEC blocked NGO sponsored televised public forums.

### 3.2. Financial Transparency of Party Political Campaigns

The NEC does have powers to supervise expenditure of the political parties as well as to check for inappropriate sources and uses of funds. These powers in 2002 as in 1998 were not exercised.

There was no transparency in financial information for the various party campaigns and no measures to check for unfair campaign costs. Comfrel recommended the NEC, by letter on 18 December 2001, to conduct a financial audit regulation for the political party campaign. The NEC did officially notify the political parties of this financial audit in its letter dated December 27, 2001, calling for compliance with election laws governing income and expenditure of political parties for commune election campaign, and referring to the provisions of article 10 of commune council election law. Nothing else, it seems, was done beyond that official notice, the NEC themselves did not inform the public, whose interests they are supposed to be serving. They released no information on electoral campaign expenses and incomes of the political parties.

Article 29 of the law on political parties prohibits them from seek funding from NGOs, foreign companies, but allows them to finance their activities through legal ways of income generation. Although the article 29 suggests the state to help finance election campaign equally to all parties, it was not activated for the commune council elections.

### 3.3. Campaign Activities

Comfrel observed the *apparent*<sup>9</sup> efforts of the 3 major political parties, the CPP, the Funcinpec and the SRP from the onset of the election campaign. Their attempts to win over voters were watched through the distribution of leaflets, public address broadcasts of audio tapes, displays of posters, and the organization of meetings and rallies and so forth. Comfrel observed the activities of smaller political parties. Four were more "low key" affairs. The fifth one, the Khmer Democratic Party, was more politically active in a few provinces and in Phnom Penh. The SRP complained that local authorities, PEC and CEC obstructed its campaign. These authorities confiscated campaign materials in some areas of Sihanouk Ville, Kep, Kampot, Kompong Thom and Kampong Cham.



#### **The Political Party's Campaign (January 18 - February 01, 2002): The Cambodian's People Party, the Funcinpec and the Sam Rainsy Party**

According to reports from Comfrel and other EMO activists over the Kingdom, all provinces and municipalities showed a common situation. There were tensions between the CEC and the SRP agents in several areas where the CEC and the PEC inhibited the campaign activities of the SRP. The SRP was accused of using campaign materials that were not in conformity with the regulation and procedures for the commune council elections. The materials that were confiscated showed SRP leader Sam Rainsy in an audience with the King. A similar notation in FUNCINPEC literature that referred to the party's foundation by the King also encountered difficulty. There was also an objection to statements criticizing the personal behavior of other political parties and leaders. Comfrel had requested the NEC to reconsider its directive dated January 20, 2002, which encouraged PECs and CECs to exercise powers to confiscate the campaign materials.

<sup>9</sup> It will be appreciated that certain activities intended to affect the elections were not apparent.

These incidents once again illustrated the unfair playing surface for elections and the lack of understanding and commitment of officials to the competitive democratic process. A genuinely neutral NEC would have seen nothing wrong in SRP and Funcinpec literature. Everyday TV news opens with pictures that include Prime Minister Hun Sen in audience with the King. SRP and Funcinpec, merely showed the same thing, that all parties are loyal to the King.

Comfrel believes that the political parties in the 2002 elections failed to stimulate sufficient interest in the general public. The political party platforms and manifestos were thin on details of policies and commitments. They portrayed short advertisements rather than proper information for an election campaign. An election campaign should be a process to inform and educate the voters about the contents of each political party's goals and commitments. The electorate should be assisted in considering those contents with informed advice and commentary from neutral observers, as well as by being able to learn from exchanges and debates between the candidates. Comfrel along with international and civil society wished to provide televised and radio broadcasted debates at public forums but was not permitted by the NEC. The right of people to be aware of the political party debates through TV and radio was denied.

Citizens heard only the voices of each political party from the streets, from roving campaigners using mobile public address systems. They heard only short sound-bites. They were not aware of the promises of the political parties. The media had not provided access to the political parties. Most popular TV and Radio stations were reluctant to broadcast political debates. Some said that they were willing to do so, if the NEC gave assent. No such assent was given.

The NEC could have exercised its mandate to provide for state-owned media to broadcast political party platforms and debate spots. It did not do so, instead NGOs such Comfrel, Center for Social Development (CSD), National Democratic Institute (NDI), Khmer Institute for Democracy (KID) and others were willing to organize activities to help educate and inform voters. The NGOs were merely providing a platform for all political parties, equally, including the CPP. This would be done through distribution of voter guides, conducting of the candidate debates in communes and sport broadcasting through few radio stations.

The fact that not only did the NEC fail to support these laudable efforts but also they actually prevented them is indicative that the electoral campaign was not free and fair. Voters had little understanding and choice. Even today they do not know what the winning candidates will do as Commune Councillors. The voter's choice requires fundamental knowledge and information on key issues of local governance, operation of public services (roads, schools, health centers, etc), development plans, and citizen's rights. Furthermore as the concept of liberal democracy states, citizens must be allowed to participate actively in the decision-making processes, particularly in the local and national elections. The 2002 commune elections left most as passive participants.

### 3.4. Irregularities during Election Campaign

Comfrel conducted monitoring nationwide to identify as many irregularities as possible. Reports came in from all the 24 provinces and municipalities.

There were deaths of at least eighteen (18) commune candidates or activists but as is usually the case in Cambodia little definitive evidence was obtained to show the extent of politically motivated causes. For most independent observers the probability of that is quite high. Some cases, however - the killings of Funcinpec and SRP candidates were successfully prosecuted. Comfrel welcomes that landmark case, on its own merits and as a future precedent. (See Appendix 7 for details)

Reports showed that there were 15 cases, where serious physicals abuse occurred such as use of guns or explosive materials to threaten or provoke non-CPP candidates. There were 107 cases of vote-buying or similar illegal activities seeking to influence the outcome of the elections. Furthermore, there were 138 cases of direct and indirect intimidatory tactics threatening violence against the political party candidates or activists to make them fear for their lives and asset.

The most common irregularity was destruction of non-CPP party materials - party centre hoardings, posters, etc. Local authorities, at commune and village level were almost exclusively under CPP control. Officials were not impartial and exercised their powers to remove such material. No such actions were found to take place against CPP materials. Public offices and officials were not neutral. There were at least 203 cases of political disputes and provocation towards the candidates such as

tearing the campaign documents and other acts of vandalism. Officials of the local authorities, PECs, CECs, police and military police officials failed to discharge their responsibilities towards all political party and candidates during the activities of the campaign in 125 cases.

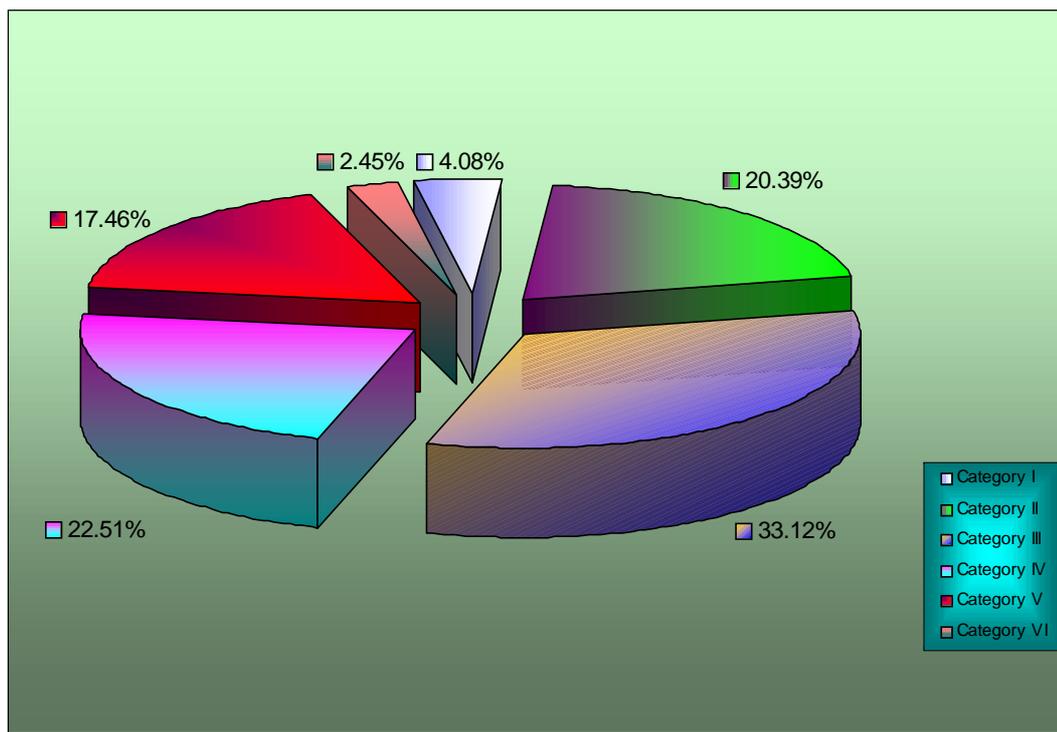
Similarly no official action was taken in 107 cases of vote-buying and other coercive tactics to garner votes such a soliciting thumb-prints on promises of loyalty and swearing of oaths with "holy water". **Comfrel notes that such tactics were undoubtedly more prevalent in this campaign than in 1998.**

Political parties were not guaranteed security. They were actually refused access to public places in 25 cases).

**The principle of equality for all political parties in the 2002 commune elections clearly did not apply. Therefore the elections cannot meet the test to be described as free or fair.**

**Chart 3 - Irregularities and Violence During the Election Campaign**

<b>Category I:</b> Violation of equal accesses (place and securities) 25 cases equal to 4.08%.	<b>Category IV:</b> Violation, Threat, and Violence 138 cases equal to 22.51%.
<b>Category II:</b> Non neutral activities or present of unauthorized person 125 cases equal to 20.39%	<b>Category V:</b> Vote buying 107 cases equal to 17.46%.
<b>Category III:</b> Conflict and barring 203 cases equal to 33.12%.	<b>Category VI:</b> Serious cases (Violation, Physical Attack or Intimidation) 15 cases equal to 2.45%.



**4. Irregularities in the days immediately before, during, after polling and counting**

86% of 5 million registered voters, according to results published on February 10, voted in the commune council elections throughout the country. Approximately 750,000 eligible voters did not cast their votes. Comfrel noted that the rate of registration and voting for this election was down more than 10% compared with the 1998 elections. It is a matter of conjecture as to whether Cambodians simply followed the trend of other democracies with lower turnouts for local government elections. Comfrel and domestic observers would suggest that this was not the major factor. Lower turnouts in a country with a dominant disciplined ruling party combined with struggling opposition parties were bound to favour the incumbent party in power.

Comfrel received comprehensive observation reports for most 12,400 polling stations. Central office has analyzed 99% of them.

#### 4.1. The Day before Polling Day (The Cooling Off Period)

This day is intended by law to be a rest day after the campaign. There were various violations on Feb 02, 2002. The main one was illegal campaigning. Comfrel noted 128 cases. Most illegal campaigning was done by the CPP. They used two types of vote buying: (a) indirect - whole communities were given donations and gifts - and (b) direct - individuals were given money for votes. This kind of infraction was widespread, probably orchestrated, and carried out throughout the country.

Other technical irregularities, to a lesser degree, were observed, mostly polling station materials that were sent late and/or were kept in an unsafe condition.

Finally in Comfrel's view, the environment surrounding polling stations was insecure. Infractions were observed, for example, with 24 cases in Battambang and 10 cases in Koh Kong.

#### 4.2. Polling Day

The commune election process was generally acceptable and well administered, but some cases of irregularities did occur on polling day.

Powerful local leaders were observed in the vicinity and approaches of voters to polling stations. Direct political intimidation and threats to voters were recorded (105 cases). Some civilians came with guns and uniforms. Provocatory statements were made to the lines of voters waiting to vote. Although most of these threats were oral in nature, it created an insecure and menacing environment for the voters. It is highly probable that many voters submitted to the oppressive tactics.

Polling station officials did not always respect the electoral procedures. There were 560 cases of technical irregularities defined as follows:

- confusion about official seals;
- ballot boxes not present;
- the secrecy of the vote was violated;
- electoral equipment was not well organized;
- voters' fingers were not marked with indelible ink to prevent double or multiple voting.

The NEC confirmed that there was a mistake in the printing of ballot papers that led up to the postponement of some polls in Prey Veng province.

Furthermore, there were 320 cases where the rights of the voters were obstructed by the polling officials. There were problems regarding voter identity cards and in many cases the names of the voters were not found on the voter list on the polling day.

The actual polling day afforded a generally favorable climate for the elections, compared to the 1998 elections, in terms of the few problems reported. A relatively peaceful day saw some 70% of registered voters cast their votes without serious incident. Again there were some logistical problems, but many were successfully resolved by the polling station officials.

For Comfrel and the EMOs, the greatest concerns arose in the pre-election period that had their effect on the day of the vote - i.e., the continuation of patterns established before the campaign period; manipulation of voter registration, intimidation and illegal campaigning that was again the major cause for complaint. Other infractions, most notably the eligibility of voters, were reasonably common but isolated to some polling stations and communes. They were isolated and not an indication of a wide-scale pattern of electoral abuse.

The heavy concentration in the large constituencies including Phnom Penh, Kampong Cham, Prey Veng is almost certainly due to the highly competitive situation with the opposition Sam Rainsy able to mount serious challenges. Kampong Cham is being contested heavily by the CPP that it lost in 1998 in terms of overall vote. It is possible that Prey Veng was also heavily contested - it is the home province of the CPP's lawmakers and high-ranking officials of the Royal Government who is most closely associated with the new system of commune councils.

**4.3. Ballot Counting Process**

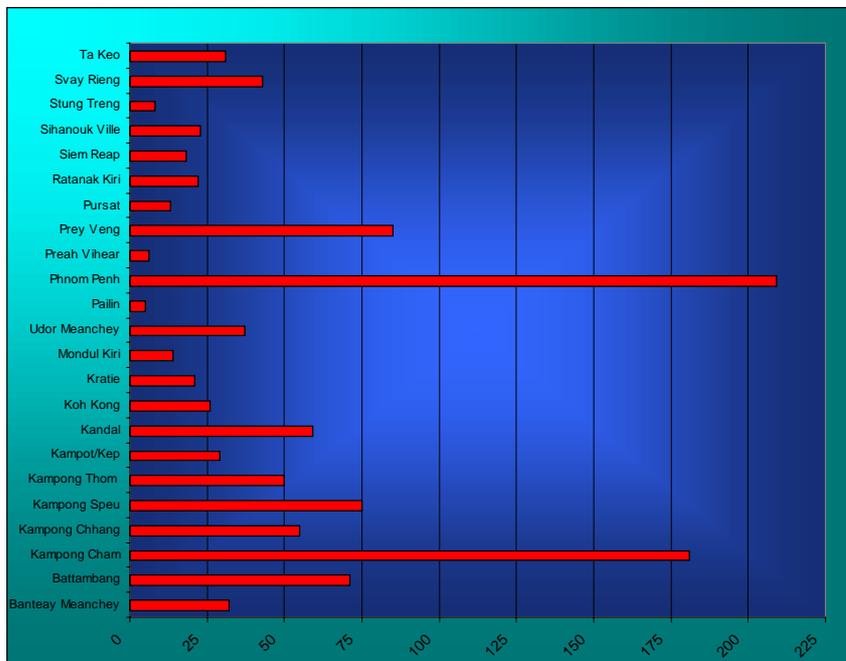
**Irregularities occurred during the ballot counting process:**

- The count was not conducted in accordance with the official procedures - counting officials splitting into groups to count the ballots (5 cases);
- There were people present or in the vicinity of the count carrying guns or explosive materials and using threats or intimidation (20 cases).

**76 cases were observed with the following irregularities:**

- Ballot count arrangements were not dealt with in an orderly fashion;
- Ballot papers were not shown transparently to the observers or political party agents;
- When the validity of a ballot paper was questioned, there was no open discussion on the part of the ballot counting officials for party agents or observers to be able to validate the judgment.
- The ballot counting process was not finished on time (12 cases);
- Frauds on ballot counting (57 cases). *For instance, in Romchor commune, Ratanakkiri province, the chairman of CEC added more ballots during the ballot counting process.*
- Counting staff did always understand or apply uniformly the guidelines for validating count tallies or recounting.

**Chart 4 - Irregularities on Polling and Counting Day Collected by Comfrel's Network**



Provinces	Cases
Banteay Meanchey	32
Battambang	71
Kampong Cham	181
Kampong Chhang	55
Kampong Speu	75
Kampong Thom	50
Kampot/Kep	29
Kandal	59
Koh Kong	26
Kratie	21
Mondul Kiri	14
Udor Meanchey	37
Pailin	5
Phnom Penh	209
Preah Vihear	6
Prey Veng	85
Pursat	13
Ratanak Kiri	22
Siem Reap	18
Sihanouk Ville	23
Stung Treng	8
Svay Rieng	43
Ta Keo	31
<b>Total</b>	<b>1,113</b>

**Note:** For the purpose of Comfrel report the small municipality Kep is included in Kampot province.

- Comfrel notes with concern that 4.4% of 4.5 million ballots were invalid. Different interpretations of what constituted invalid ballots were widespread according Comfrel reports. However the large number of votes that were ruled out meant voters who had gone to the trouble of going to vote were disenfranchised. This phenomenon, in the view of Comfrel, must be examined and if illiteracy and inability to mark the paper properly is the main cause, then Cambodia must find a better simpler way. (See appendix 8: The Commune Council Election Results by Comfrel network)

## 5. Post-Elections

### 5.1. The immediate post-election period

Comfrel provincial network activists observed that in two communes in Kampong Cham province, crowds formed into pro-political party groups, creating political tension. In two villages in Kampong Cham, the local authority had cut off the water as the village people had supported the opposition. In another village in Banteay Meanchey, local authority officials issued verbal threats to people they believed to have been supporting the SRP.

***Comfrel notes with concern the blatant disregard for the secrecy of the ballot and the verdict of the voters.***

The commune council election period, like the 1998 elections was overshadowed by allegations of election irregularities. Complaints were made by a few political parties regarding the vote counting results.

### 5.2. Follow Up Election Complaints

The allegations of electoral infraction were never fully solved, however, unlike in 1998 some technical irregularities in some stations were settled. There were 55 complaints at the polling station, of which 42 were solved and 13 were submitted to the CEC.

Comfrel's provincial activists followed up complaints and observed a revote in 6 stations in Prey Veng province and one station in Banteay Meanchey province. Furthermore, there was a recount at the PEC level in the province of Kampong Speu (6 stations) and Takeo (1 station), Phnom Penh (4 stations). The ballot counting result was proved to have been incorrect, where the margin between CPP and SRP was very small, when previously ruled invalid ballots were checked. *The opposition complaint was upheld and SRP declared the commune council party winner in one commune of Kampong Speu province.* This marks a very significant advance in Cambodia's democratic transition.

Comfrel calls for automatic recounts in future elections where the winning margins are very close especially where the margin is exceeded by the numbers of "invalid" ballot papers.

The conclusion to be drawn is that the interpretation of what constituted valid and invalid ballots was faulty during the ballot counting process. The opposition party insistently complained to the NEC for a recount of about 1,000 ballots considered invalid in 6 communes where there was a miniscule margin of "winning" votes. However, the NEC's regulation required the gap of votes between political parties being less than 0.5% of the total valid ballots. On the 20<sup>th</sup> of February, the NEC rejected the complaints, arguing that the complaints were "over" the deadline, i.e. the time the laws gave the NEC to complete their mission.

The NEC turned down a suggestion to recount the invalid ballots in some selected communes where there the winning margin was closest. The NEC had considered the SRP claim but ruled it as without justification to order recounting in a handful of communes in the provinces of Kampong Speu, Kampong Cham and Phnom Penh. They cited the lack of evidence and a legal base. That decision may be reasonable and lawful but cannot be seen to be untainted, given the political affiliations of the decision-makers.

Comfrel would argue further that given the closeness of the results in so many communes, the lack of NEC action to prevent vote buying, a straightforward electoral law violation, almost certainly affected the outcome on the day nationally and for individual councils. There was no proof of any hearings taking place into electoral infraction committed by local authorities, political party activists, candidates and electoral officials and so on. Furthermore, the NEC did not actively deal with the investigation of complaints. Therefore without polls being declared invalid a legacy remains that local electorates may not have got the commune councils they wanted. (See appendix 9: Table - follow up action on election complaints).

## **VI. Comparison with 1998 Elections: Violence and Irregularities**

### **1. Intimidation**

Threats, killings, harassment, and other violence towards political party candidates had been occurring by the time of polling and counting. They created an environment of fear in advance of the polls and the results. Comfrel and observer groups had expressed concerns over the political killings that had established an unacceptable environment before the election. Still the commune elections had arguably fewer serious politically motivated cases. The consensus view is that 380 killings took place in advance of the 1993 election and 40 killing cases for the 1998 elections. From January 2001 until February 2002, there were 18 cases where either candidates or activists died. Sadly these included an EMO representative from Nicfec and three (3) women candidates or activists for the commune council election. Human rights groups believe there is compelling evidence to suggest that the 18 cases were politically related. (See *Appendix 7 for details*)

Comfrel's reports showed a disturbing trend of constantly increasing cases of intimidation against commune candidates, party activists and supporters. There were more than 100 cases of serious intimidation such as firing guns, death threats and harassment. This situation of violence and intimidation affected many areas in the country.

There were similarities between the 1998 and 2002 elections, namely the fact that there was excessive intimidation during the pre-election phase. During both elections, there were systematic collections of thumbprints most notably by the CPP party. Local authority officials and political party members gave gifts, and more seriously lured and threatened people to vote for their party. Armed forces and local authorities appeared to favour the CPP. They were often present at the polling stations and interfered in the work of polling staff.

Apart from the similarities, it must be stated that the Commune Council Election proved to be a definite improvement on the 1998 National Election. The number of political murders reduced. The opposition parties that were poorly organized in 1997 in the aftermath of the July 1997 armed confrontation were much better placed to wage their campaigns. However the CPP's overwhelming powers of incumbency were dented only slightly by the inroads of the official opposition party, the SRP, but this tended to be gained at the expense of Funcinpec. The trend was less discernible outside the urban areas where the public was less informed, and as Comfrel has stated earlier, all non-CPP parties were at a distinct disadvantage.

Demonstrations were also arranged by the opposition party during the post election period drawing attention to the pro-CPP bias of the NEC. Several hundred participated in a march to draw attention to complaints that SRP felt had not been adequately and fairly dealt with. This demonstration was overall quite low key unlike in 1998 suggesting that people still remembered the 1998 violent suppression of post-election demonstrations. Perhaps too the commune elections were about local interests that motivated fewer people to demand political change.

Probably the main factor that allowed SRP and Funcinpec to accept the results, despite the dominant control of the CPP in almost all new councils, was that both parties had gained control of some communes and they had more than a toe-hold in many others. They would have deputy chiefs and members on most councils and this was probably the main gain for democracy in Cambodia of the 2002 local elections. The CPP stranglehold, if not broken, was weakened. This not only raises the possibility of fairer local elections in 2007 but also it could conceivably lessen the CPP hold over local authorities for the 2003 National Assembly elections.

### **2. Registration Processes 1998 - 2002**

There were in 1998 a number of difficulties and technical irregularities in the voter registration process but turnout was still high at 93%. In general the registration period was peaceful and free of violence. The NEC was quite responsive to representations from COMFREL, for example over the issue of observer accreditation cards and complaints of unauthorized personnel inside the stations.

There were incidents of local officials collecting the registration cards of voters in order to record serial numbers, and warnings were reported to the effect that computer analysis would reveal how voters cast their ballots. However COMFREL through a combination of representations to the NEC and raising public awareness by voter education was largely able to eliminate these practices.

1998 was therefore superior to 2002.

### 3. Access to media by the contesting parties and voter education NGOs

In the 1998 elections, the 39 political parties that contested the elections were each provided a five minute slot of interview time on state TV daily to explain their platform and program. In the 2002 commune council elections, the NEC failed to make a similar provision for the parties numbered only eight (8) including the CPP.

The civil society's voter education campaign of 1998 at the time seemed barely inadequate to counter the overwhelming challenges that faced the electorate less than twelve months after the 1997 armed confrontation and the flight of some party leaders. However, because of international support, and maybe because of the parlous state of opposition party organizations, with hindsight that campaign was more effective and commanded greater support and resources than the one in 2002. This must have been one factor in why a lot of the electorate in 2002 was less interested as evidenced by lower registration and voting turnouts.

There were probably other factors as COMFREL observers confirmed a widespread pattern throughout the country that the commune elections failed to stimulate the electorate. It seems many people did not grasp the significance of local governance, development, human rights, and their participation as citizens. Most importantly none of the political parties aroused their attention with clear relevant appeals. Cambodian citizens are becoming more politically aware, and are catching up their peers in longer established democratic nations. Thus non-participation is a deliberate choice, and in some cases, the "safe" choice, given the climate of intimidation established in many communities. The only way to counter this concern is through better education and constant re-assurance that the vote is secret and their choice matters. Comfrel remains strongly committed to this fundamental principle of liberal democracy in Cambodia's transition towards national and local elected bodies that genuinely reflect the will of the electorate.

### 4. Irregularities During Polling and Ballot Counting Day

The problems in the 1998 elections were reported to have been, for the most part, minor offences. There were a few isolated cases of serious electoral irregularities. 10,268 polling stations or 93.1% according to Comfrel's observers were free of electoral irregularities during the polling process in 1998. Many of the problems that were reported consisted of voters being disorderly and noisy outside the polls. In Mondulhiri and Koh Kong, there were no irregularities recorded except for chaos outside voting stations. Most problems occurred in Preah Vihear, Kampong Speu, Stung Treng, Takeo and Phnom Penh. In Preah Vihear, there were instances of minor offences such as technical problems at the end of the polling procedure, noise and distractions outside and lack of competency on the part of the polling station staff. In Kampong Speu, Pailin, Prey Veng, Phnom Penh, Pursat and Kandal, there was the recurring problem of chaos and disorderly lines outside the polling stations. In Stung Treng, there were 10 cases recorded where voters were included in the list of voters who were not been listed previously. In Takeo, there were problems with the lack of essential voting material and also there was the interference by unauthorized persons.

- Serious problems amounted to ineligible voters being allowed to vote, interference of unauthorized people in or near the entrance of the polling stations, lack of neutrality on behalf of the polling station staff and violation of secrecy. Minor offences included noise outside the polling station, inefficiency on the part of the polling station officer and problems with transport such as tardiness or insufficient materials. Provinces where quite serious problems occurred were in Kampong Cham province such as interference by unauthorized persons, inadequate guarantees of voter secrecy, lack of neutrality on the part of polling station staff and ineligible voters being able to vote.
- The 1998 ballot counting report was overall quite positive, "free from deliberate violations of the counting process...mainly isolated [they] did not appear to be part of a widespread campaign to undermine the counting process<sup>10</sup>". There were cases of irregularity recorded at just 26% of stations. Serious problems were recorded at 7.7% of stations and there more serious violations in 1% of stations. Serious problems consisted of unauthorized people luring the voters to vote for a party. Extreme violations included physical or verbal threats, armed people intimidating voters and/or threatening signs posted on doors.

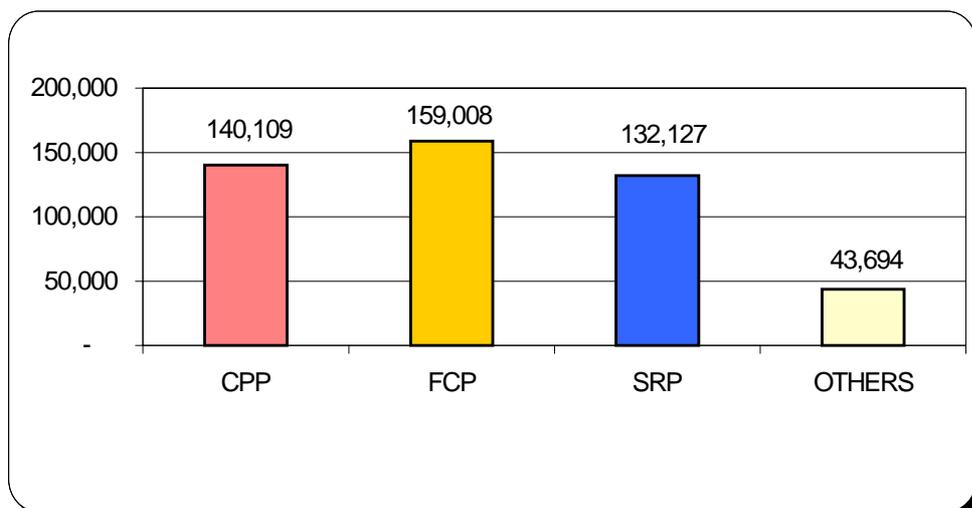
<sup>10</sup> Comfrel's Final Report on the 1998 National Assembly Election in Cambodia - page 22

- As stated, there were fewer electoral infractions during the 2002 elections. The provinces with the most problems were Kampong Cham, Kampong Chhnang, Kampong Speu, Phnom Penh and Prey Veng. The electoral infractions were mostly minor ones, but they were widespread. Three provinces had hardly any electoral infractions unlike in 1998. - Pailin, Stung Treng and Preah Vihear. Pailin, for example, was so quiet that even before the election campaign, the Anfrel observer left and went to observe elsewhere. Comfrel believes that quietness is a worrying sign of complacency. Pailin was one of the last stronghold areas of the Khmer Rouge, as were the other two "trouble-free" provinces. It would not be impossible for these places that are remote with poor communications, to have been targeted for non-apparent election activities.<sup>11</sup>
- The most frequent electoral infractions that occurred nationwide (the exception was Phnom Penh) consisted of electoral irregularities. These included the electoral process not starting or finishing on time, insufficient material, polling station officers failing to follow the procedures and voters' fingers not being soaked in indelible ink.
- The nature of the problems observed in Phnom Penh differed according to Comfrel's observers. For the 1998 election, around 40% of the polling stations (435 out of 910 polling stations) had problems outside the polling station, i.e., minor offences, such as noise and disorder. The other main problem that occurred in great numbers was inefficiency on the part of officials. During the 2002 elections, 105 cases consisted of violations of voter's rights that included the following: ineligible voters voting, eligible voters being denied their vote, voters being able to vote twice. Cases relating to fraud during the ballot counting process in the 2002 elections were more widespread. Ballot fraud occurred in every province except for Banteay Meanchey, Mondulkiri, Ratanakiri, Pursat, Pailin and Stung Treng.

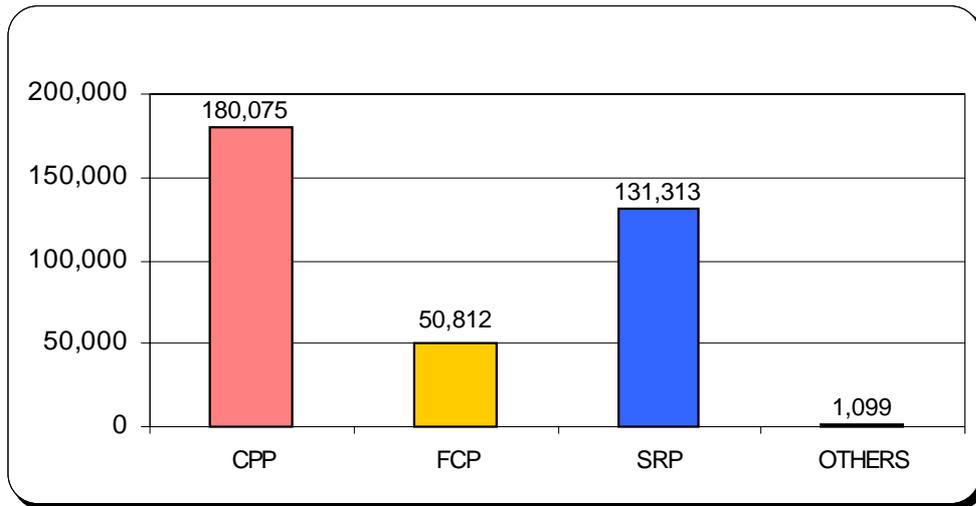
**5. The 2002 Commune Elections results - further comments**

**Phnom Penh** was the most troubled area in both elections. In 1998 there was a general fear environment of the political parties with 474 cases of alleged irregularities. During the recent election, there was least fear and a decrease in election irregularities to 209 cases. In fact, during the 1998 election, the gap between the two results, between CPP and SRP, was very close (140,109 voted for CPP with 132,127 that voted for SRP and FCP 'won' with 159,008). During the 2002 elections, the CPP scored the most with 180,075 against 131,313 for SRP and a large drop in support to 50,812 for Funcinpec. It seems that the result in the 1998 election was divided three ways equally while the 2002 election result, the CPP scored equal with Funcinpec combined with SRP. (See the charts below)

**Chart 5 - 1998 National Assembly Election Results in Phnom Penh**



<sup>11</sup> See "Election campaign" above and Footnote 5.

**Chart 6 - 2002 Commune Council Election Results in Phnom Penh**

**Note:** The data was collected by COMFREL's network from the counting stations over the Kingdom.

There were big changes in the 2002 communal election results compared to the 1998 national election results throughout the country. The changes can be explained in different ways.

Although not entirely comparable, analysis of voting patterns between 1998 and 2002 is very interesting. Obviously one is not comparing like with like, given that one was a national election with party tickets and remote candidates, and the other more local with better known ones. However if the 1998 vote is extrapolated to show how that pattern would translate into commune elections, then:

- The CPP received 1,049 seats for commune council heads equaling to 67%;
- The Funcinpec won 451 seats for commune council heads equaling to 28%;
- The SRP got 68 seats for commune council heads equaling to 4%;

Based on the 2002 results, the amount of votes that each party obtained in to representation of top-list political parties (commune council head and commune chief) among the CPP, Funcinpec and SRP:

- The CPP received 1,598 seats for commune council heads equaling to 98.58%;
- The Funcinpec won 10 seats for commune council heads equaling to 0.62%;
- The SRP got 13 seats for commune council heads equaling to 0.8%;

The question is why should there be such a significant shift towards the ruling party when the government, as with many governments in the mid-term of office, is not particularly popular or successful? Some factors must include:

- the pre-election intimidation and vote-buying tactics,
- the presence of incumbent leaders, supporters, and exhortation activities during the polls,
- CPP's pre-election surveys that tested the popularity of candidates and placed the ones held in high favour at the top of their party lists,
- unequal access to media,
- unequal resources for campaigns that would of course be transparent if the NEC had exercised its powers to monitor party expenditure.
- CPP's close association with community development projects and emergency relief dispersions (even though the donor source was apolitical)

Intimidation, obstructions to voter education, unfair access to media and vote buying (during the election campaign) was at rural area omnipresent in the Commune Council Elections. It was more local and more close knit as in most cases people knew the perpetrators. This is worrying. It suggests that intimidation achieved the CPP victory of over 98% of communes. CPP may be applauding their

victory but it may not be based on a sound democratic basis. Meanwhile the SRP opposition party has increased its total vote (from 694,169 voters in 1998 to 736,454 voters in 2002, it has consolidated its presence in urban areas and has mounted a national organization. CPP's junior coalition partner, Funcinpec, lost much ground. They have declined markedly from their 1998 vote and their victory in 1993 when they emerged as the largest supported party in the country. Now the Sam Rainsy Party may well emerge as the second force to the CPP and the only real alternative. The danger of course, with only two parties realistically in the fray that once again the Cambodian electorate will have just two heavily polarized choices. Comfrel expresses the hope that for the sake of democracy. Comfrel expresses the change of electoral system to be direct system will be considered for future communal election that voters must be given every encouragement to vote. The best way is for them to have candidates they know or know about, who stand for policies and initiatives that once in office they can be assessed against and held to account. The direct representation system, preferably allowing independent candidates also to stand, is much better than the party system in this regard. Certainly local government can only benefit from such a change and Comfrel will advocate this for the 2007 elections. (See appendix 8: The Commune Council Election Results by Comfrel network and Appendix 10: Chart - Comparison of Election Results in 1993 - 1998 and 2002)

## VII. Lessons Learned

### 1. Advocacy

Comfrel noted that it was difficult to keep civil society groups motivated. Maybe the prospect of commune elections had been aired for so long that when they came about early enthusiasm had waned. Also of course civil society was disappointed that none of the main desired changes they had put forward had been accepted. The prospect of real change and the knowledge that the agendas for change were supported by the will of people should have been great motivators. Comfrel believes that a long term strategy is needed. Advocacy efforts should be enhanced by not only focusing on high level meetings with government and legislators, but must focus on mobilizing civil society, enhancing public knowledge with concepts of "ownership", and promoting greater participation and engagement. These can be achieved through "grassroots" local interaction and mobilisation such as workshops, youth and student debates, petitions etc. Lobbying should also aim to develop ongoing relationships between elected officials at national and local levels and their constituents to promote accountability and responsiveness. Studying all aspects of a situation and collecting sufficient evidence to strengthen arguments at policy level are also cited as important aspects for conducting successful campaigns.

### 2. Servicing and building capacity of Comfrel's network and Election Monitoring

Cambodia's democratic transition has been enhanced by the work of Comfrel and that in turn is to the credit of its field observers.

Comfrel must strengthen communication between central office and village observers in order to compile accurate data needed to make an assessment of the freedom, fairness and credibility of the full election process. Good reliable quick information makes for authoritative judgments and effective advocacy. Comfrel and its field observers are building up skills and performance, but equally as seen in the 2002 elections political activists are becoming increasingly sophisticated in promoting their party's interests. Comfrel will therefore continue to gather and release good information, constantly striving to improve task of form-filling, updating the checklists and following up the complaints by all the observers. Comfrel is committed to ever more efficient reports, summaries, and releases to share broadly especially through its much-praised e-mail service.

Comfrel planned budgets for all local level travel expenses from the Central Office. However, this ran into obvious difficulties in view of varied and changing field conditions. In 2000, this policy was changed and the management of travel expenses and per diems for network activists was delegated to provincial offices. While the new arrangement has given provinces more flexibility with their resources, activists in nearly all provinces surveyed in the evaluation complained of insufficient allowances for transportation. or expressed the view that modest increases would have brought significant gains in the frequency of contacts that would in turn improve the quality of work at village level.

Comfrel realises that the best training for grassroots activists is in real or simulated conditions, i.e, seeing and practising the correct voting procedure in a polling station and how complaints are lodged. Network activists face a multiplicity of challenges. Those in remote areas, however, are at the greatest disadvantage. They have least access to education and media while they are also faced with local authority and election officials who are inclined:

- (a) to believe they can operate with impunity, and
- (b) observer reports do not matter or can be suppressed.

Comfrel's realises that in many ways the provincial activists and network of 3,500 dedicated volunteers are the most important links in the chain. They share the strong commitment to free, fair, and credible elections. They are highly motivated in their work. Most have strong technical knowledge of democracy and election-related matters. However, some expressed difficulties because of heavy workloads and scheduling conflicts brought about by dual roles, having to contribute time for Comfrel while working for one of the board member organisations. Some of the problems related to the dual role were resolved through the full time employment of provincial secretaries in each provincial office. However much is asked of them and Comfrel is indebted to them.

### 3. Education

Comfrel realizes that education activities have to be devised that engage the public and civil society groups and that convey messages successfully. Voter education encourages citizens to participate in elections. Further effective activities need more visual and tangible impact such as role playing, debates, TV shows, listener call shows on radio. These are popular and are proven to strengthen the awareness of voters especially in terms of voter's knowledge, rights and duty to vote.

### 4. Party campaigns and public forums, debates, and informed commentaries

Proper party campaigns with meaningful information promote democratic elections. That information should then be subjected to scrutiny and analysis by other parties and independent experts through public forums and debates. These should be held at public meetings and aired on radio and TV with coverage in local press. This process then enables voters to make more qualified judgments on the choices on offer to them.

The most important factor needed for credible elections in a democratic arena is the opportunity for citizens to witness the political platforms of candidates. This may be achieved in various ways, through the media, at local or national party disseminations sessions, through informal or formal exchanges, and generally, via public forums. Roundtable discussions, talk shows and video spots should also be aired by voter education organizations such as Comfrel. People should have the opportunity to ask questions. Questions posed by telephone over the radio are particularly good. They raise issues that concern voters. They can probe the candidates' political agenda, the significance of the Commune Council Elections and obtain explanations on the different procedures. The NEC was unable or unwilling in 2002 to discharge its responsibilities to inform the public. In fairness, the NEC was hampered from the outset with financial shortages, and priority had to be given to the election administration apparatus but such a key omission should not be allowed in future.

Several local public forums were organized by candidates with the help of local NGOs. A public forum debate was held in several communes. Technical support was given by the National Democratic Institute for International Affairs (NDI) and was financially supported by USAID. Four parties were represented - the three main parties, CPP, SRP and Funcinpec plus the Cambodian Women's Party. A facilitator presented each candidate and structured the debate. Each candidate had two minutes to introduce his or her aims and objectives. Questions were posed to the candidates and dialogue took place between candidates and the public. Overall, the public debate proved extremely useful and an insight for the commune resident. They were able to hear what the candidates stood for and how genuine, competent, reform-minded and determined they came across to the people.

Public debates are a crucial aspect of the elections being learned by Cambodians. They are the first opportunity voters have had to ask direct questions to the candidates and to form opinions on their honesty, authenticity, transparency and ambitions. They will prove to be means in years to come by which voters can hold their elected leaders to account for actual performance in office.

### **VIII. Principal Recommendations**

- 1. The Royal Government of Cambodia, the National Assembly, the state institutions with election responsibilities and all political parties must strive to create genuinely peaceful, free and fair elections that allow all citizens to vote according to conscience and personal choice.**
- 2. The international donor community with domestic civil society organizations should stay fully engaged in efforts to achieve Cambodia's democratic transition, applying maximum pressure by offering constructive advice, criticism, and technical expertise plus resources to facilitate elections that reach acceptable standards. This engagement needs to be maintained between elections and not just in the months before.**
- 3. Comfrel and EMOs achieving similar international and local standing on election matters should be provided with sufficient long term support in order to conduct strategic plans looking 3-5 years ahead and - most crucially - to keep its network of 15,500 volunteers together, retained, active, and motivated.**
- 4. Cambodia's electorate needs sustained and creative civic education in order to become truly "masters and mistresses of their own destiny" i.e., that leaders the elect serve them and not vice-versa.**

# **APPENDIXES**

**Appendix 1:****Project on Commune Council Elections 2001-2002****1. Project Objectives**

- 1.1. Advocacy:** Increased civil society input for development of the legal framework for the election, including the electoral system, opportunity for independent candidates, promotion of women's participation, reform of the National Election Commission (NEC), election regulations, compliance with sound electoral principles and electoral laws and regulations, and appropriate response to violations.
- 1.2. Monitoring:** Increase transparency and confidence in the election process and participation in commune administration while discouraging violations.
- 1.3. Civic/Voter Education:** Inform and educate the public on their rights and participation in the election as candidates and voters and in the affairs of commune administration and strengthen the accountability of elected representatives.
- 1.4. Capacity Building:** Continue strengthening Comfrel's network for conducting voter education, election monitoring and post-election advocacy, civic education and monitoring; strengthen central office functions in order to process and analyse information and respond more quickly to situations as they arise.

**2. Project Activities**

Comfrel's project activities before, during and after the expected commune council elections are as follows:

No.	Description	Target Groups	Location
1.	Lobbying and advocacy for legal framework, restructuring of NEC, women's participation.	Government and National Assembly	Phnom Penh, provincial towns
2.	Survey of CECs for neutrality	CECs, commune activists	1,600 communes nationwide
3.	Lobbying NEC and PECs for improved neutrality in PECs and CECs	NEC, PECs	Phnom Penh, provincial towns
4.	Pre-election monitoring of general conditions through monthly reports from communes and fact-finding missions	Grassroots communities	1,600 communes nationwide, meetings at 182 districts
5.	Provincial level public forums for NA members to meet the public.	Members of the National Assembly, public	Provincial towns nationwide
6.	Grassroots-level advocacy by commune activists	Local authorities, commune councils, grassroots population	800 communes nationwide
7.	Issue of 3,500 accreditation cards	Comfrel's commune activists	1,600 communes nationwide
8.	Comfrel notice boards in communes	Local authorities and grassroots population	1,600 communes nationwide
9.	Distribution of 7,000 copies of Code of Conduct for Monitors	PECs, CECs, local authorities	Nationwide
10.	Production and distribution of education and general monitoring manuals	Comfrel's network in provinces, districts and communes	Nationwide
11.	Pre-election publication of <i>Neak Kloam Meul</i> bulletin, 6,000 copies per edition bimonthly.	Comfrel's network activists, government officials, PECs, CECs, other interested parties	Nationwide
12.	Capacity building: English language training	2 or 3 selected staff from Central Office	Phnom Penh

No.	Description	Target Groups	Location
13.	Capacity building: translation and writing capabilities	2 or 3 selected staff from Central Office	Phnom Penh
14.	Capacity building: Database management consultancy	Monitoring Section	Phnom Penh
15.	Capacity building: Media work	Media Section	Phnom Penh
16.	Network training for voter registration, using cascade method	Comfrel's network in provinces, districts and communes	Nationwide
17.	Monitoring of voter registration	People registering to vote, voter registration officials, CECs	Nationwide
18.	Network training for voter/civic education, using cascade method	Comfrel's network in provinces, districts and communes	Nationwide
19.	Community-level voter education workshops	About 600,000 people in rural areas	Nationwide, emphasis on more remote areas
20.	Production and distribution of 20,000 voter education posters	Population in urban and rural areas	Nationwide
21.	Production and distribution of 500,000 voter education leaflets	Population in urban and rural areas	Nationwide
22.	80 newspaper articles, pre-election and election	Population in urban areas	Phnom Penh and provincial towns
23.	60 radio broadcasts, pre-election and election	Population in urban and rural areas	Nationwide, within areas of radio coverage
24.	District-level roundtables	PECs, CECs, local police, authorities, military, political parties	50 districts
25.	Campaign monitoring	Local election contestants, supporters	Nationwide
26.	Factfinding missions during election campaign	Local election contestants, supporters	2 missions per province, nationwide
27.	Network training for polling day/vote count monitoring, using cascade method	12,600 commune and village monitors	Nationwide
28.	Production & distribution of 2,500 copies of Handbook for Comfrel Monitors and Instructors	Comfrel's network in provinces, districts and communes	Nationwide
29.	Production & distribution of 13,000 copies detailed polling/count monitoring manual	12,600 commune and village monitors	Nationwide
30.	Production & distribution of 13,000 copies of Code of Conduct for Monitors	12,600 commune and village monitors	Nationwide
31.	Monitoring of polling and vote counting	Voters in polling stations, polling station staff, CECs, public	Nationwide
32.	Network training for post-election monitoring	Provincial, district and commune activists	Nationwide
33.	Post-election monitoring immediately after election	Public, voters, outgoing commune chiefs, incoming commune councils	Nationwide
34.	Post-election publication of <i>Neak Kloam Meul</i> bulletin, 2,000 copies per edition bimonthly.	Comfrel's network activists, government officials, commune councils, other interested parties	Nationwide
35.	Cascade training for longer-term post-election monitoring, reporting, local forums and civil society capacity building	Comfrel's provincial, district and commune activists	Nationwide
36.	Quarterly meetings to review situation in communes, assist	Commune residents, local activists	Nationwide

No.	Description	Target Groups	Location
	local citizens, report issues and problems		
37.	Citizen's advisory at commune level	Commune residents, local activists	25% of communes nationwide, emphasis on remote areas
38.	Dissemination of news from Central Office to communes	Commune residents, local activists	Nationwide
39.	160 newspaper articles, post-election	Population in urban areas	Phnom Penh and provincial towns
40.	60 radio broadcasts, post-election	Population in urban and rural areas	Nationwide, within areas of radio coverage

### 3. Expected Outputs

The expected outputs from Comfrel's pre-commune election, polling day and post-election activities in 2000 and 2001 are described below:

#### 3.1. Advocacy

- Representations to National Assembly and media concerning draft laws and reform of the NEC, and representations to the NEC concerning neutrality of PECs and CECs.
- National Assembly members meet with constituents, listen to issues aired by public and given opportunity to respond.
- Comfrel activists meet with local officials in 50 district level roundtables to discuss and resolve election-related problems and seek ways of preventing conflict.
- Representations to local officials through grassroots-level advocacy by commune activists in 800 communes.
- Production of media statements, including statements on voter registration, pre-election assessment, preliminary assessment of polling and counting, and comprehensive analysis of election process.

Initial representations for legal framework for 2003 National Assembly election.

#### 3.2. Monitoring

- Monthly reports from communes on violations, general situation and activities conducted by local authorities during pre- and post-election periods, backed by pre-election monitoring visits by mobile teams to provinces and communes.
- Provincial and district activists and 1,600 commune activists trained in correct registration procedure, complaints procedure and how to monitor the voter registration process.
- Monitoring of voter registration by 3,200 Commune Activists followed by assessment of registration process in 1,600 communes and national assessment of registration process.
- Regular network reports on election campaign, supported by factfinding missions and followed by assessment.
- Pre-election assessment on eve of polls, combining the information on pre-election conditions, voter registration, candidate registration and campaign.
- 12,600 commune and village monitors trained in how to monitor polling and counting, provided with detailed monitoring manuals and Observer Code of Conduct.
- 12,600 monitors observing polling and vote counting.
- Assessment of polling and vote counting in 1,600 communes and national assessment of overall polling and vote counting process.
- Monitoring and assessment of post-election conditions, inauguration and operation of commune councils.

### 3.3. Civic/Voter Education

- Code of Conduct (7,000 copies distributed to PECs, CECs, local authorities).
- 3,200 commune activists trained in voter education curriculum, materials and how to conduct workshops.
- 10,000 village-level civic education workshops with emphasis given to more remote, rural areas.
- 20,000 posters, 500,000 leaflets, 80 newspaper articles, 60 radio broadcasts before election, in 2001.
- 160 newspaper articles, 60 radio broadcasts during post-election period, 2002.
- Key news items disseminated by Comfrel's Central Office to local citizens and commune activists nationwide.
- Decentralisation and commune council issues discussed in quarterly public forums hosted by commune activists in communes during post-election period.
- Local citizens receive citizen's advisory services in selected 25% of communes nationwide.

### 3.4. Capacity Building

- Civic Education and General Monitoring Manuals (13,000 copies distributed to Comfrel network)
- Handbook for Comfrel Monitors and Instructors (2,500 copies distributed to provincial/district/commune activists).
- *Neak Kloam Meul* network bulletin: 6,000 copies produced and distributed bimonthly during pre-election and election period.
- *Neak Kloam Meul* network bulletin: 2,500 copies produced and distributed bimonthly during post-election period.
- Selected central office staff achieves significant gains in English language proficiency.
- Selected central office staff capable of translating documents more quickly and accurately.
- Monitoring Section staff trained in use and management of monitoring information in database for analytical purposes.
- Media Section staff member trained in writing techniques and journalistic reporting of important news and developments.

## 4. Expected Impacts

The expected impacts generated by the output described above during 2000 and 2001 are described below:

### 4.1. Advocacy

- Improved legal framework for free and fair elections with greater women's participation.
- Improvement in the operation of election institutions, including the NEC, with more demonstrable neutrality and improved follow up of complaints and prosecution of violations.
- Improved compliance of election officials and local authorities with legal framework and good electoral principles, supported by better understanding of democracy and the rights of citizens.
- NA members and public better understand the function of elected parliament members in listening to and representing the interests of the people.
- Strengthening of grassroots civil society and participatory structures with improved local governance in communes.

#### **4.2. Monitoring**

- Clear, transparent information on the election process, from voter registration to campaign to the voting and counting processes.
- Improved transparency of general situation and conduct of commune council elections, with network activists, government and election officials, the public and media regularly informed on the election framework, process, developments and monitoring results.
- Violations discouraged and greater space created for the democratic process with reduction in impunity.
- Polling and counting irregularities discouraged by presence of monitors.
- Public informed of quality of post election process and of any violations.

#### **4.3. Civic/Voter Education**

- Improved liaison between monitors and PECs, CECs and other authorities and easier network access to villages.
- Network activists, government and election officials and other interested parties informed through *Neak Kloam Meul* bulletin on post-election developments and issues vital to civil society interaction with commune councils.
- Better informed electorate in urban and rural areas with greater awareness of their rights as voters and citizens.

#### **4.4. Capacity Building**

- Greater effectiveness in monitoring, civic/voter education and advocacy.
- Improved public standing of Comfrel and greater weight as stabilising force in the election process.

### **5. Measurable Indicators**

Indicators that can be used to measure the implementation and impact of Comfrel's activities are:

- Changes adopted to draft law in response to lobbying.
- Changes adopted in NEC composition and structure, reflecting greater neutrality.
- Changes made to election regulations in response to representations.
- Positive responses by PECs and NECs to complaints, reduction in violence, intimidation and irregularities compared to 1998 election.
- Number of public forums held with NA members in provinces/municipalities, types of questions put these members.
- Number of copies of publications distributed.
- Network activists improve quality and timeliness of communication compared to 1998.
- Number of complaints launched and satisfactory resolution of complaints by CECs, PECs, NEC.
- Qualitative feedback received from civic/voter education workshops, public forums and grassroots level advocacy.
- Number of village level civic/voter education workshops/public forums conducted.
- Estimated audience; pre-test and post-test on selected focus groups.
- Quality and timeliness of information received from network after polling and vote counting.
- Responses received from distribution of bulletins and other publications.

- Number of posters, leaflets produced and distributed, estimated audience, feedback
- Number of newspaper articles published, circulation and estimated readership.
- Number of broadcasts, estimated audience.
- Quantity, accuracy and detail of pre-election information received and made available to media and public, trend in reported violations.
- Voter registration monitoring reports received from network, quality and timeliness of information, commune level and Central Office assessment on registration process.
- Network reports on election campaign.
- Polling day and vote counting reports received from network, quality and timeliness of information, commune level and Central Office assessment on polling and counting process.
- Post-election reports received from network, verbally and in writing.

Reports received on local public forums on the operation of commune councils and citizens' advisory activities.

[End]

## Appendix 2:

**Number of Women Commune Council (CC) Members**

No.	Provinces/ Municipalities	CAMBODIA PEOPLE'S PARTY (CPP)				FUNCINPEC PARTY (FCP)				SAM RAINSY PARTY (SRP)				Sub Total	Numbers of CC seats	Percentage of Women in CC			
		Chief	1 <sup>st</sup> Deputy	2 <sup>nd</sup>	Member	Sub total	Chief	1 <sup>st</sup> Deputy	2 <sup>nd</sup>	Member	Sub total	Chief	1 <sup>st</sup> Deputy				2 <sup>nd</sup>	Member	Sub total
1	Banteay Meanchey				19	19							1	2	3	22	504	4.37%	
2	Battambang	3	4	6	78	91		1	4	2	7		5	1	6	104	744	13.98%	
3	Kampong Cham	3	2		62	67		1	2	8	11		4	4	6	93	1,335	6.97%	
4	Kampong Chhnang	4		1	19	24			1	2	3			1		28	415	6.75%	
5	Kampong Speu	1	1		29	31				1	1					32	605	5.29%	
6	Kampong Thom				22	22			1	1	2				3	27	575	4.70%	
7	Kampot		2		17	19		1	1	2	4				1	1	23	542	4.24%
8	Kep				4	4				1	1					5	31	16.13%	
9	Kandal	3	6		52	61		1	4	1	6		6	3	2	11	78	1,061	7.35%
10	Koh Kong		1		16	17									1	1	17	187	9.09%
11	Kratie		2		12	14				1	1			1		1	16	280	5.71%
12	Mondul Kiri			1	11	12			1		1					13	105	12.38%	
13	Pailin				6	6										6	44	13.64%	
14	Phnom Penh	8	4	1	61	74			3		3	1	5	2	29	37	114	652	17.48%
15	Preah Vihear				35	35			1		1					36	317	11.36%	
16	Prey Veng				48	48										48	886	5.42%	
17	Pursat	1	1	4	33	39			2	2	4					43	339	12.68%	
18	Rattanak Kiri		1	8	15	24		1		1	2					26	251	10.36%	
19	Siem Reap	3		1	60	64		1	2		3		1	2		3	70	668	10.48%
20	Sihanouk Ville	2	1		3	6									1	1	7	144	4.86%
21	Stung Treng				10	10		1	1		2				1	1	13	176	7.39%
22	Svay Rieng	4		2	64	70		1	1	2	4					74	516	14.34%	
23	Takeo	1			22	23			2		2					25	734	3.41%	
24	Udor Meanchey		1	1	8	10		1			1					11	150	7.33%	
	<b>Grand Total</b>	<b>33</b>	<b>26</b>	<b>25</b>	<b>706</b>	<b>790</b>	<b>0</b>	<b>9</b>	<b>26</b>	<b>22</b>	<b>57</b>	<b>1</b>	<b>16</b>	<b>20</b>	<b>37</b>	<b>85</b>	<b>921</b>	<b>11,261</b>	<b>8.17%</b>

**Note:** The data was extracted from the Commune Council Election Result of the NEC commune by commune.

**Appendix 3:**

**Evaluation of Trainee's Awareness in the Training Courses  
on Democracy, Human Rights, Commune Council Election,  
Civil Society and Complaint in 2001**

N <sup>o</sup>	Province	Trainees	Pre-Mark	Post-Mark	Variable Percentage
1	Banteay Meanchey	136	36.65	63.67	73.72%
2	Battambang	190	51.49	60.43	17.36%
3	Kampong Cham	364	55.43	70.65	27.45%
4	Kampong Chhnang	136	52.69	61.28	16.30%
5	Kampong Speu	128	44.8	68.31	52.47%
6	Kampong Thom	167	50.77	56.21	10.71%
7	Kampot	198	49.52	68.16	37.64%
8	Kandal	210	45.83	52.26	14.03%
9	Koh Kong	55	51.37	64.66	25.87%
10	Kratie	96	54.27	56.52	4.14%
11	Monduliri	47	54.04	83.99	18.41%
12	Phnom Penh	155	57.17	67.23	17.60%
13	Preah Vihear	102	62.47	87.44	39.97%
14	Prey Veng	290	49.5	50.16	1.34%
15	Pursat	98	44.17	56.71	28.39%
16	Rotanakiri	103	40.29	52.64	30.65%
17	Siem Reap	204	49.14	60.72	23.56%
18	Sihanuk Ville	45	57.75	60.48	4.72%
19	Stung Treng	49	49.48	55.92	13.01%
20	Svay Rieng	161	61.4	61.09	-0.50%
21	Takeo	209	61.9	66.07	6.74%
22	Udor Meanchey	46	58.01	66.98	15.46%
23	Kep	12	53.81	64.95	20.70%
24	Pailin	19	49.19	70.16	42.63%
<b>Total</b>		<b>3,220</b>	<b>51.71</b>	<b>62.78</b>	<b>22.59%</b>

**Notes:** Trainees are Comfrel's network such as provincial executive group members, district contact persons, and commune activists.

**Appendix 4:****Voter Education's Achievement in the Commune Council Elections****I. Civic/Voter Education**

The Education unit maintained its ambitious role in researching and designing a concise voter education curriculum, in conducting training sessions for Master trainers and other NGO trainers and of producing and distributing education material. Achievement in cooperation with the Networking Section, it also carried out a series of training for the provincial network that has proved very fruitful.

**1. Training of Trainers****1.a. Seminar on the Strategy for a Civic Voter Education for Commune Council Elections - Initial Steps in 2000.**

Comfrel conducted a seminar on the "**Strategy of Civic Education and Elections**" in co-operation with Comfrel's partners EMOs, Coffel and Nicfec at the World Vision Building, on 28-29 November 2000.

The seminar discussed the possible civic education strategies that would be most fruitful for grassroots enhancement of knowledge. Mandated in activities and philosophy, many non-governmental organizations involved in elections have been providing voter education programs. But according to Comfrel the programs of those NGOs that include topics, purpose and techniques are not well co-prepared. In this regard, Comfrel was a leading actor in taking initiatives and co-operating together with Coffel and Nicfec in a joint seminar to identify a single strategy for nationwide voter education.

The seminar was attended by 128 trainers, 24 of them were provincial trainers from Comfrel, Coffel and Nicfec and also from local/international NGOs.

The outputs of the seminar can be summarized as follows:

- ◆ Discussed key issues related to civic education such as the role of commune council, the importance of the commune election.
- ◆ Worked out memoranda on cooperation among Comfrel, Coffel and Nicfec regarding education program.

The outcome of the seminar was used to further develop education techniques and curriculum and to strengthen cooperation among EMOs.

**1.b. Curriculum Development**

Follow up work on designing a **Voter Education Curriculum** that would be used as a basis for cascade training sessions started at the beginning of 2001. Discussions followed with the Education Working Group of the EMO's and international organizations such as National Democratic Institute (NDI) for the purpose of getting feedback in order to produce an effective curriculum. Feedback was also given from Comfrel's mobile trainer team that are also part time Professors at the Royal University of Phnom Penh. The 24 provincial mobile teams consisting of teachers and coordinators discussed the possible content of the voter education curriculum and hence gave their suggestions to the Phnom Penh central office. Once the central office had finalized the voter's education curriculum, it focused on three main topics: the importance of commune council election, the role of the people during the election process and post election period and lastly, voter's intelligence. There were 5,000 copies of the voter education curriculum that were printed in August and were distributed to the 24 provincial Comfrel network, associate/NGOs, donors for voter education.

**1.c. Methodology of Training**

There was a workshop established where the possible concrete methods were discussed on how to conduct the training of trainers by using a participatory method. The education section thought it highly insightful to use visual and tangible material such as posters, leaflets, video spot shows, role playing, small group discussions that included brainstorming and synthesis. The workshop took place at the Russian Science and Cultural Centre in August 7-8 in Phnom Penh.

### The aims of the workshop were as follows:

1. to strengthen the continuous efforts of the training of trainers, (ToT) that are responsible for carrying out the cascade training (that starts at the central level then provincial, district, commune and finally village);
2. to strengthen the understanding of the importance of commune council election and the role of the commune council;
3. to find a solution on how to help people to use their intelligence in choosing their commune council members as they wish.

#### 1.d. Training for Comfrel Master Trainers

In September, the Education section conducted a training session for the provincial network in order to disseminate the voter education information on the " Commune Council Election " to the public. Both training and dissemination of information were conducted in three steps. The first step consisted of the provincial and municipal executive groups in particular the coordinators and educators receiving training at the Comfrel office in Phnom Penh. Hence, the trainees conducted a training session for Comfrel's district contact persons. The second step consisted of the district contact persons training the commune activists (two trainers per commune) in order to make the activists aware of the essential role in disseminating information to the citizens in the local areas. Lastly, the commune activists disseminated the information to the village volunteers who in turn would raise the awareness of people living in remote areas. According to the provincial network reports, the education officer was quite positive on the idea that most of the trainees at all levels had successfully understood the training. It was estimated that 80% of the trainees had understood the concepts regarding the commune council election. More so, the trainees had also strengthened their ability and had carried out their work in a devoted and efficient manner.

#### 1.e. Training of NGO Staff

In order to raise the public's awareness on the commune council election in a concrete manner, Comfrel cooperated with its NGO partners such as CWS, CIDSE and PRASAC. Comfrel believed that although the NGO's did not have activities that related to the elections, they were working directly with people in local areas, thus they had the local network. They had sufficient ability to educate and disseminate information to the public in remote areas. Comfrel took advantage of this and conducted two training sessions in cooperation with CWS on the significance of '**Democracy, Human Rights, Voter Education on Commune Council Election and Civil Society**'. The first training was conducted in Kien Svay district where 47 people attended (where 5 participants were women) and the second session took place in Lvea Em district with 45 participants (where 18 participants were women).

In October, the Education sector helped train 21 CIDSE's officials (where 9 participants were women) on '**Democracy, Human Rights, Voter Education on Commune Council Election and Civil Society**'. In November, the education sector also helped CIDSE in training 28 people on 'Democracy, Human Rights, Voter Education and Civil Society' (where 8 participants were women). Also, in November and December, Comfrel helped to train 32 PRASAC officials (where 12 participants were women) on voter education. The trained PRASAC staff then disseminated the information on voter education to people living in 850 villages (conducted one session in each village) and in each training session there were around 100 participants in six provinces the key provinces were Kampong Cham, Kampong Chhnang, Svay Rieng, Kamong Speu, Takeo and Prey Veng. In November, there was also a training course carried out in cooperation with CWS in order to train CWS's staff in Banteay Meanchey province on '**Democracy, Human Rights, Voter Education and Civil Society**' with 38 participants (10 women). The purpose of the training was to:

- strengthen the trainees' skills by educating and raising awareness on the role and nature of the commune council election. The NGO partner and network in turn educated the people in remote areas nation wide, targeting the vulnerable;
- raise awareness and discuss the significance of voter's knowledge by encouraging the people to vote according to their will;
- educate the people on their rights as eligible voters;
- raise awareness on the procedures regarding the election campaign, polling and ballot counting day.

- strengthen the people's task of observing and evaluating, primarily during the post-electoral period;

CWS, CIDSE and PRASAC provided information to the public through leaflets, posters and word of mouth on the commune council election.

## 2. Voter Education Printed Materials

In October, the education sector launched an information campaign on 'The Commune Council Election' in Phnom Penh. There were many people at the Water Festival thus, an ideal opportunity to disseminate information. Thus, 30,000 copies of leaflets on the participation of the public and voter's intelligence was disseminated, along with 7,000 copies of the 102 Q&A booklet on "Raising awareness of civic knowledge and the commune council election", 10,000 copies of the bulletin on human rights, democracy, the understanding of the commune council election, 1,000 copies of posters on the participation at all steps, voter's intelligence, consequences of buying and selling votes, decentralization at the commune level and 1,000 brochures on Comfrel's activities were disseminated to the public. The information campaign consisted of 33 disseminators from Comfrel's central office, Comfrel's provincial network staff and students.

The Education section prepared and printed 30,000 copies of a 102 Question and Answer booklet based on raising awareness on civic knowledge and the commune council election law. The booklet was distributed to the provincial network including village volunteers and eligible voters. They also produced 60,000 copies of leaflets on the idea of voter's intelligence and on the public participation in all the electoral process. This material was disseminated to the citizens and to the provincial network. It was also disseminated to NGO's and students. Additionally, in order to improve the knowledge of the network members, the Education Section produced some 44,000 posters focusing on three distinct concepts. The first focused on the consequence of vote buying and selling (4,000 copies), the second on voter's intelligence (20,000 copies) and lastly, the citizen's participation in the election process (20,000 copies) that were distributed to the 24 provincial/municipal networks.

In registration periods, the Education unit also designed and distributed 4 types of leaflets concentrating on Voter Registration so as to make certain the public understands the importance of voter registration during the Commune Council Election. There were 205,000 copies distributed to 24 provincial Comfrel network, over 100 associates/NGOs, donors and worker syndicates.

Furthermore, in December, 400,000 copies of leaflets on "The Consequence of Buying and Selling Votes" and of "Public Participation in the Commune Council Election" (in which 380,000 copies were standard leaflets and 20,000 copies were sticker leaflets) were produced and distributed to the provincial network. Both leaflets were inserted in two editions of The Popular Magazine where each edition was copied 40,000 and distributed to 24 provincial Comfrel networks, 500 associations/NGOs, donors and Ministry bodies.

## 3. Video Spots and Talk Shows (Calling Show)

The education sector produced various video spots throughout the year in order to disseminate voter education. In July, September and December, there was a video spot conducted on 'The Importance of Commune Council Election and Voter's Intelligence' that was shown on TVK, TV3, Bayon TV.

In connection with the method of distributing leaflets, there was a raising awareness session that was broadcast for the whole of month of July on the radio station FM 97.5 MHZ 6:30 – 7:00 daily. This broadcast consisted of education officials discussing and explaining crucial regulations regarding the voter's registration and more so, the people had the advantage of being able to phone in and ask questions.

In September, the Education section also broadcast a spot eleven times on TV station, TVK, TV3 and Bayon TV focusing on the importance of the commune council election and on voters' education. There was also a talk show program on 'Voter Education' that was aired on the same radio station starting from December 17 to January 17 between 6:30 – 7:00 from Monday to Friday. There was a very positive feedback from the public indicating that the aired programs had been extremely useful.

The education sector got in touch with radio and TV stations to broadcast the 'Commune Council Elections' in order to educate and provide knowledge to the public targeting as many people as possible. In December, the education sector broadcast a video spot six times via TV3 on the

'Importance of Commune Council Election and Voters' knowledge.' These same issues were aired on the radio station 97.5 FM and in addition the issue on the role of the public in the post electoral period was discussed with Comfrel's education officers as people phoned in to ask questions.

Included in the education sector's broadcast program, in December a radio spot was produced on 'The Understanding of the Commune Council Election' with a focus on commune development, local democracy, role, functions and powers of the commune council, commune/sangkat budget, roles and functions of the citizens during the forthcoming election and the responsibility of the Government to support the poorer communes. They invited H.E Sak Setha, the Director-General of the Administration of the Ministry of Interior and Mr KOUL Panha, Executive Director of Comfrel to discuss solutions on possible political tensions in the post-electoral period. After producing the radio spot the education sector broadcast it from January 8 to the February 08, 2002 (daily between 6h30 and 7h00 FM 99 and on FM 105 between 5h30 and 6h00). The unique aspect of the broadcast was that it was open to the queries from the public. They provided great insight into events.

#### 4. Informal Field Workshop - Hands-on Raising Awareness

During the month of January, the Education section conducted its training with its mobile teams that included provincial trainers, district contact persons and CAS I and II in the districts on '**Human Rights, Democracy, Commune Council Election, Civil Society and Advocacy and Complaints**' in Rattanakiri, Udar Meanchey and Kandal provinces – 253 people were trained. Another such training was conducted in Battambang in March. Once the training sessions had terminated, the Education section designed 25 questions and distributed 3,271 copies to the 24 provincial/municipal networks with the purpose of making sure the trainees had grasped a firm understanding of the concepts highlighted during their training.

Comfrel commune activists conducted field workshops that focused on raising awareness and educating the people about voter registration. The workshop introduced and discussed the significance of four leaflets that explained the importance of voter registration. The trainers encouraged young people to register, in particular the people that needed to commute to their communes to register. The workshop also clarified bureaucratic regulations especially in cases where the person changed communes and /or if the registration card was lost or spoilt. The methodology used during the workshop included gathering people to disseminate voter registration material together in many public areas (registration station, markets, schools, pagoda, local authorities building, stores), going from house-to-house and explaining to people the significance of voter registration to people on the street. 205,000 copies of material were produced and distributed in the communes nationwide. There were 33,446 sessions (estimate 10 participants per session) or 334,460 participants of whom 146,350 were female.

The second field workshop focused on voter education of the commune council election. It was conducted from August to September nationwide by the CAS I and CAS II (same methodology as the previous training). Here as well, there were four posters that were used, along with the voter education. The four posters focused on the consequence of vote buying, voters' knowledge, citizens' participation in the election process and the concept of decentralization at commune level. There were 54,000 copies of posters distributed and 5,000 copies of voter education material. There were 35,978 sessions (20 estimated participants at each session).

There were 719,568 participants of whom 310,080 were female. During the field workshop, the commune activists recruited village volunteer observers from the groups that had just received training on commune council elections. The village volunteers observers numbered 12,913 of which 3,874 were female.

The third field workshop took place in the month before polling day, January 2002 where Comfrel activists (one commune activist per commune) distributed and explained two types of leaflet to the public nationwide on the consequence of vote buying and selling (400,000 copies of standard and sticker leaflets). They explained the task of promoting public participation in the commune council election. More so, the commune activists distributed a voter guide on political party platforms prepared by the Center for Social Development (CSD). 340,000 copies distributed to the public.

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**Appendix 5:****CONCLUSIONS OF THE FINDINGS OF MEDIA MONITORING FOR THE 5 WEEKS OF THE MONITORING PERIOD (January 04—February 08, 2002)****Distribution of time in the political news:**

- If we combine the five weeks of monitoring, the government was the main political actor covered in the news of all channels monitored from January 04 to February 08, leaving a very limited time for the political parties competing for the communal council elections. In average, the activities of the government took 86% of the total political time, followed by the National Assembly (5%) and the Senate (2%).
- Among parties, the Cambodian People Party (CPP) dominated the political news, for an average of 4%. Then the activities of the Funcinpec and the SRP were mentioned for around respectively 2% and 1%, followed by the KIP, KDP, KAP, VKMNP and CWP (less than 1%).
- Only two parties - CPP and Funcinpec- were covered on all channels observed during the monitoring period (except radio FM100.5 Kampong Cham), while 8 channels out of the 13 electronic media observed covered the SRP.
- If we combine all TVK channels observed (in Phnom Penh, Pursat, Battambang and Preah Sihanouk Ville), the time given to the government including the Prime Minister counted for 88% of the political news, followed by the National Assembly (5%) and the Senate (3%). Six parties were mentioned on the public TV stations observed, but only one was significantly covered: the CPP with an average of 3% of the political news time, followed by the Funcinpec (1%), the SRP, KDP, KIP and VKMNP (less than 1% each). The names of the other four parties: the SRP, KDP, KIP and VKMNP were just mentioned sometimes during the monitoring period.
- If we consider the political affiliations of all political actors covered (including members of parties, Government, National Assembly, Senate and other national institutions), then the distribution of time in the news shows that the activities of the members of the CPP counted for approximately 90% of the political news on the channels observed, and Funcinpec fewer than 10%. SRP members were never shown on the TVs observed during this period; just the name of the party was sometimes pronounced.
- During the five weeks of monitoring, the activities of candidates (former commune chiefs) on infrastructure restoration and the activities of members of government, National Assembly, Senate and political parties in providing gifts to the people were very much covered.

**Speech opportunities in and outside the news:**

- Combining the five weeks of monitoring, members of government had the longest speech opportunities for around 5 hours and 7 minutes, followed by the Prime Minister (4 hours 33 minutes), on the media observed in the newscasts on prime time, the Senate (for about 1 hour and 39 minutes), and the National Assembly (around 46 minutes).
- Only representatives/candidates from the three main political parties were granted speech opportunities in the newscasts: the CPP for about 1 hour and 9 minutes on TV5, FM98 and FM96, the Funcinpec for 29 minutes and the SRP for 18 minutes, both on FM96.
- Outside the news, the Prime Minister was granted speech opportunities for the largest time of around 7 hours and 50 minutes on various occasions broadcast on TVK and TV5, followed by the other members of the government for about 4 hours and 22 minutes on most channels observed; the President of the National Assembly for 1 hour and 1 minute on state TV. Only two parties were interviewed: the CPP for 24 minutes and the Funcinpec for only 35 seconds.

### **Voter Education:**

- Civic/voter education spots/programs produced by the NEC and NGOs, including Comfrel, were broadcast during prime time as following:
  1. TVK Phnom Penh: 33 hours;
  2. National Radio FM96: 23 hours and 49 minutes;
  3. Radio FM103: 5 hours and 32 minutes;
  4. National Radio AM918: 2 hours and 52 minutes;
  5. TV3: 1 hour and 44 minutes;
  6. Radio FM100.5 Siem Reap: 56 minutes;
  7. Radio FM100.5 Kampong Cham: 47 minutes;
  8. TVK Sihanouk Ville: 46 minutes;
  9. TVK Battambang: 45 minutes;
  10. TVK Pursat: 32 minutes;
  11. TV5: 10 minutes;
  12. Radio FM91 Battambang: 2 minutes.
  
- It is to be noted that FM98 did not air any voter education spots/programs in prime time during this period.

### **Other Findings:**

- During this period, the public TVs and radios did not give any free time to political parties competing for the communal elections.
- FM96 was the only channel observed on prime time to have broadcast a debate among parties (with representatives of the Cambodian People Party, Funcinpec, Sam Rainsy Party and Khmer Democracy Party) conducted by Khmer Institute of Democracy (KID), at Veal Vong commune, Kampong Cham province. In this program, commune candidates had speech opportunities related to their platforms, as following: the KDP for 41 seconds, the SRP for 29 seconds, Funcinpec and the CPP for 24 seconds each. FM 96 also broadcast the interviews of political parties' candidates in Phnom Penh regarding the election campaign (especially related to the parties platforms) with representatives of the CPP for 9 minutes, the Funcinpec 7 minutes, and the SRP for around 4 minutes.
- FM 91 Battambang was the only channel observed to have broadcast political advertisement (spots of the CPP, for a total time of around 6 hours and 44 minutes).
- Radio FM 100.5 Kompong Cham was the only channel observed that did not cover any political party in the news during the five weeks of monitoring.
- No instances of violations of the election law and the National Election Committee (NEC) procedures and regulations, no instances of appeals to vote, clear support or undermining from journalists towards political parties were reported on the electronic media monitored during this period.

## Conclusions of the Findings of the Media Monitoring Unit of Comfrel

The Media Monitoring Unit of Comfrel undertook a thorough analysis of the programs during 5 weeks, on prime time, of 3 national TV stations, 3 local TV stations, 4 national radio stations, and 3 local radio stations.

The findings and conclusions of the research conducted by a team of approximately 20 monitors using an internationally recognized methodology show that the media observed did not generally fulfill their mission of informing the Cambodian population on the communal elections.

The national channels as well as the local radios and TVs gave very limited access to the political parties and candidates, and did not cover sufficiently the activities of the campaign. During prime time, several channels observed never broadcast a report on election preparations and campaigns, and never interviewed any political representatives or candidates.

The newscasts were dominated by the activities of the government and CPP members, including commune chiefs giving gifts to the population. Funcinpec and Sam Rainsy Party were very briefly covered, and the remaining parties competing for the communal elections were usually ignored.

The Media Monitoring Unit of Comfrel noted that no free time was given to representatives of competing parties on the State channels to express their platforms. The facility they enjoyed in the 1998 elections to have free broadcast "spots" on the state television and radio was not repeated at this election. Also, except one party on one provincial station, the parties did not have the capacity to take advantage of paid advertising on private channels.

The Media Monitoring Unit recorded during prime time one single political debate, during which 4 candidates had only a few seconds of speech opportunities.

The Media Monitoring Unit of Comfrel noted that the number of voter education spots and programs, aimed at informing the Cambodian population on the election procedures, was also very limited. Some national channels, including on State channel, never aired any of these spots during prime time.

However, the Media Monitoring Unit of Comfrel did not record any instances of violations of the election law or the National Election Committee procedures and regulations. Also, no instances of appeals to vote, clear support or undermining from journalists towards political parties or candidates have been reported during the monitoring period.

In conclusion, given the limited publicity of the campaign and of the platforms of the parties and candidates on the most popular TV and radio channels observed during prime time, Comfrel believes that the international standards for free and fair elections related to the equal access of parties and candidates to the media were not met during the official campaign of the Cambodian communal elections.

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**Appendix 6:****Number of Communes, Polling Stations, Commune Council Members,  
Eligible Voters, Registered Voters and Voters**

No.	Provinces / Municipalities	Number of Communes	Polling Stations	Commune Councilors	Eligible Voters	Registered Voters	Registered Voters (%)	Voters	(%) of Voters / Registered Voters
1	Banteay Meanchey	64	652	504	326,542	251,226	76.94%	208,805	83.11%
2	Battambang	96	854	744	433,308	319,675	73.78%	284,978	89.14%
3	Kampong Cham	173	1851	1335	851,847	744,979	87.45%	644,963	86.57%
4	Kampong Chhnang	69	442	415	219,496	182,534	83.16%	163,151	89.38%
5	Kampong Speu	87	625	605	322,403	283,076	87.80%	250,578	88.51%
6	Kampong Thom	81	631	575	305,710	247,374	80.92%	210,531	85.10%
7	Kampot	92	540	542	279,846	224,503	80.22%	194,227	86.51%
8	Kandal	147	1168	1061	626,852	531,237	84.75%	422,430	79.51%
9	Koh Kong	33	143	187	73,697	49,247	66.82%	39,839	80.90%
10	Kratie	46	281	280	146,071	108,285	74.13%	95,870	88.53%
11	Mondul Kiri	21	45	105	17,429	13,286	76.23%	11,123	83.72%
12	Phnom Penh	76	961	652	539,445	440,743	81.70%	374,885	85.05%
13	Preah Vihear	49	135	317	58,354	54,807	93.92%	48,230	87.99%
14	Prey Veng	116	1121	886	570,922	470,592	82.43%	407,301	86.55%
15	Pursat	49	370	339	162,471	152,581	93.91%	136,297	89.32%
16	Rattanak Kiri	49	111	251	50,901	40,822	80.20%	34,683	84.96%
17	Siem Reap	100	710	668	326,882	281,458	86.10%	247,965	88.10%
18	Sihanouk Ville	22	161	144	86,857	61,617	70.94%	51,343	83.32%
19	Stung Treng	34	90	176	38,058	32,967	86.62%	29,318	88.93%
20	Svay Rieng	80	553	516	277,971	234,420	84.33%	210,188	85.87%
21	Takeo	100	890	734	443,916	392,780	88.48%	358,307	91.22%
22	Kep	5	33	31	15,056	13,336	88.58%	12,165	91.21%
23	Pailin	8	35	44	20,801	14,947	71.86%	12,135	81.18%
24	Udor Meanhey	24	132	150	56,997	43,815	76.87%	36,695	83.74%
	<b>Grand Total</b>	<b>1,621</b>	<b>12,534</b>	<b>11,261</b>	<b>6,251,832</b>	<b>5,190,307</b>	<b>83.02%</b>	<b>4,477,007</b>	<b>86.25%</b>

Source: The National Election Committee (NEC)

**Appendix 7: Political Killings**

Between January 03, 2001, and January 28, 2002, at least eighteen CPP, Funcinpec and SRP party members, most of whom were prospective or confirmed commune council candidates, were killed, but authorities have found convictions in only six cases. - Three of them are women who were killed within the first week of January 2002 alone. The killings included the following:

No.	Date	Name and Party Status	Place	Remarks
1	January 03, 2001	Mr. PHOUNG Phann, SRP Activist	Mesor village, Teuk Chrov commune, Dambe district, Kampong Cham province	A soldier (suspect) was arrested on January 26, 2002. No date for trial has been announced.
2	January 14, 2001	Mr. CHHAY Than, Prospective Funcinpec candidate	Toul Vihear village, Chiro Ti Py commune, Thbong Khmum district, Kampong Cham province	No arrests have been report in this case.
3	March 15, 2001	Mr. Hay Met, SRP activist	Doun Try village, Chrey commune, Moug Reussey district, Battambang province	He was shot to death by a former militia at his house and his wife was seriously injured.
4	June 30, 2001	Mr. UCH Horn, 51, Prospective SRP candidate	Sre Taok village, Boseth commune, Boseth district, Kampong Speu province	Suspects were arrested, but political motive denied. Previously, the victim had complained of death threats to his party and human rights groups. The perpetrators included a policeman were sentenced to 15 years
5	July 17, 2001	Mr. MEAS Soy, 57, prospective Funcinpec candidate	Trapaing Mtes village, Svay Chuk commune, Samaky Meanchey district, Kampong Chhnang province	A soldier was arrested on July 29, 2001 and was acquitted during the trial on November 27, 2001 for lack of evidence.
6	August 23, 2001	Mr. TOCH Voeun, 54, prospective SRP candidate	Ta Peam village, Kampong Kdey commune, Chikreng district, Siem Reap province	Five suspects remain in custody for the killing, three of whom claim they were tortured during police interrogation. All deny the accusations.
7	September 21, 2001	Mr. CHHIM Leang Sri, 45, prospective SRP candidate	Or Pek village, Cheyo commune, Chamkar Leu district, Kampong Cham province	No suspects have been arrested.
8	November 5, 2001,	Mr. SAM Sophea, 30, Confirmed SRP candidate	His house is in Prey Moha Tep village, Svay Poa commune, Battambang district, Battambang province, but he was killed at at Or Kcheay village, Prek Preah Sdach commune in the same district and province.	He was beaten to death by five assailants. Four suspects have admitted the killing, which they claim took place at the instruction of a government agent who remains at large.
9	November 14, 2001	Mr. PHOUNG Sophat, 34, SRP activist	Kon Thmat village, Srolob commune, Thbong Khmum district, Kampong Cham province	No suspects have been arrested in this killing.
10	November 14, 2001	Mr. THUN Phally, 46, Funcinpec candidate	Trapaing Dum village, Srolob commune, Thbong Khmum district, Kampong Cham province	A former militia member was arrested in January 2002. Other two members of the military were arrested on March 05, 2002.

11	December 8, 2001	Mr. OUK Sao, 30, SRP activist	Kol Mek village, Thoung Kropeu commune, Stung Sen district, Kampong Thom province	So far, no arrests have been reported in this killing.
12	December 12, 2001	Mr. ORN Chileng, Funcinpec candidate	Kampeng Kandal village, Kampeng commune, Prey Kabas district, Takeo province	A CPP election observer has been arrested in connection with the killing.
13	December 14, 2001,	Mr. Ros Don, First-placed Funcinpec candidate	Sandan village, Teuk Vil commune, Pouk district, Siem Reap province	His body was found near a roadside in Siem Reap. Don had sustained a number of blows to the head. Investigations into his death are continuing. Police said the cause of death was an accident.
14	January 03, 2002	Mrs. NGUON Chuon, 53, Funcinpec activist	Prey Tonle village, Prey Tonle commune, Banteay Meas district, Kampot province	A provincial official said the court gave a warrant to arrest a suspect in connection with the killing.
15	January 04, 2002	Mrs. LONG Phorn, 47, and her husband Soun Kroeun, Third-placed Funcinpec candidate and activist	Krahoung Khang Cheung village, Chhouk commune, Chhouk district, Kampot province	Four people, including two commune policemen, were arrested, on January 15, in connection with the killing. No date for trial has been announced.
16	January 05, 2002	Mrs. TOUCH Sean, 42, SRP candidate	Daun Leb village, Kork Pring commune, Svay Chrum district, Svay Rieng province	Local authorities claim robbery as the motive for the killing. Three suspects were arrested in January 2002 in the killing, one a district-level deputy police chief.
17	January 08, 2002	Mr. KHAN Vankheun, CPP candidate	Rolaing Chak commune, Samrong Tong district, Kampong Speu province	He was shot by three (3) armed men and his wife was injured in ear. No arrest was reported so far.
18	January 28, 2002	Mr. LOH Kous, 33, and his wife MAT Chah, 38, Funcinpec activists	Rolaing village, Kanhea commune, Kandeang district, Pursat province	They were shot by three militia members at Kravanh mountain. One of them was arrested as suspect in this killing while the other two are still at large.

- SRP (9 cases)
- Funcinpec (8 cases)
- CPP (1 case)

While there is no evidence that any of the killings have been directed from high levels of government, opposition party members say that the government's lack of serious and effective action to stop the killing, results in a climate of fear and intimidation for voters and candidates alike.

**Sources:** Comfrel's network, Human Rights Watch Report, The Cambodia Daily

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**Appendix 8:****Result of the Commune Council Elections Collected by COMFREL from Ballot Counting Stations over the Kingdom (Unofficial)**

No.	Provinces/ Municipalities	Cambodian People Party		Funcinpec Party		Sam Rainsy Party		Khmer Dev't Party		Other Parties		Valid Ballots	Invalid Ballots in %					
		Ballots	Seats	Ballots	Seats	Ballots	Seats	Ballots	Seats	Ballots	Seats							
1	Banteay Meanchey	59.73%	113,812	335	22.73%	43,307	103	17.49%	33,324	66			0.05%	98	0	190,541	5.41%	
2	Battambang	65.72%	173,447	545	22.14%	58,426	144	12.06%	31,822	55	0.03%	83	0	0.05%	123	0	263,901	4.90%
3	Kampong Cham	57.34%	352,898	825	24.07%	148,105	303	18.29%	112,573	207	0.30%	1,827	0				615,403	4.46%
4	Kampong Chhnang	64.21%	100,392	304	23.56%	36,836	88	11.82%	18,488	23	0.33%	517	0	0.08%	122	0	156,355	5.34%
5	Kampong Speu	61.26%	147,147	410	22.62%	54,328	124	15.89%	38,163	71				0.23%	567	0	240,205	5.25%
6	Kampong Thom	55.70%	109,691	349	29.06%	57,223	160	15.16%	29,857	61				0.07%	147	0	196,918	5.40%
7	Kampot	55.31%	104,052	338	26.11%	49,126	132	17.36%	32,666	71	1.22%	2,298	1				188,142	4.28%
8	Kandal	64.58%	285,210	728	17.63%	77,846	156	17.73%	78,293	133	0.06%	277	0				441,626	2.49%
9	Koh Kong	59.50%	16,450	78	17.78%	4,915	16	22.72%	6,280	21							27,645	6.99%
10	Kratie	58.72%	53,520	183	26.93%	24,542	71	14.35%	13,078	26							91,140	4.84%
11	Monduliri	78.64%	8,348	95	19.45%	2,065	10	1.90%	202	-							10,615	6.49%
12	Phnom Penh	49.57%	180,075	348	13.99%	50,812	68	36.14%	131,313	236	0.27%	970	0	0.04%	129	0	363,299	2.21%
13	Preah Vihear	62.75%	28,469	218	18.88%	8,567	55	18.37%	8,336	37							45,372	6.05%
14	Prey Veng	61.65%	245,043	593	24.69%	98,139	205	13.41%	53,306	88	0.22%	886	0	0.03%	122	0	397,496	6.01%
15	Pursat	71.57%	89,423	268	19.60%	24,488	54	8.83%	11,030	12							124,941	3.80%
16	Ratanakiri	73.08%	22,749	206	17.50%	5,448	31	9.42%	2,934	14							31,131	7.91%
17	Siem Reap	68.71%	163,975	510	18.97%	45,276	108	12.32%	29,390	50							238,641	8.25%
18	Sihanouk Ville	55.08%	27,559	91	25.15%	12,582	34	19.77%	9,890	19							50,031	2.85%
19	Stung Treng	58.80%	16,460	116	20.73%	5,803	32	20.47%	5,731	28							27,994	5.86%
20	Svay Rieng	63.73%	122,612	364	23.23%	44,684	113	12.99%	24,987	39				0.06%	110	0	192,393	5.18%
21	Takeo	64.12%	218,797	514	24.13%	82,327	159	11.57%	39,467	56	0.18%	623	0				341,214	3.31%
22	Oddar Meanchey	63.38%	16,204	74	23.77%	6,076	18	12.86%	3,287	11							25,567	5.41%
23	Kep	67.62%	7,651	24	26.02%	2,944	7	6.01%	680	-	0.34%	39	0				11,314	4.97%
24	Pailin	68.67%	7,932	36	13.17%	1,521	3	18.16%	2,098	5							11,551	5.62%
	<b>Total</b>	<b>60.98%</b>	<b>2,611,916</b>	<b>7,552</b>	<b>22.07%</b>	<b>945,386</b>	<b>2,194</b>	<b>16.74%</b>	<b>717,195</b>	<b>1,329</b>	<b>0.18%</b>	<b>7,520</b>	<b>1</b>	<b>0.03%</b>	<b>1,418</b>	<b>0</b>	<b>4,283,435</b>	<b>4.42%</b>

**Note:**

\* Comfrel had not received any data from the ballot counting stations in 5 communes: Sampov Lune (Kandal province), Chroy Svay (Koh Kong province), Ronakse (Preah Vihear province), Sambo and Prey Thkar (Takeo province).

\* Comfrel had not received any data from 55 ballot counting stations of 21 communes of different provinces ( Banteay Meanchey, Kampong Cham, Kampong Speu, Kampong Thom, Kandal, Kratie, Monduliri, Siem Reap and Takeo)

\* Other Parties included Chamreun Niyum Khmer Party, Khmer Angkor Party, Vongkut Khemarak Mohanokor Party, and Cambodian Women Party.

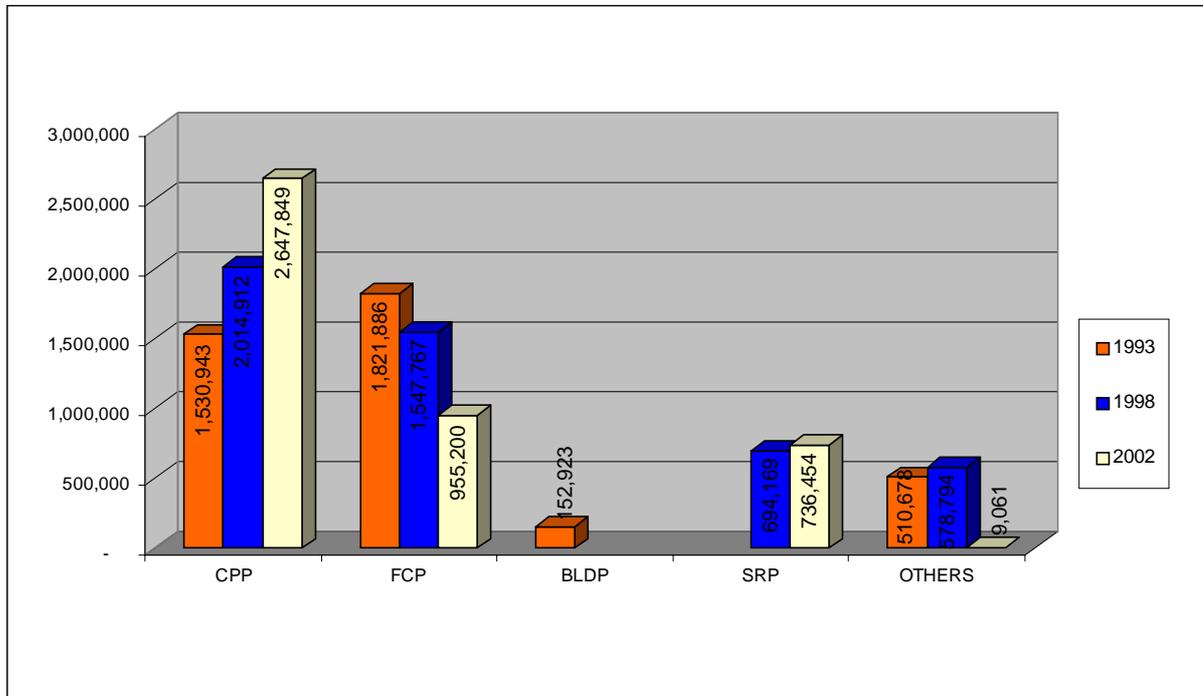
**Appendix 9:****List of Complaints and Solution at PEC and NEC Level  
on Polling and Ballot Counting Day**

N <sup>o</sup>	Provinces/ Municipalities	Number of Complaints	Complaint Solution at PEC	Comfrel Observed	Complaints Submitted to NEC and Solution	Event/Purpose
1	Kampong Speu	7	1 complaint was solved at PEC level.	7 complaints, of which 6 were rejected.	NEC agreed to recount for 1 complaint.	6 complaints to revote and 1 complaint to recount.
2	Battambang	81	2 complaints were heard at PEC level.	2 complaints were rejected by NEC.	NEC is investigating the 81 complaints.	Complaint on providing gifts and vote buying of CPP.
3	Phnom Penh	4	1 complaint was heard at PEC level.	Comfrel observed this hearing.	NEC agreed to recount the ballots in 4 stations.	Complain to recount in some stations in Sangkat Tuol Svayprey I.
4	Kratie	3	3 complaints were solved at PEC level.	The complaints were solved through coordination.	Not submitted to NEC.	To complain to recount.
5	Rattanakiri	1	1 complaint was solved at PEC level.	1 complaint was solved through coordination.	Not submitted to NEC.	Electoral fraud to put more ballots by CEC chairman.
6	Kampong Cham	18	5 complaints were solved at PEC level.	5 complaints were solved through coordination.	11 complaints were submitted to NEC but NEC rejected all.	Complaint to recount because they could not watch the ballots during the ballot counting process.
7	Takeo	1	PEC agreed to recount the ballots in Angkor Borey commune.	PEC agreed to recount.	NEC agreed to recount.	Complaint to recount in 11 communes because there were too many null and void ballots.
8	Pursat	13	PEC rejected all of the 13 complaints.	PEC rejected all of the 13 complaints.	NEC is investigating.	Complaint on providing gifts and vote buying of CPP.
9	Banteay Meanchey	2	2 complaints were in the hand of PEC.	1 complaint was solved through coordination and another one is being investigated by PEC	NEC is investigating	Cases of threat via letters and vote buying.

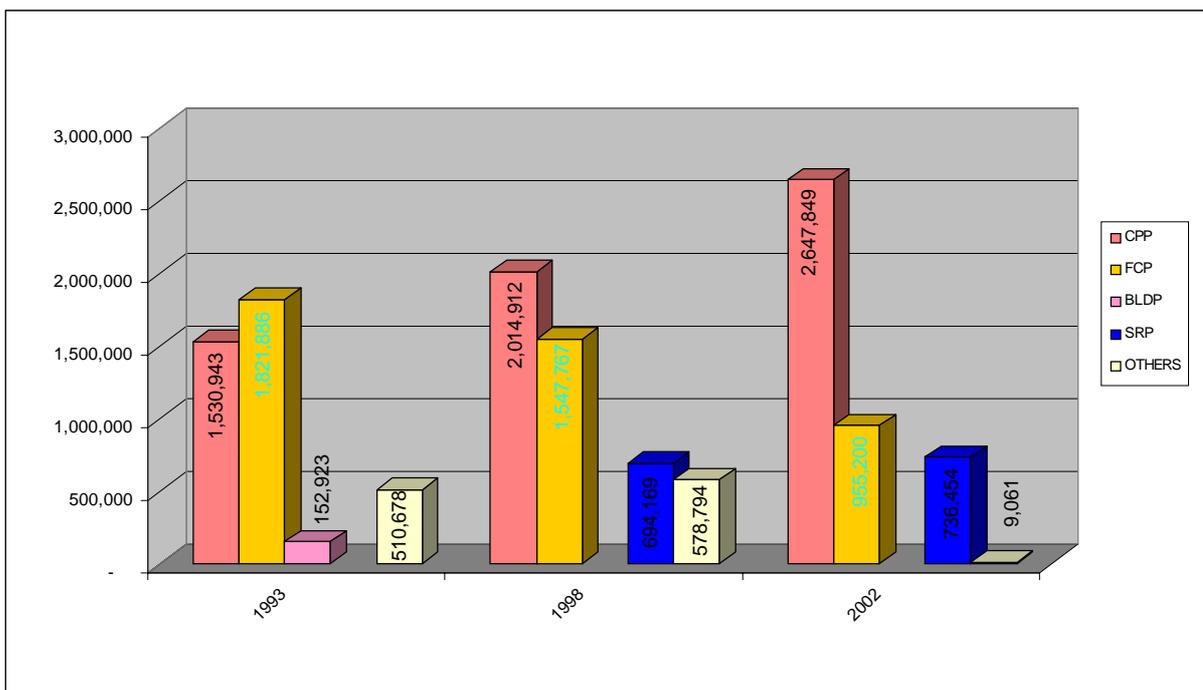
Source: Comfrel's network

**Appendix 10:**

**Chart - Comparison of Election Results in 1993-1998 and 2002**  
**(Party by party)**



**Chart - Comparison of Election Results in 1993-1998 and 2002**  
**(Year by year)**



**Note:** The data was collected by COMFREL's network from vote counting stations over the Kingdom.