

**Kingdom of Cambodia
Parliamentary Elections
July 26, 1998**

**Observation Report
International Republican Institute**

February 1999*

* The delay in the issuance of this report is the result of the political turmoil and unrest following the July 1998 elections.

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In Cambodia, that is not a state of law and not a full fledged democracy, I have no other choice but to advise the weak to choose a policy that avoids misfortune for the people, the motherland, and themselves.

-- King Norodom Sihanouk

EXECUTIVE SUMMARY

The International Republican Institute (IRI) and the National Democratic Institute (NDI) jointly sponsored an international delegation of 60 election observers to the Kingdom of Cambodia for the July 26, 1998 parliamentary elections (see Attachment A). The delegation was led by former U.S. Ambassador to the People's Republic of China and the Republic of Korea James Lilley and former Congressman Stephen Solarz.

Prior to the arrival of delegates, IRI and NDI conducted a series of pre-election assessment missions that found the pre-election process to be fundamentally flawed. The Institutes indicated that ordinarily they would not recommend sending international observers to monitor the elections in such a flawed political environment, but the active support of political parties and prospective voters in the elections warranted international participation. The July 14 pre-election statement noted widespread intimidation and political violence against opposition political parties, a climate of impunity, flaws in the institutional framework and unequal access to media -- factors that all skewed the election in favor of the ruling Cambodian People's Party (CPP). The delegation encouraged the deployment of as many domestic and international observers as possible (see Attachment B).

Following extensive briefings in Phnom Penh, the delegates deployed to 15 of Cambodia's 23 provinces to observe election day and the initial counting process. The 18 IRI/NDI teams traveled to Banteay Meanchay, Battambang, Kampot, Kandal, Kompong Cham, Kompong Chhnang, Kompong Speu, Kompong Thom, Kratie, Phnom Penh, Prey Veng, Pursat, Siem Reap, Svay Rieng and Takeo. The teams conducted meetings with provincial party leaders, human rights groups, election officials and domestic election observers.

On election day, the observer teams collectively visited approximately 200 polling sites nationwide to observe the balloting. The IRI/NDI observers remained in the provinces the day after polls closed to observe initial ballot counts at the commune level. Each observer team witnessed counting at one or two commune election commissions. By the evening of July 27, most observation teams had returned to Phnom Penh to report what they had seen and to draft a preliminary observation statement.

Preliminary findings were issued during a press conference on July 28. The delegation made clear that its final judgment of the election would encompass the pre-election period, election day, and the post-election period, including the orderly transfer of power. The delegation reiterated its concerns with the flawed pre-election period, but reported that voting

day and the initial counting process appeared to have been conducted in a transparent and professional manner. Some delegates reported observing instances of political intimidation and harassment against voters and opposition party members. The delegation expressed its hope that the cases of election fraud and irregularities alleged by opposition political parties would be thoroughly and credibly investigated by the National Election Committee (NEC) and the Constitutional Council.

IRI maintained a staff presence in Phnom Penh throughout the post-election period and observed the limited ballot re-counts conducted by the NEC. On August 11, IRI issued a set of "Post-Election Observations and Recommendations" in an effort to heighten awareness of the deteriorating political situation caused by the NEC's failure to address complaints of election irregularities and to suggest measures to restore confidence in the electoral process (see Attachment C).

IRI observed the political demonstrations that occurred in the capital in August and September and followed the plight of opposition leaders and activists closely, particularly those threatened with arrest by government authorities. Through statements and interviews broadcast on the Voice of America and Radio Free Asia, the Institute publicly condemned the brutality that was used to disperse demonstrators and expressed dismay with the gross human rights violations -- including torture and murder -- against monks and students.

IRI believes that the July 26 parliamentary elections did not meet the standards of democratic elections.

Although the pre-election period was fundamentally flawed, it is extremely difficult to determine the extent to which the electorate was adversely affected by a hostile political environment. Election day and the initial counting process appeared to proceed smoothly. However, the final vote count and post-election period were deliberately incomplete as the NEC and Constitutional Council dismissed complaints of vote fraud and irregularities without full and proper legal consideration.

IRI believes that international acceptance of the parliamentary elections in Cambodia would devalue elections as tools for building democracies around the world and demean the credibility of the international observation process in post-conflict transitional societies.

PRE-ELECTION PERIOD

July 1997 Coup

The July 5-6, 1997 coup d'etat by Second Prime Minister Hun Sen against his coalition partner First Prime Minister Norodom Ranariddh marked the beginning of the pre-election period. The coup cemented the CPP's complete control of the military and government, destroyed the infrastructure and property of opposition parties (depriving them of the ability to function in Cambodia) and forced Prince Ranariddh and other opposition figures into exile in Thailand. The U.N. Centre for Human Rights released a report in May 1998 documenting 100 political killings that had taken place during coup and post-coup period.

International condemnation of the coup was swift and decisive. Many foreign donors, including the United States and Germany, curtailed official assistance to the Cambodian government. The Association of Southeast Asian Nations (ASEAN) voted to postpone its admission of Cambodia until elections were held and the United Nations left Cambodia's seat vacant. The combination of these factors pressured the CPP into moving forward with election preparations. With the opposition in exile, the rubber stamp National Assembly, consisting mostly of CPP members and sympathizers from other parties, approved the Ministry of Interior's political party and election laws and selected July 26, 1998 as the election date.

From November 1997 through March 1998, opposition politicians returned to Cambodia to reclaim their seats in the National Assembly, rebuild their parties and assess the safety and feasibility of re-entering politics. Sam Rainsy was the first opposition leader to return to Phnom Penh in late November 1997. The question of Ranariddh's return proved more difficult, as he and two of his top generals had been charged by CPP-controlled courts with weapons smuggling and collusion with the Khmer Rouge. In order to participate in the elections, Ranariddh would have to stand trial -- a guilty verdict on both charges by a judicial process controlled by Hun Sen was a foregone conclusion. However, the CPP realized that it would be impossible to conduct elections that would be acceptable to the international community without the participation of opposition parties.

To break the impasse, the Japanese government proposed a plan by which Ranariddh would be tried in absentia, and if convicted, pardoned by King Sihanouk. The plan succeeded and Ranariddh, after being convicted and pardoned, returned to Cambodia on March 30, nearly nine months after his departure on July 4.

Hostile Political Environment

Opposition leaders returned to find that their party offices had been looted and their entire party infrastructures had been destroyed in their absence. In the provinces, opposition activists took down party signs and closed offices -- some under threats of retribution by the CPP and others voluntarily to ensure their own safety. Pro-government elements attempted to co-opt the

party names and logos of FUNCINPEC, the Buddhist Liberal Democratic Party (BLDP) and the Khmer Nation Party (KNP). FUNCINPEC and the BLDP had their radio stations destroyed and their broadcasting equipment damaged or stolen.

Inspired by the return of their leaders, many opposition activists courageously began to rebuild their provincial infrastructures. Sam Rainsy traveled throughout the country in April and May, opening local offices for his party in nearly every province. FUNCINPEC, the Son Sann Party and other parties gradually reopened their offices as well. Political activity did not come without a heavy price as provincial opposition activists continued to be threatened, harassed and killed. Between May 20 and June 27, the Cambodia U.N. Centre for Human Rights investigated more than 140 reports of political violence and intimidation, including 12 deaths. Although party signboards became a more frequent site along the country's main roads as the election approached, the CPP continued to display more signs than any other party.

By election day, the BLDP and FUNCINPEC parties that had competed in the 1993 poll splintered into a total of 11 different parties. Most of the splits came immediately before or after the coup when opportunists left the legitimate opposition to curry favor with the Hun Sen regime and continue to enjoy the perks of being in parliament. Sam Rainsy's KNP, unable to win back its party name from a pro-CPP splinter faction, became the Sam Rainsy Party (SRP). Likewise, the BLDP became the Son Sann Party (SSP), named after the party's founder.

Ranariddh's FUNCINPEC was able to hold onto its party name, but questions remained over whether the party would be allowed to compete in elections. Chapter 1, Articles 6 (a) and (c) of the *Law on Political Parties* prohibits political organizations from creating autonomous zones "so as to destroy national unity and sovereignty" and of maintaining any kind of armed forces. Troops loyal to Ranariddh still held territory in the northwest and were not integrated into the Royal Cambodian Armed Forces. Chapter IV, Article 33 (4) of the *Law on the Election of the National Assembly* requires that Khmer citizens seeking office live "permanently" in Cambodia for one year before the election. Formerly exiled leaders could not meet this requirement. Further, Chapter IV, Article 34 (2) denies the right to seek office of any individual "sentenced for imprisonment by the court for a crime or misdemeanor, and who has not yet regained rehabilitation." It was not clear if Prince Ranariddh would be allowed to run as a candidate in the elections.

With the intervention and encouragement of the international community, Ranariddh and FUNCINPEC were allowed to participate in the elections. Only one party did not meet the registration deadline and was unable to compete in the polls. A total of 39 political parties were registered to participate in the elections.

While the level of violence in the 1998 pre-election period did not exceed that of the 1993 elections, political manipulation during the pre-election period took on a more subtle and potent quality. Incidents of violence continued at a steady pace leading up to the election, and the spread of rumors, use of threats, and the specter of renewed violence may have convinced some

among the electorate to assume that their personal safety and country's peace depended upon ballots marked for the ruling CPP. The extent to which the electorate was affected by an unstable political environment or the degree to which they believed their vote was secret is impossible to accurately measure.

The CPP's pre-election intimidation campaign has been well documented by the U.N. and other international organizations. Voters were forced by CPP officials to swear oaths to vote for their party, sometimes in the presence of Buddhist monks. In some cases, villagers were even asked to drink from a glass with a bullet resting on the bottom to demonstrate their commitment to vote for the CPP. In other instances, villagers added their thumbprint to CPP party rolls in exchange for gifts of cash, rice, clothing, or packets of monosodium glutamate. Desperately poor, many people had little choice but to take the oath under pressure from village chiefs and party cell leaders. While in practice voters were free to vote their conscience on election day, Cambodians are generally a religious and superstitious people who do not take oaths lightly. In the final weeks before the election, major government troop movements were reported around the country. These movements were another effective way for the CPP to manipulate the election by igniting and capitalizing on public fear.

It is important to note that the government did not conduct a single investigation of human rights violations that occurred during the pre-election period; no one has been prosecuted or brought to justice. IRI believes that this culture of impunity impeded the ability of candidates and domestic monitoring groups to recruit workers and supporters.

Election Law and Framework

Cambodia's *Law on Political Parties* and *Law on the Election of the National Assembly* proved to be less controversial during the pre-election period than some opposition parties initially feared. Despite controversy over the rights to party names and logos, political parties were allowed to register for the election. Significantly, parties were not held to the requirement of acquiring 4,000 thumbprints or signatures to register at a time when citizens may have been unwilling to affix their name to something that identified them as non-CPP. An interpretation of the word "Khmer" in the election law as citizenship rather than nationality also made it possible for Cambodian minority groups to register to vote.

The three main shortcomings in the electoral framework were the late formation and partisan composition of the Constitutional Council, the partisan composition of the NEC and provincial and commune election committees, and the constantly changing election regulations that led to the proliferation of misinformation on election procedures.

The Constitutional Council had two main responsibilities in the election process: first, to review election laws and regulations and rule on whether they were constitutional; and second, to serve as the highest appeals body for adjudicating election-related disputes. The Council was stacked with CPP appointees, many of whom were unqualified for their positions. The three

members appointed by the Supreme Council of the Magistracy are all affiliated with the CPP and were appointed at a meeting that was illegally convened. The three National Assembly appointees were also chosen by the CPP, despite a prior informal agreement to appoint at least one opposition member to the Council. The law required that the first session of the Council be convened by the oldest member, Chau Sen Cocsal Chhum (93 years old) or in his absence the second eldest, Son Sann (86 years old). Neither of these royal appointees were willing to sanction the controversial body. The deadlock was broken when the King's third appointee, Pung Peng Cheng (81 years old) convened the Council before resigning just a few days later.

The window of opportunity for the Council to review election legislation had passed by the time the Council was finally convened on June 15. The intervention of an impartial council could have been particularly useful in interpreting controversial NEC media regulations that banned the press from giving favorable coverage to individual political parties. Article 6 of the media regulations states that "during the election campaign, the media is free to report the news along factual lines. But media may not publish or broadcast items biased in favor of a political party." The Paris-based media watchdog, Reporters Sans Frontiers, issued a statement calling the media regulations a violation of the International Covenant on Civil and Political Rights.

Like the Constitutional Council, the NEC was hand-picked by the CPP. The election law provided for representation from FUNCINPEC and BLDP, but nominees from pro-CPP factions were chosen over nominees put forward by the Ranariddh and Son Soubert-led factions. Only through the dedicated efforts of a handful of NEC members and staff did the election machinery move forward with independence on a limited number of issues. Provincial Election Committees (PEC) and Commune Election Committees (CEC) were similarly stacked in favor of the ruling party. All party representatives in the provinces reported to IRI that with few exceptions, these bodies consisted entirely of CPP members.

The partisan makeup of local election committees had an impact on the entire election process, beginning with voter registration. Opposition party agents had difficulty becoming accredited, CPP village and commune chiefs were able to pressure registration workers, and party agents had no impartial bodies to which they could bring complaints. At IRI's national pollwatcher training of party agents in early July, participants expressed more concern over intimidation and ballot tampering by election officials than by those outside the electoral system.

Constant changes to election regulations caused confusion among political parties and fueled charges of electoral manipulation by the ruling party. Less than two months before the election, changes were made to the text and interpretation of the electoral procedures and regulations regarding:

- the minimum number of ballots to be mixed together for vote tabulation
- the day of the vote count
- the number of and proper identification for security forces at polling sites
- the place where ballots would be kept overnight

- the process by which party agents were credentialed
- the duties of individual pollworkers
- the authority of provincial election officials to give rulings on objections by observers and party agents.

Only by studying pollworker training materials or personally asking NEC members was it possible to get information on technical aspects of the election that were not accounted for in NEC publications. Whether these types of decisions and interpretations were made by the NEC as a whole or by individual Commissioners and bureaucrats remains disturbingly unclear.

As it was discovered after the election, the formula by which National Assembly seats were to be allocated was changed in late May -- less than two months prior to the election -- in a highly suspicious and entirely non-transparent manner. Official NEC explanations of the circumstances under which modifications were made could not be supported by documented evidence, such as meeting minutes or transcripts of the legislative debate on the intentions of the original formula.

Voter Registration

The voter registration period lasted from May 18 until June 15. Registration began three weeks behind schedule as voter registration kits from Europe were delivered late to Cambodia. For four weeks, 2,000 mobile registration teams manned sites that stayed open for two to three days in a location before moving to a new site. Voters could register at any location, but were required to return to the same location to vote.

According to the NEC, ninety-three percent of Cambodians registered to vote. However, major shortcomings in voter registration were among many factors that distorted the overall electoral process. Registration workers received only two days of training and there was a shortage of registration materials in many locations forcing some citizens to register far from their homes. While IRI observers noted that registration workers seemed generally to understand the mechanics of voter registration, the observers also obtained evidence that an individual could register more than once and that ineligible voters could register.

Two large groups of voters were denied the ability to register by the NEC. An estimated 55,000 Cambodian refugees in Thailand could not register despite the Thai government's offer to facilitate the process. Overseas Cambodians similarly could not register to vote unless they returned to Cambodia during the registration period and maintained an address in Cambodia. Overseas Cambodian groups contend that eligible overseas voters comprised up to five percent of the potential electorate.

In official complaints to the NEC, press releases and conversations with IRI, opposition parties cited instances in which voters who were escorted by local CPP leaders or were wearing shirts with the CPP logo were whisked through the registration process while known opposition

supporters waited in long queues or were in some cases turned away and forced to register at other polling stations either because of their support for the opposition or because voter rolls had become full of CPP supporters. Opposition parties also accused election officials of registering underage voters and illegal Vietnamese immigrants. Domestic observer groups documented cases in which letters from village chiefs were used to pressure election officials into registering underage voters.

These problems were exacerbated by the low standards of identification required to register. While many forms of identification were acceptable (including UNTAC voter cards, passports and ID cards from the State of Cambodia government), potential voters could also register by having two registered voters vouch for their eligibility. The NEC did take some steps to prevent registration fraud. It announced on July 11 that 393 names were struck from the list of registered voters including 157 voters who had died, 127 voters who had registered in more than one place, 23 underage voters and 78 voters of "incorrect nationality."

Despite documented complaints and numerous allegations, most parties were willing to accept the outcome of the voter registration process. There were almost no reports of individuals from opposition parties being unable to register, although some voters had to try more than one registration center to obtain their voter registration card. One curious aspect of the process was the surprisingly high rates of voter registration that were seen in some provinces. According to census data, participation exceeded 100 percent of the eligible population in Preah Vihear (106 percent), Rattanakiri (106 percent), Koh Kong (110 percent), Phnom Penh (118 percent), Sihanoukville (124 percent), and Pailin (180 percent). These figures, while suspect, can possibly be explained by unreliable census data and permission for voters to register any place in the country.

During and after the registration process, CPP village chiefs and party cell leaders began collecting the newly-issued voter registration cards and recording card numbers. In practice, this information did not make it possible to track a ballot, but it contributed to the fear that the government would know how individuals cast their vote. While these rumors and others (including satellites in the sky and trick ballot boxes) may seem preposterous to Western observers, they were very real to the majority of rural Cambodians who are unfamiliar with both democratic elections and modern technology.

Opposition Complaints, Media Access and the Campaign Period

Following their return to Cambodia, the National United Front (NUF), composed of FUNCINPEC, SRP, SSP and the Cambodian Neutral Party, demanded that ballots be counted at the district or provincial level, media access be improved, the NEC be reconstituted to include members of opposition parties and that opposition figures be included on the Constitutional Council. They threatened to boycott the July election unless it was delayed and their conditions for participation were satisfied by May 18. The deadline was extended twice -- first to the June 19-20 Bangkok meeting of ASEAN and the Friends of Cambodia and again to July 5, the first

anniversary of the 1997 coup d'etat. By late June, FUNCINPEC was no longer considering an election boycott, and SRP and SSP stood alone in maintaining the threat.

The major concession won by the opposition from the ruling party was the location of the vote count. Originally, votes were to be counted at polling stations which, in most cases, had only two or three hundred voters. If votes were counted at this level, the winning party would be able to punish those villages that had voted against them. In the smaller villages it may have even been possible to guess which individuals voted for particular parties. There are more than 11,000 polling stations but only 1,600 communes. On May 5, in a controversial compromise between Prince Ranariddh and Hun Sen, the vote count was moved to the CEC level where the ballots of several polling stations would be mixed together, thereby providing a greater degree of anonymity for voters.

Despite the continued threat of an election boycott by the SRP and the SSP, the opposition's other conditions were never met. The SRP and SSP finally ended their threat on July 5, stating that, "The Cambodian people are speaking out with bravery and loyalty. This support gives us hope that the people may yet win a peaceful future despite the violent acts and electoral manipulations of the ruling party."

While the election results showed that the contest was a three-way race, media access and news coverage in Cambodia did not reflect this reality. A tightly controlled broadcast media regime allowed each political party 30, five-minute spots on state television, but CPP dominated the airwaves. A U.N. study revealed that during the month of May 1998, Hun Sen was shown 170 times on state-run TV while Prince Ranariddh was only featured five times. Even private broadcasters and newspaper publishers were not permitted to show "biased" reports and faced fines of up to ten million riel (\$2,500) for doing so. At least five newspapers were issued letters of warning from the NEC to cease printing political propaganda. Sam Rainsy was refused a radio broadcast license five times. The Son Sann Party was granted a license in May, but due to a lack of funds, was unable to replace radio equipment that had been stolen or destroyed in the July coup.

Other campaign efforts proceeded with greater freedom. Signs for all parties were displayed along provincial highways, and in Phnom Penh, scarcely a tree was safe from having a poster adorned with the face of a party leader stapled to it. Convoys of trucks and motos (small motorscooters) bearing party signs, logos and packed with dozens, hundreds, and even thousands of party supporters were also a common sight. Candidates frequently held rallies in their provinces and top party leaders traveled the entire country in support of their party slate. Opposition parties reported that while it was easy to gain approval from local authorities to hold a campaign event, voters were frequently kept away by threats and misinformation spread by CPP loyalists.

In the final weeks of the campaign period, in yet another attempt to ensure a favorable election result, the CPP founded and bankrolled several election observation nongovernmental

organizations and enlisted members of their party and the military to serve as nonpartisan election monitors. The largest of these groups was the Buddhist Youth Association. When the English language press revealed that this group received no training and that many of their tens of thousands of observers were CPP members and soldiers, their credentials were revoked by the NEC only one day before the elections. Following public outcry from the opposition, international observers and legitimate domestic monitoring groups, the NEC issued a statement identifying the bogus observer groups and stating that they were not to be admitted into polling sites.

Just days before the election, Ranariddh told leaders of the IRI/NDI delegation that if there were no major incidents of violence in the remaining days, if voting was carried out without serious problems, and if the ballots were counted accurately, then he would accept the results of the election as the will of the people.

Following July 25 pre-election meetings with provincial party leaders, domestic monitoring groups and human rights groups across the country, the 18 IRI/NDI election observation teams that had been deployed to the provinces generally were not encouraged by what they observed. The meetings corroborated many of the familiar pre-election stories of voter intimidation and violence against opposition activists and the prospects for an orderly and peaceful election day remained in doubt.

ELECTION DAY

The Vote

The July 26 election was held to elect 122 members of the National Assembly from 23 provincial and municipal constituencies. The election was contested by 39 political parties, and was based on a system of proportional representation. Because the candidate slates and number of parties was different for each constituency, it was in practice, 23 separate elections taking place at once. The three major parties (CPP, FUNCINPEC and SRP) were able to field candidates in all 23 constituencies. More than 4.9 million or around 93 percent of registered voters turned out on election day to cast their ballots at over 11,000 polling stations. By noon, most voters had already cast their ballots.

In contrast to the campaign period, voting on election day went relatively smoothly. Most voters told members of the delegation that they were confident about the secrecy of their ballots. Polling stations generally were organized in a way that enabled voters to cast their ballots in private. While some members of the IRI/NDI delegation believed they witnessed instances of intimidation during the balloting, the majority did not (see Attachment D).

Delegation observers were impressed by the enthusiastic crowds of voters who thronged polling stations, usually schools and pagodas, even before they opened. The Institutes' observation teams were inspired by the courage and determination of the vast majority of Cambodian voters.

While the election day atmosphere and technical quality of the polling far exceeded the expectations of most observers, there were many isolated reports of illegal campaigning, interference by local officials, and challenges to credentialed observers. Most of these complaints were documented by opposition parties in more than 800 complaints submitted to the National Election Committee. The credibility of the complaints was corroborated by observations and statements from IRI, the Asian Network for Free Elections (ANFREL), the EU and the domestic observer groups Coalition for Free and Fair Elections (COFFEL), Committee for Free and Fair Elections (COMFREL) and Neutral and Impartial Committee for Free Elections in Cambodia (NICFEC).

Of the international observer groups, ANFREL was the most critical, stating shortly after the election that "We express our deep concern over some reports of serious incidents of threats and intimidation and other violations of electoral laws, rules and regulations observed in some places, including Phnom Penh, during campaign, voting and counting periods."

IRI/NDI observers witnessed several election day incidents. In Pursat province, a CPP village chief served as the vice-chairman of a polling station committee and required voters to leave their registration cards with him as they went to vote. In one Phnom Penh polling site, a CEC official threatened an IRI interpreter who was questioning him about procedures, saying

simply “I know who you are.” The interpreter, a survivor of the killing fields and long-time refugee on the Thai border, was frightened to tears. Many polling stations barred windows and doors during the lunch hours, obstructing public view of ballots and ballot boxes.

The polls closed promptly at 1600 hours. Closing procedures appeared to run smoothly and nearly all ballots reached commune-level counting centers on the evening of July 26. IRI/NDI observer teams each closed out a polling station and followed ballot boxes to the counting centers. The teams observed the safe storage of ballots, which in some cases included placing ballot boxes in open rooms with party agent and domestic observers seated outside the door.

Party agents and domestic election monitors were present at most every polling station visited. Typically, FUNCINPEC, CPP and SRP had agents at each polling place along with one or two representatives from smaller parties. COMFREL and COFFEL also managed to cover a large number of precincts while NICFEC, unique in being comprised entirely of unpaid volunteers, also was well represented nationwide. According to IRI/NDI observers, party agents generally were passive and filed almost no complaints on election day. Their inaction casts some doubt on opposition claims of CPP manipulations, but may also be indicative of the threats and intimidation that party activists faced in the weeks and months leading up to the election.

Domestic monitoring groups all gave reasonably balanced critiques of election day itself, being more critical of the pre-election environment and the gross incompetence of the NEC and Constitutional Council following the election. It should be noted that for the domestic monitoring groups, the July 26 election was the first they observed.

The Count

With most ballot boxes having arrived at commune counting centers on July 26, counting began in the morning on July 27. Party agents, domestic monitors, pollworkers, and commune election officials slept in and around schools, pagodas and other public buildings where ballots were to be counted. Alarming, on the morning of the count some political party agents were denied access to the counting rooms, as commune chairmen had discretion to determine how many party agents from each party could fit into a counting center. In many cases, only one party agent from each political party was allowed to enter a counting center where ballots were being counted by as many as 10 or 12 groups of election workers at a time (each group representing one polling station). The opposition parties later complained that their inability to adequately observe the counting process opened the door for fraud in the counting process.

Initially, the count seemed to proceed smoothly. The complex process of counting the number of ballots in each box, collecting the ballots and mixing them in groups of at least three polling stations and then redistributing the ballots among groups of weary pollworkers for the votes to be tallied generally was carried out with competence, if only a little confusion. One area of confusion for pollworkers and pollwatchers alike was the set of requirements for deciding

whether a ballot was valid. Standards for judging this varied greatly, not just from one commune to another, but from one counting table to the next. Pollworkers who were counting ballots tended to err on the side of disqualifying any ballot with a flaw, whether it be a torn corner, an unusual fold, or a stray mark. However, no clear pattern emerged to show that this practice favored one party over another.

Some international observers believe that the relatively low number of complaints by party agents and domestic observers during the counting process may have been a result of their inexperience in observing a count and a general reluctance to publicly express concerns with the process for fear of reprisals.

The integrity of the ballot counting process began to break down on the afternoon of July 27. After early returns indicated that the opposition parties were doing better than expected, CECs reportedly were instructed to not release the final totals of the ballot counts for each commune. Exhausted party agents and domestic observers left for their homes before final tallies were released. This practice was witnessed by at least two IRI/NDI observers but went largely unnoticed as domestic pollwatchers were exhausted and relieved to end their duties, and some international observers remained euphoric and somewhat blinded by the inspiring images of election day morning. Frequently, the domestic pollwatchers already had signed off on the count report, believing that the packaged and sealed ballots would be transported to Provincial Election Commissions.

In Phnom Penh, one IRI observer was called on the evening of July 27 regarding possible vote fraud. Party agents informed the delegate that they had discovered an illegal ballot re-count that began at around 1930 hours. When the agents asked the CEC chairman for an explanation, they were instructed to “go away, you have no right to say anything.” When interviewed by the delegate, the CEC chairman stated that he conducted the ballot re-count on instructions from the PEC to put ballots “in order” (given by radio at approximately 1700 hours). He stated that during the first count, FUNCINPEC and CPP ballots may have been inadvertently mixed. Were this not opportunity enough for ballot count perfidy, many more questions were raised in the coming days regarding the sealing of ballot bags and the transport of ballots.

The same party agents later contacted the delegate at 0400 hours to alert him that two trucks had arrived to collect the ballot boxes. The party agents had been invited to accompany the ballots, but feared for their personal safety. The delegate went to accompany the party agents to the PEC where they were all denied access to the building. Unarmed security officials informed the delegate that he could not enter the premises until sunrise. IRI submitted a letter to report the incident to the NEC shortly after the event, but the NEC consciously decided to ignore the request for an explanation (see Attachment E).

In written complaints and photographs, party agents documented that a large number of ballot bags arrived at the NEC either unsealed or improperly sealed. Moreover, it is not just the condition in which bags arrived that raised questions of the integrity of their contents, but the

timing of their arrival. Ballots from Phnom Penh arrived at the same time as ballots from distant provinces, such as Battambang and Mondulkiri.

While none of these irregularities constitute concrete evidence of outright vote fraud, they do show that opportunities for fraud clearly existed and raise serious questions about the integrity of the entire process. It was at this point that the grievance process outlined in the *Law on the Election of the National Assembly* should have come into play.

Observer Statements

Preliminary statements and comments by international observer groups on the conduct of the election may have empowered, intentionally or unintentionally, the ruling party to check the opposition's criticisms of the election without resolving their allegations and complaints of vote fraud and irregularities. The United Nation's Joint International Observer Group (JIOG) announced its preliminary findings on July 27. Preliminary findings of the IRI/NDI Observer Delegation were released on July 28 after a thorough debriefing of the observer teams (see Attachment F).

Comments made by co-leader Stephen Solarz during the Institute's joint press conference, referring to the elections as a potential "miracle on the Mekong," were subsequently used by the CPP to indicate international acceptance of the elections.¹ IRI received reports of the comment being repeatedly broadcast on Cambodian radio and in Khmer language newspapers. A government spokesman was quoted in the Cambodia Daily using the comment to defend the election against criticism from the U.S. Congress (see Attachment G).

In its statement, the JIOG noted the peaceful atmosphere on election day, and concluded that the voting and counting process was "free and fair to an extent that [the election] enables, in a credible way, the will of the Cambodian people." Prior to the complete filing of election-related complaints, the JIOG counseled that, "all parties should accept and honor the results of the election without any attempt to undermine the original outcome." It should be noted that the JIOG consisted of Chinese, Burmese, and Vietnamese observers, unfamiliar with democratic elections, who had equal weight in the preparation of the final statement.

Many Cambodians felt betrayed by their perception of the international community's swift acceptance of the election. The Far Eastern Economic Review reported in an August 13, 1998 article entitled "Unfree, Unfair:"

Indignation at the international observers [after the election] was almost tangible on the streets of Phnom Penh. For example, after Solarz's "miracle on the

¹It should be noted that this statement of personal opinion did not reflect the views of the entire delegation.

Mekong” statement, broadcast on radio, a group of foreigners visiting Funcinpec headquarters had to be protected by security guards. Angry party supporters were convinced that the international community had colluded with Hun Sen to rig the election results. U.S. Secretary of State Madeleine Albright later issued a statement calling Solarz’s verdict “premature” -- an effective retraction designed to calm the hostile mood in Phnom Penh.

POST-ELECTION PERIOD

Formula Controversy

Early projections published by the *Cambodia Daily* based on early returns released by the NEC and COMFREL showed that seats in Cambodia's National Assembly would be split three ways with opposition parties holding a slight majority over the CPP (CPP-59, FUNCINPEC-45, SRP-18). However, a CPP press release just two days after the election showed them winning a slight majority of seats in the National Assembly. This discrepancy caused journalists, party leaders, and domestic and international monitors to scramble for their calculators and election regulations.

What no one apparently, except for the CPP, knew was that the formula for allocating National Assembly seats had been changed by the NEC sometime between the last week of May, when the NEC claims to have held a meeting, and June 10, when the final version of election regulations were released.

The *Law on the Election of the National Assembly* stipulates that the "highest average" method of proportional representation be used to allocate seats. There are, however, variations on this method. The method which COMFREL, the *Cambodia Daily* and nearly everyone else looking at the election used was the formula that appeared in the NEC "Regulations and Procedures" up until June 10. This formula came to be commonly referred to as "Method One" in the debate that followed. The method used by the CPP to calculate seat allocation, adopted by the NEC in late May, came to be known as "Method Two."

In both versions of the highest average formula, most of the seats in a constituency are allocated using a quota. The quota is established by dividing the total number of valid votes in a constituency by the number of seats at stake (if a constituency has 100,000 valid votes and five seats, the quota is 20,000). Parties are first allocated seats according to the number of times they meet the quota.

The difference between the two formulas is the way in which seats are allocated after the "quota" seats are parceled out. Method One gives parties the chance to gain no more than one seat each after the "quota seats" have been distributed. This gives smaller parties a better chance to gain remaining seats. The more complex Method Two gives parties a chance to gain more than one seat during this stage and therefore weights the distribution of extra seats in favor of the party that has the most votes in the constituency. In Kompong Chhnang province, the CPP won three out of four seats with less than 50 percent of the vote. Using Method Two, the CPP wins an absolute majority of seats, 64-43-15 (see Attachment H). Because this made the difference between a CPP majority and an opposition majority, it became the most hotly debated controversy of the election and remained unresolved until the opposition gave up its demand that

Method One be used, its last remaining demand, in coalition negotiations in late November.

When opposition parties, the press and election NGOs demanded evidence from the NEC that the change in the regulations was legal, the NEC could produce only minutes of a meeting which indicated that NEC Chairman Chheng Phon approved the new regulations. There is no record of a vote or a debate of the amendment to the formula and there was no public announcement of the change. This fueled suspicion of a CPP plan to quietly change the example in the regulations to Method Two. The opposition also argued that Method One is more reflective of the voter's will:

Party	Total Votes (%)	Method One (%)	Method Two (%)
CPP	2,030,802 (41.2)	59 (48.4)	64 (52.5)
FUNCINPEC	1,554,374 (31.7)	45 (36.9)	43 (35.2)
SRP	699,653 (14.3)	18 (14.7)	15 (12.3)
KDP*	89,999 (1.8)	1(0.8)	-----

*Khmer Democratic Party

The Constitutional Council accepted an opposition complaint regarding the legality of the seat allocation formula, but the complaint was rejected out of hand.

Ballot Recounts

After a dozen opposition parties joined together for a press conference on July 29 to denounce the election as fraudulent, and hundreds of opposition complaints began to come in to the NEC, the Committee was responsive initially. A four-member subcommittee on fraud, chaired by NEC Vice-Chairman Kassie Neou, was formed to oversee ballot recounts. According to subcommittee members, communes were selected for ballot recounts based on complaints filed by political parties. Regulations for the recounts, apparently unanticipated, were hastily drafted even as the recounts were beginning.

Procedures for the ballot re-counts varied from count to count, but generally, ballots for CPP, FUNCINPEC and SRP were re-counted along with all of the spoiled and invalid ballots. These recounts were observed by FUNCINPEC, SRP and domestic and international monitors. Ballot re-counts were halted after only one week and eight re-counts amid much controversy.

The first seven recounts were inconclusive. Ballot totals for the three major parties changed in each of the seven recounts. Taking all seven communes together, the CPP posted a net loss of 12 votes, while FUNCINPEC and SRP posted net gains of 12 and 6 votes respectively. This represents an average swing of between 4 and 5 votes between CPP and FUNCINPEC. These slight differences clearly were not conclusive evidence of fraud. However,

the recounting of only 0.5 percent of all communes could not be indicative of anything. If these slight shifts in favor of the opposition were to take place in all communes in Kompong Thom province, it would shift one seat from CPP to FUNCINPEC (using the Method Two seat allocation formula backed by the CPP). Both IRI and a NEC consultant pointed this out and urged recounts for the entire province.

Within two weeks of the election, the re-count process fell apart. During the eighth ballot recount, of ROKAR PO BRAM commune in Kampong Cham province, the vote totals did not resemble what appeared on the initial report from the commune. There were more than 1,400 extra ballots counted for FUNCINPEC which were unconvincingly explained away as the accidental mixing of ballots from two communes. NEC Vice-Chairman KASSIE NEOU was so angered by efforts by some NEC members and staff to stonewall complaint investigation and ballot recounts that he resigned from his post as chairman of the subcommittee on fraud. Recounts were officially ended on August 10 and the NEC declared that it was no longer responsible for the resolution of election irregularities and disputes.

NEC and Constitutional Council Failures

In accordance with Article 114 of the *Law on the Election of the National Assembly*, opposition parties filed, legally and completely, more than 800 complaints pertaining to election irregularities between July 27 and August 8. These complaints included charges of voter intimidation by ruling party officials, denial of access to political party agents and improper polling, vote-counting, and ballot transport procedure. Observations of domestic and international monitoring groups including ANFREL, COFFEL, NICFEC and IRI corroborated the credibility of these kinds of complaints.

The NEC acknowledged the receipt of only approximately 300 complaints. They dismissed all of these complaints as groundless, without any investigations or hearings. Under the law, the NEC is obligated to respond to all of the complaints in writing, providing copies of their response to both the complaining party and the Constitutional Council. On August 10, the NEC held a press conference to say that its job was complete.

Following the NEC's failure to provide legal relief in accordance with the law, opposition parties sought to file their complaints with the Council in spite of its well-known bias toward the CPP. The Council, Cambodia's highest legal body and final arbiter of election disputes, refused to accept all but eight of the complaints filed by the opposition, ostensibly on the technical grounds that they had not been officially ruled upon by the NEC or in some cases because they lacked a cover letter. The eight complaints that were accepted by the Council were rejected without credible attempts to investigate or collect evidence in a one day hearing on August 31. The Constitutional Council refused to take any steps to order the NEC to fulfill its legal obligations and stonewalled all attempts to either add or receive information on the process.

The NEC and the Constitutional Council deliberately tried to stall the complaints process

and to block any efforts to introduce transparency into the election process in several different ways:

- The NEC Secretary-General blocked efforts to conduct vote recounts by refusing to retrieve ballot bags for specified communes, leading to the resignation of NEC Vice-Chairman Kassie Neou from his post as the chairman of the subcommittee on fraud.
- Top NEC officials blocked the release of commune-by-commune vote tallies requested by political parties and NGO groups even after preliminary election results for the provinces had been released.
- The Constitutional Council claimed that it could neither accept inaction by the NEC as a de facto rejection of election complaints nor order the NEC to do its job, effectively subordinating themselves to a lower body.
- Both the Council and the NEC repeatedly rejected calls to implement confidence building measures common to all democracies, such as ballot recounts for disputed and closely contested communes and provinces, accounting for the nine million ballots that were printed for an electorate of five million, and conducting investigations and hearings for legally filed complaints.

When Hun Sen and the opposition parties finally agreed on accounting for the nine million ballots that were printed in late October, the NEC released a press statement saying that they had reconciled all but 119 of the ballots. There was no actual count or reconciliation of the ballots, except on paper. This action fell well short of a transparent physical accounting for all the ballots in the presence of party agents and independent observers.

Opposition Demonstrations and Government Crackdown

A sit-in protest in the park across from the National Assembly building in Phnom Penh began on August 24 as a rejection by opposition parties and their supporters of the decision by the NEC to ignore the vast majority of election-related complaints. When the Council rejected the complaints out of hand as well, the mass protests grew in intensity and size. The rejection by the Council led many Cambodians to the only logical conclusion that can be drawn from its actions: biased electoral authorities and the ruling party must have something to hide.

From August 24 to September 7, pro-democracy demonstrators maintained the sit-in around the clock. During the day the number of protestors swelled to 20,000 -- with 500 to 1,000 protestors spending each night in the park. Protesters called for an investigation into election irregularities, an end to political violence and the resignation of Hun Sen. Support for the demonstration far exceeded the number of protestors. Everyday, donations of money and food flowed in to support the demonstrators from markets across the city and concerned citizens. Petitions of support from all kinds of organizations including students, monks, overseas

Cambodians and even police and military units also were received at the demonstrations. When announcing contributions from around the country, Sam Rainsy liked to say in English that Hun Sen gave money to buy the vote while the people gave money to support democracy. IRI monitored the opposition demonstration as it grew into “Democracy Square” and was subsequently crushed by police and armed individuals loyal to the ruling party on September 7.

On September 7, a grenade was thrown at the Phnom Penh residence of Hun Sen. While there were no injuries and it was public knowledge that Hun Sen was in Siem Reap at the time, the government declared the event an assassination attempt on the Second Prime Minister’s life and blamed the pro-democracy demonstrators for the attack. Shortly after the explosion, government security forces moved in on Democracy Square with water cannons and electric shock batons. Peaceful demonstrators were violently cleared from the area resulting in numerous casualties. When demonstrators continued to protest throughout the city in the days after the crackdown, the government dispatched security forces and gangs of armed thugs to seek out and clash with the pro-democracy demonstrators which included dozens of Buddhist monks.

Throughout the month of September, bodies of demonstrators, decayed past the point of identification, were pulled from rivers, irrigation ditches and shallow graves around Phnom Penh. From what investigators could tell, most of these individuals were young and a couple of them had shaved heads, presumably monks. Almost all bore signs of torture or physical restraint in the form of bound appendages or gagged mouths. The UNCHR has documented the discoveries of more than 30 of these bodies and over 40 individuals are still missing since the demonstration crackdown.

In addition to the brutal crackdown on demonstrators, a second attempt was made to assassinate opposition leader Sam Rainsy. On August 20, while at the Ministry of Interior, grenade and small arms fire was directed at a location where Rainsy had been standing moments before. A driver from the Kyoto News Service was killed in the attack and Rainsy was detained and interrogated for several hours before being released. Rainsy subsequently sought protection from threats of arrest and violence by the CPP in the U.N. Secretary General’s Special Representative’s office.

Unconstitutional Travel Ban

Following the government crackdown on the pro-democracy demonstrators, a travel ban was placed on opposition parliamentarians-elect. The official reason given for the ban was the ongoing investigation of the grenade attack on Hun Sen’s residence. Most believed that the ban was imposed to force a quorum at the convening of the National Assembly.

Browbeaten by King Sihanouk and the international community, Cambodia’s opposition parties agreed to attend the opening of parliament in Siem Reap on September 24, the deadline for the formation of a new government. In exchange for attending the opening the parliament, Hun Sen’s government lifted the illegal travel ban on opposition leaders.

On the morning of the parliament's opening, a rocket attack occurred close to a convoy containing Hun Sen. One child was killed and three people were injured. It was immediately labeled an assassination attempt on Hun Sen by National Police Chief Hok Lundy, who stated "we have concluded that this was a clear attempt [to assassinate Hun Sen] by the political parties which lost the election," referring to FUNCINPEC and SRP.

On September 25, Sam Rainsy and Norodom Ranariddh left the country, as did all of SRP's parliamentarians and a large number of FUNCINPEC parliamentarians. Once out of Cambodia, they decided not to return immediately, fearing for their personal safety. After the government made public threats against the safety of outspoken SSP activist Kem Sokha, the former chairman of the National Assembly Human Rights Committee (no longer enjoying parliamentary immunity) was forced into hiding.

One-Sided Negotiations

Negotiations for the formation of a coalition government were at a standstill after staff-level negotiations collapsed on October 10 over the disagreement on the election formula. Sam Rainsy and Prince Ranariddh recommended that meetings chaired by King Sihanouk be held outside of Cambodia so that the environment would be neutral and the opposition would not again be held hostage as they had been for the convening of the National Assembly. The CPP insisted that negotiations be held in Cambodia. At a stalemate, Rainsy and Ranariddh refused to participate in negotiations in Cambodia and assigned deputies for any negotiations taking place in Cambodia. Their bargaining position should have been powerful: 81 votes in the National Assembly are required to form a government.

Largely through the press and staff negotiations, the opposition gave up nearly all its demands and conditions on the formation of a government. They went from having more than 800 complaints and stern demands for hearings, recounts, and investigations to only two requests: a full accounting of used, unused and spoiled ballots and the reinstatement of the original seat allocation formula that gave them a majority.

Intense pressure from King Sihanouk and the diplomatic community resulted in Prince Ranariddh's agreement to meet with Hun Sen on November 13 for two days of talks at the royal palace. Opposition leader Sam Rainsy was not invited to attend the talks. On the second day, a deal to form a government was struck ending a three-month deadlock.

According to the plan, the Cambodian Constitution will be amended to provide for the formation of a bicameral legislature. Members of the newly formed Senate will be nominated by the elected parties and will be approved by the King. CPP President Chea Sim will preside. The chairmanship of the National Assembly, the existing legislative body, was awarded to Ranariddh. Hun Sen will continue as sole Prime Minister. In addition, five military and political leaders convicted of crimes, including Prince Norodom Sirivudh and FUNCINPEC General Nheik Bun Chhay, have been granted amnesty by the King.

As in 1993, national elections were not a major factor in the formation of the Cambodian government. The July 1998 elections have been rendered meaningless by a deal that allows CPP to maintain its control of national and provincial governments, the police, the military, and the courts.

CONCLUSION

IRI believes that the July 26 parliamentary elections did not meet standards of democratic elections. The pre-election period was marred by political violence and intimidation, a culture of impunity, unequal access to media and CPP domination of electoral and legal decision making. Although it is difficult to determine the extent to which the electorate was adversely affected by the hostile political environment, IRI believes the flawed pre-election period created a grossly uneven playing field which favored the ruling party. Election day and the initial counting process appeared to proceed smoothly. However, the post-election period should be viewed as deliberately incomplete, as the NEC and the Constitutional Council dismissed complaints of vote fraud and irregularities without regard for democratic practices or even the law itself.

Cambodia's 1998 election constitutes a deliberate attempt by the Hun Sen regime to take advantage of the weaknesses in 1980s-style election observation in order to have the process declared legitimate. Cambodia's government managed to orchestrate an election day up to international standards, hoping that observers would ignore the hundreds of days of repression surrounding it. To a large degree, the strategy worked, as evidenced by the U.N. Joint International Observer Group's (JIOG) statement declaring the elections "free and fair." The JIOG simply ignored shortcomings in the pre-election period.

IRI believes that international acceptance of the parliamentary elections in Cambodia will demean the import and value of elections as tools for building democracies around the world. Other dictators will feel free to kill opposition members, gut opposition party structures, name a biased election commission, intimidate voters, conduct questionable ballot counts and refuse recounts all the while confident that the international community will certify the process, as long as election day looks good.

The decision of tens of thousands of Cambodians to take to the streets in late August to protest the coy dismissal of legal redress for election complaints by the NEC and Constitutional Council shows that a decision to sanction such flawed elections would also serve to destroy any faith in democracy as a vehicle for change in that country. The lesson of the 1993 and 1998 elections in Cambodia is that bullets, not ballots, continue to be the primary method of change.

RECOMMENDATIONS

IRI makes the following recommendations and suggestions to Cambodian officials in anticipation of future elections:

- Respect Human Rights and the Rule of Law: The Cambodian government should investigate and prosecute all human rights violators, regardless of their affiliation with the government or military, since the May 1993 elections. The rule of law should be enforced and respected by all citizens and political parties. Cambodian courts should be independent and free from influence by the ruling party. The Cambodian people should enjoy the right to peacefully assemble to express their views.
- Clarify and Amend Laws: The Cambodian government should clarify and strengthen election regulations and practices, including formulas used to determine the allocation of seats and dispute resolution mechanisms. The *Law on the Election of the National Assembly* should be amended to allow all Cambodians, including refugees and absent citizens, to vote in elections by means of absentee balloting.
- Establish a Neutral Election Framework: The National Election Committee (and its provincial and sub-provincial organizations) and the Constitutional Council should be neutral and impartial electoral bodies.
- Create a More Favorable Political Environment: The Cambodian government should make every effort to improve the current political environment by allowing a political opposition to exist and function free of harassment and intimidation. Greater emphasis and efforts should be placed on improving and increasing civic education in order that all Cambodians know and understand their legal and political rights.

Prior to the next election, the Cambodian government should strive to create a more level playing field, including equitable access to campaign activities and the media. Domestic nongovernmental organizations should be allowed to serve as watchdog groups without fear of harassment and intimidation.

- Encourage Transparency and Accountability: Elected officials should disclose their assets and should be responsible to the Cambodian people (not only to a single political party or political leader). Corrupt officials should be removed, and every effort should be made to publicize the financial management of all government agencies.

Prior to the next election, voter registration should be conducted in a more transparent manner and election official should be better trained. The counting and dispute resolutions process should be impartial and more transparent. To encourage transparency and accountability, domestic and international election observers should be allowed to monitor the elections.

ATTACHMENT

A

**IRI Delegation to IRI/NDI Election Observation Mission to the
July 26, 1998 National Assembly Elections in Cambodia**

James Lilley is a resident fellow of Asian Studies at the American Enterprise Institute in Washington, DC. Before joining AEI in January 1993, Ambassador Lilley served as Assistant Secretary of Defense for International Security Affairs from 1991 to 1993. He was the U.S. Ambassador to China from 1989 to 1991 and the U.S. Ambassador to Korea from 1986 to 1989.

Stuart Auerbach, of Washington, DC, worked for 31 years as a reporter with *The Washington Post*. In September 1997, he became Director of Development for the Media Development Loan Fund, a nonprofit organization that supports independent news organizations in developing democracies.

Daniel Beck is a communications consultant in Burbank, California and served as an IRI trainer in Cambodia in 1997.

Paul Behrends is a Vice President at Boland and Madigan in Washington, DC. As a staff member on the House Committee on International Relations, Mr. Behrends participated in many overseas policy development missions and is a member of IRI's Asia Advisory Board.

John Buckley, of Washington, DC, is the Senior Vice President of Communications at Fannie Mae. He took a leave of absence in 1996 to serve as the Director of Communications for the Dole-Kemp campaign. Mr. Buckley also served also as Deputy Press Secretary to Reagan-Bush '84, and Press Secretary to Jack Kemp, both in his congressional office and later in his presidential campaign.

Jamie Factor is the International City/County Management Association Resident Advisor for the Local Self Government Assistance Center in Slovakia.

Richard Fisher is a Senior Policy Analyst for the Asian Studies Center of The Heritage Foundation in Washington, DC. Mr. Fisher has also observed elections in the Philippines, South Korea, and Taiwan.

Greg Haskin is the District Representative for Congressman Chris Cox of California. The former Executive Director of the Orange County Republicans, Mr. Haskin has taught local party building for IRI in Cambodia, Mongolia, Uganda, and Angola.

Carole Hillard is the Lieutenant Governor of South Dakota. Ms. Hillard took part in an IRI training mission in Angola this year and observed elections in Bosnia in 1997.

Balazs Jarabik is a freelance journalist in Slovakia and is chairman of the youth organization of the Hungarian Civic Party. He has observed elections in Ukraine and Hungary for IRI.

Marty LaVor is a professional photographer and chronicled the Cambodia refugee situation on the Thai border in the 1980s.

Patricia Lienesch, the executive assistant for U.S. Senator John McCain, lived and worked in Thailand from 1974 to 1986.

Andrew Natsios is a fellow at the U.S. Institute for Peace, where he is working on a book on the North Korean famine. He previously headed the World Vision Relief & Development Washington office. From 1989 to 1991, he was the Director of the Office of U.S. Foreign Disaster Assistance and served in the Massachusetts House of Representatives from 1987 to 1989.

Dawn Riley has managed statewide campaigns in Kentucky and previously advised U.S. Senator Mitch McConnell on a number of issues including agriculture. A resident of Louisville, Ms. Riley is currently the manager of Kentucky Burley Moldings, Inc. She was an IRI trainer in Cambodia in 1995.

Sichan Siv was the Bush Administration's Deputy Assistant Secretary of State for South Asian Affairs and the Assistant to the President for Public Liaison. Mr. Siv left his native Cambodia in 1978. He was a member of a number of recent IRI/NDI assessments of the state of democracy and election preparation in Cambodia.

Warren Strobel is the White House correspondent for *The Washington Times*.

Anne F. Thurston is an independent scholar and Asia specialist. She has recently studied the social consequences of China's economic reforms and grass roots democratization and has published four books on China. Thurston received her Ph.D. in political science at the University of California, Berkeley.

Richard J. Wall is an attorney in San Francisco and a graduate of Stanford University and the London School of Economics.

Tin Maung Win lives in Thailand. He is the founder and editor of *The New Era Journal*, an underground democracy newspaper distributed inside Burma.

Richard S. Williamson is a partner in the Chicago-based law firm of Mayer, Brown & Platt. A member of IRI's Board of Directors, Mr. Williamson served as Assistant to the President, United States Representative to the United Nations in Vienna, and Assistant Secretary of State for International Organization Affairs during the Reagan Administration.

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ATTACHMENT

B

**Statement by the Pre-Election Assessment Mission
July 14, 1998**

Following a fourth assessment of Cambodia's political environment since the coup of July 1997, a delegation from the National Democratic Institute for International Affairs (NDI) and the International Republican Institute (IRI) has concluded that:

- The process leading up to the elections scheduled for July 26 is fundamentally flawed, and, under the prevailing circumstances, the delegation would not normally recommend sending international observers to monitor the elections. However, political parties and prospective voters, despite serious obstacles, are actively participating in this election. The outcome of the election is not a foregone conclusion and it merits international attention.
- Any objective evaluation of the upcoming elections must not be confined to the official campaign period and the technical aspects of the poll. Such a limited perspective gives a distorted view of the elections as a whole. Any accurate assessment must take into account the larger political environment within which the elections are taking place and the effects of that environment on the electoral process. Acquiescence to seriously flawed elections will only contribute to a deterioration of the political environment and undermine genuine efforts to advance Cambodia's democracy.
- The delegation encourages Cambodians and the international community to deploy as many observers as possible.

The delegation's chief observations and findings are:

- Political violence and intimidation continue, especially in the countryside.
- No arrests have been made despite pervasive political violence; a culture of impunity impedes the ability of candidates and domestic monitoring groups to recruit workers and supporters.
- Citizens continue to express their interest in the election and the desire to cast their votes for the candidates of their choice if given the opportunity in an environment free from intimidation.
- The international community, which encouraged the exiled political opposition to return and participate in the campaign, should closely monitor the entire election process. This should include monitoring the post-election period.

The Cambodian People's Party (CPP), which overthrew its coalition partner and reversed the results of the UN-sponsored elections of 1993, continues to enjoy exclusive control over the military, security forces, civil service, electronic media and electoral administration. There is no independent judiciary to provide a check on governmental power. United Nations reports document approximately 100 executions and disappearances, as well as other apparently politically motivated killings, since July 1997. Cambodian political parties, election monitoring groups, human rights organizations and the UN have documented chronic intimidation of opposition party supporters through threats or physical harm and imprisonment.

In its assessment of the pre-election environment, the delegation found that systematic and widespread political intimidation and violence have affected the ability of opposition parties to fairly compete in the campaign. Opposition parties have not been given sufficient time nor the resources to rebuild their party membership networks since their organizations were dismantled last summer. The resources of the CPP dwarf those of the opposition parties. Some candidates state that voters are hesitant to openly show their support for them, fearing harassment. This atmosphere of repression affects the voters' confidence in the secrecy of the ballot.

Although opposition candidates have been able to open offices and have sometimes drawn large crowds at rallies, there are reliable reports that local officials and police have often unlawfully restricted campaign activities. Limited access to broadcast media impedes the ability of opposition parties to reach voters and potential supporters and gives the CPP a substantial advantage. Each of the 39 political parties is allowed one five-minute slot per day, but news coverage of rallies, speeches or other campaign events is heavily biased toward the CPP. A recent UN study showed that during the month of May, Hun Sen was mentioned 170 times on state-run TV while Prince Ranariddh was only featured five times.

The delegation heard several persons express the concern that the government might not accept the results of the election. Given the events following the 1993 elections, it is critically important that the international community carefully monitor the post-election period, including the seating of the National Assembly.

IRI and NDI intend to assemble a joint multi-national delegation to observe the elections. We believe that international and domestic election observing in the coming elections is important because the outcome of elections in some provinces may be affected if voters are permitted to cast their ballots freely and fairly. We also believe that international observation is important for the following reasons:

- It may deter further violence and intimidation of those who want to freely cast ballots.
- It provides international support to candidates who courageously decided to contest despite enormous obstacles and threats of violence.
- It helps to strengthen civil society organizations (e.g., monitoring and human rights groups) which in spite of intimidation have decided to proceed with their efforts.
- It strengthens the hands of democratic forces in each political party that want to move the country in a more democratic direction.
- It may lead to improved electoral administration, which would have long-term benefits for the nation.

Cambodia remains badly divided. The delegation stresses that elections alone will not bring reconciliation and stability to the country. Building democracy is a long-term process and will require a sustained commitment by Cambodians and the international community.

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The NDI-IRI delegation assessed the pre-election environment from July 6 to 13. The delegation consisted of former US Ambassador to Thailand and former President of the Carnegie Endowment for International Peace Morton Abramowitz; former member of the US Congress Thomas Andrews; Executive Director of Bangladesh's Fair Election Monitoring Alliance Tarikul Ghani; IRI Southeast Asia Program Director Elizabeth Dugan and NDI Senior Consultant and former NDI/Cambodia Field Director Peter M. Manikas. NDI/Cambodia Field Representatives Sarah Malm, Lawrence Lachmansingh and Sophie Richardson also participated in this assessment.

The IRI-NDI delegation met with political party leaders, candidates, members of the National Election Commission, representatives of domestic election monitoring and human rights groups, members of the domestic and international press, diplomats, and officials from the United Nations and the European Union. The delegation observed campaign activities in Phnom Penh and Takeo, and staff members have also observed activities in the provinces of Kandal, Kompong Thom and Prey Veng. The delegation also reviewed documents and reports by Cambodian and international organizations.

NDI and IRI have worked since 1992 with Cambodian political parties, members of the National Assembly and nongovernmental organizations to promote the development of democratic institutions. Based in Washington, DC, IRI and NDI are nonprofit organizations working to strengthen and expand democracy worldwide.

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ATTACHMENT C

IRI Post-Election Observations and Recommendations
August 11, 1998

IRI has yet to make a final determination on the outcome of the July 26 parliamentary elections. IRI is deeply concerned about allegations of vote fraud and condemns the continuation of violence and intimidation against members of opposition parties.

Observations:

- Activists from opposition parties fear their security is at risk. According to Human Rights Watch and the Sam Rainsy and FUNCINPEC Parties, hundreds of provincial activists have taken refuge in provincial capitals and Phnom Penh since the election after being threatened, and in some cases beaten and shot at, by local officials affiliated with the CPP Party.
- The regulations governing the allocation of National Assembly seats were changed by the National Election Committee (NEC) less than two months before the election with a blatant lack of transparency and on questionable legal grounds. The change in the formula may affect the allocation of seats in favor of the CPP.
- Many political parties believe that electoral irregularities have taken place, and nearly 1,000 complaints have been filed with the NEC. These complaints include illegal campaigning on July 25, intimidation by local officials on Election Day and electoral manipulation during and after the counting of ballots.
- In some commune counting centers, ballots were re-counted by election officials on July 27 and 28 in the absence of party agents and nongovernmental observers. In many cases, party agents and observers were denied access to ballots and vote counts. An IRI observer witnessed a questionable re-count of ballots and was denied access to Phnom Penh's Provincial Election Committee during the early morning of July 28.
- Disorganization and obstruction by some NEC officials have delayed or prevented the re-counting of ballots for some communes. This obstruction caused the resignation of the Vice-Chairman of the NEC from his post as Chairman of the Subcommittee on Fraud.
- Delays in the delivery of ballots to the NEC from some areas, including Phnom Penh, have not been fully explained. Ballots from Phnom Penh arrived at the same time as ballots from distant provinces, such as Battambang and Mondulkiri. Ballot bags regularly arrived at the NEC from Cambodia's provinces unsealed or improperly sealed.
- Preliminary election results released by the NEC do not differ significantly from the parallel vote tabulation conducted by COMFREL. However, many Cambodians express misgivings that the election was not administered in a transparent and impartial manner.

Recommendations:

It is essential that immediate action be taken to increase confidence in the electoral process and to resolve impartially and thoroughly irregularities that may have taken place. IRI offers the following recommendations:

- The government should take immediate action to guarantee the safety of activists from all political parties during the post-election period.
- The NEC should investigate all complaints regarding irregularities during the election, including the counting and re-counting period. Ballots from the communes identified by domestic and international observers and political party agents as places where irregularities took place should be re-counted as quickly and openly as possible.
- Changes in the official vote tally resulting from ballot re-counts for communes in Takeo, Kampong Speu, and Pursat indicate that a full re-count of ballots in the provinces of Kampong Thom and Siem Reap may yield a change in the election results for those areas. Ballot re-counts for those provinces should begin immediately and be conducted for all communes in those provinces.
- Domestic and international observers and political party agents should be given full access to every aspect of ballot re-counting and ballot transport, and they should be permitted to stay with the ballots at all times.
- Independent election law experts should be called upon to investigate the change in the formula for the allocation of National Assembly seats. Minutes of the NEC meeting at which the change in the seat allocation formula was made should be made public without further delay. In addition, a transcript of the National Assembly debate on the Election Law should be made public in order to understand the intent of lawmakers at the time the legislation was drafted. The composition of a new government should be delayed until the legality of the change is determined.
- A special working group to investigate election complaints and allegations of post-election intimidation should be formed and should report its findings to the Cambodian government and the international community. The group should consist of a balanced apportionment of representatives appointed by all major political parties, domestic election monitoring nongovernmental organizations, and human rights groups. The mandate of the special working group should begin immediately.
- The NEC should conduct a side-by-side comparison of election tallies taken by the NEC, domestic observer groups, and political party agents for each and every commune where irregularities may have taken place following the initial vote tabulation.
- International observers should remain engaged in election observation until the announcement of final results and the formation of a new government.

For additional information, please contact Paul Grove of IRI's Asia Division (1-202/408-9450) or Elizabeth Dugan, IRI's Southeast Asia Regional Representative (855-12-804-473).

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ATTACHMENT D

Waiting for fairness in Cambodia

By Richard S. Williamson

Moeung Sem is a small woman, about 4 feet 10 inches tall, weighing perhaps 80 pounds. She is in her 30s but looks much older. I met her in the Siem Reap province on Saturday, July 25, the day before the Cambodian national election. On the day I met Moeung Sem, her eyes were terribly sad and her hands trembled in fear. Her daughters, Kun Say, 12, and Kun Chay, 8, lay on a straw mat on the floor, looking up at me with expressions of confusion, anguish and fright. For their safety they had fled their home and were seeking refuge in the provincial capital. They are casualties of Cambodia's struggle for democracy.

Days earlier gunmen had entered the Chik Keak village house of Nnick Sivorn, 45, her husband, their father, and shot and killed him. Moeung Sem believes her husband was murdered because he was an active member of the Sam Rainsy Party, one of the principal opposition parties to the ruling Cambodian People's Party (CPP).

Provincial Police Chief Soem Nady, a CPP leader in the area, has said that it is too early to identify a motive. He also has claimed that documents found in the home indicate that the victim was a longtime CPP member. Moeung Sem says that after the killing CPP officials had promised her \$75 to say that she and her husband had never joined the Sam Rainsy Party. She refused. Now she mourns her husband, fears for her safety and worries about her daughters' future.

This is only one of too many sad stories in Cambodia.

In July 1997, the CPP overthrew its coalition partner and reversed the results of the UN-sponsored elections of 1993. The CPP enjoys exclusive control over the military, security forces, civil service, electronic media and electoral administration. There is no independent judiciary. United Nations' reports document approximately 100 executions and disappearances as well as other apparently politically motivated killings since July 1997.

Cambodian political parties, election monitoring groups, human rights organizations and the UN have documented chronic intimidation of opposition party supporters through threats or physical harm and imprisonment.

I was in Cambodia as a member of a joint-election observer mission of the National Democratic Institute for International Affairs (NDI) and the International Republican Institute (IRI).

In early July NDI and IRI had made a pre-election assessment that concluded that the process leading up to the elections was "fundamentally flawed."

As election observers our job was to monitor the election itself and the counting process. From Phnom

Penh twenty teams fanned out to every province.

In the day before the vote I visited the Siem Reap provincial headquarters of every major party to hear their assessment of the mood, their concerns, and where they thought there might be trouble.

I began election day at 6:30 a.m. in the village of Kandack. Observers from five parties were there. Well over 100 voters from the commune were crowded outside waiting their turn. Just before opening the voting place the chairman carried out the metal ballot box with its lid off to show everyone that it was empty. Then while people watched, he closed the ballot box, locked it and then sealed it shut.

Voting at that polling station, as at the other 9 stations I visited that day, was orderly, by the book and efficient. Registration identification was checked. Voting was secret. Observers had a clear view of the ballot box throughout the day. By the 4 p.m. closing time well over 90 percent of Cambodians had voted.

After closing, as party observers

Politics in Cambodia had not been a history of you win, I lose; but of you win, I die: from the killing fields of Pol Pot and the Khmer Rouge to the Vietnam occupation. Politics was not just a serious business; it is a deadly business.

watched, the ballot boxes were locked shut, placed in large blue bags and then sealed.

At the rural village where I ended my day, after the blue bag was sealed it was placed on a motor scooter. A procession of about thirty people — polling place officials, security guards, political party observers, and other enthusiasts — riding bikes and walking accompanied the ballot box the 2 miles to the commune headquarters where they joined the other ballot boxes from throughout the commune.

That night, at over 1,100 commune headquarters all over Cambodia, election officials and political party observers slept in crowded rooms with the ballot boxes.

While I had seen irregularities, as had other delegation observer teams elsewhere throughout Cambodia, they were few. Clearly there was no pattern of fraud. Election Day had run well. Millions of Cambodians had cast their vote as designated by the national election laws.

The next morning I began my day at Suny Dang Khom commune headquarters where 21 ballot boxes had spent the night and 181 people had stood vigil and occasionally slept. Again the election regulations were strictly followed as the votes were counted.

Interestingly, the counting stations I visited were all in schools or in pagodas, perhaps giving further legitimacy to the process.

But even as the early counting process went smoothly, there was lingering tension and intimidation. At the Sun Sun Pakota, I talked to an opposition party observer by the name of Kim Penh. She was the mother of 7 children. She looked nervous and as if she wanted to talk. With my translator I asked her how she felt the counting was going. She said so far so good. But she said that she was afraid if her party did not win that something bad would happen to her family. Perhaps she would be killed. Her anxiety came not only from the events since last years coup, but from a lifetime of experience.

Politics in Cambodia had not been a history of you win, I lose; but of you win, I die: from the killing fields of Pol Pot and the Khmer Rouge to the Vietnam occupation. Politics was not just a serious business; it is a deadly business.

By noon, early rumors of voting returns were spreading. The first reports were that the main opposition parties, Funcinpec and the Sam Rainsy Party, were doing much better than anticipated.

As the counting was ending at the Pagoda in the Dorn Devk commune around 2 p.m., the chairman announced that the day was over. There would be no grand vote totals that day from that commune.

Later we learned that this pattern happened in most of the country. A high level source in the National Election Commission informed us that the ruling CPP had been frightened by the early returns, so they had let out the word to their people to hold back the vote. Presumably they wanted some room for creativity if necessary.

As events unfolded, by the next day the votes came in. Through a variety of sources, there has been no conclusive evidence of actual fraud. It had not been necessary. Nonetheless, by the CPP initiated pause in counting, their willingness to use fraud if necessary seemed evident, and the legitimacy of the final count would be compromised in the eyes of many Cambodians.

In the end it appears that the CPP won a plurality. However, the opposition parties did well. The European Union election observers declared the election "free and fair." The NDI-IRI delegation was more reserved.

While the Cambodian people turned out in overwhelming numbers to exercise their right to vote for members of a new parliament, was it free and fair? An election is more than voting day. It is the process leading up to election day. Also, it is the climate in which votes are cast, and the Cambodian election was full of intimidation and fraught with fear.

One cannot tell the new widow Moeung Sem and her two daughters now without a father that this election was "free and fair." It was no "Miracle on the Mekong."

The road to true democracy and the consequent benefits for Cambodia will be long and it will be treacherous. For the sake of Moeung Sem, her daughters and countless other Cambodians who have suffered too much, it is a road worth traveling.

Richard S. Williamson is a partner in the law firm of Mayer, Brown & Platt. He served as assistant secretary of state in the Reagan Administration.

HUN'S THE ONE

Cambodia's Strongman Stages an Election

By John Buckley

Battambang, Cambodia

The night before Cambodia's July 26 election, a local election monitor rushed into the lobby of Battambang's Teo Hotel, looking for the Americans. He was not a timid man. Earlier in the day, he had exuded confidence, despite the fact that more than a dozen opposition-party activists had been murdered in the run-up to the election, the first since Hun Sen seized power in July 1997. Yet now the man was rattled by the discovery that nearly 40,000 ballots in one district had been removed from sealed polling kits.

Former congressman Tom Andrews, a member of the U.S. delegation present to observe both the polling and the subsequent count of ballots, pressed forward to hear what the man had to say. That's when the Euro spoke up.

"I'd like to remind everyone that we're just observers here," said a highly disdainful Norwegian member of the Joint International Observation Group, the largest consortium of observers. "We can't go

around investigating."

"Actually," said Andrews, "what I'm observing is someone complaining about the integrity of tomorrow's vote. Do you mind?"

With that, we Americans took down the local monitor's complaint, while the European Union cast hostile glances our way. The distrust was mutual. The day before, the international observation group—which consisted not only of the EU countries but also of such democratic paragons as Burma, Vietnam, and China—had lowered the bar. No longer was the issue whether the election was free and fair, but whether it was "broadly representative" of the people's will. In mid-July, the Americans had declared themselves independent of the group, releasing a statement critical of the climate under which the ruling Cambodian People's Party was conducting the election. The reaction of the young Norwegian (dryly identified in the *Phnom Penh Post* as a student of "the mathematics of conflict resolution") to a report of electoral irregularities raised what the U.S. mission viewed as the fundamental question: whether we were participating in a gross exercise of geopolitical cynicism.

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By 7:00 the next morning, in a Buddhist wat in the district where the previous evening's mischief had occurred, all the party agents and domestic observers were in place. The stainless steel ballot box, one of 11,700 provided by the Japanese government, was on a table in the center of the room. Next to it was a small bottle of India ink, three tons of which had been delivered to Cambodia direct from India. Nearby were instructions for how election officials should insert the index finger of each voter in the bottle of ink, to prevent a repeat visit to the voting booth. There was also an elaborate protocol for what to do if the voter did not have an index finger—a not inconsequential consideration in a country where, after 30 years of war and the widest distribution of landmines in the world, roughly one in every 250 people is missing a limb.

Agents could be present from any of the 39 parties participating in the election (my favorite: The Bee Hive Party; my least favorite: The Liberal Republicans). Only the three main parties—Hun Sen's CPP, Prince Ranariddh's Funcinpec Party, and the eponymous Sam Rainsy Party—had organizations sufficient to be present in polling stations nationwide. Two Cambodian observer groups had individuals in each of the 16 polling stations we were to visit. These observers, like those of us from overseas, were there for two reasons: to see whether the balloting went according to the rules, and to encourage citizens to vote their conscience.

For weeks, there had been rumors about the various means by which the CPP would know how a person had voted. A full two-thirds of Cambodian adults had submitted to CPP fingerprinting on party cards. The folk belief—intended by the party—was that village chieftains would be able to match fingerprints to ballots. What was not just a rumor was that, to solicit support, CPP agents had offered voters packets of the cooking element MSG (really), checkered scarves, and cash. The party had done the same thing in 1993, when people pocketed the gifts and went on to vote against Hun Sen and for Prince Ranariddh anyway. No one knew what would happen this time.

Five years ago, the United Nations dedicated 18,000 troops and nearly \$3 billion to administer the first nominally free election in Cambodia since the Khmer Rouge takeover. To the surprise of virtually everyone, Prince Ranariddh handily won, but when Hun Sen threatened renewed civil war, King Sihanouk and the U.N. pressured Ranariddh to accept Hun Sen as "second prime minister." The result? Government departments that, like Noah's Ark, had two of everything—

two ministers (one from the CPP and one from Funcinpec), two deputy ministers, and so forth. In the stalemate that followed, Hun Sen, who had been installed by the Vietnamese occupiers in 1985, was able to use his political network and superior political skills to muscle the effete prince into virtual inconsequentiality.

Then the Khmer Rouge, supporting themselves from their jungle exile through illegal trade in logging and gems, began to unravel. When Pol Pot was deposed and put on trial by the Khmer Rouge in the spring of 1997, military forces loyal to Prince Ranariddh negotiated for the surrender of the remaining Khmer Rouge, and Hun Sen saw the military balance teeter in his opponent's favor. He staged a coup, in which more than 100 of Ranariddh's allies were murdered. By the time the dust had cleared, the prince and other opposition politicians were in exile, badly needed foreign aid was suspended, and Hun Sen was denied Cambodia's U.N. seat.

Yet even in the wake of the coup, Hun Sen pledged that elections already scheduled for July 1998 would take place. By late spring, most of the exiled politicians had come back to participate, largely under pressure from the European Union. At stake was Cambodia's return to international recognition, coupled with the resumption of aid, investment, and even tourism. In a nation that has known nothing that approaches normalcy for more than a generation, the yearning was for, minimally, peace, and, ideally, a freely elected and legitimate government.

By late morning on Election Day, in tiny villages amidst what were once the Killing Fields, 90 percent of registered voters had cast their ballots. By early afternoon, Nate Thayer, the *Far Eastern Economic Review* reporter whose 1997 interview with Pol Pot was the scoop of the decade, was marveling at how well things were going. "This is not the Cambodia I know," he said. Reports from around the country held that, aside from one Khmer Rouge rocket attack near their stronghold in Anlong Veng, all was proceeding peacefully. "If this keeps up," said Thayer, "I'll be out of a job."

By the time the polls closed, we were in Anlongvil, which we had been led to believe might be a site of irregularities. Officials there sealed the ballot box with the signed concordance of the party agents and domestic observers. The box was then sealed in waterproof blue bags adorned by images of Shiva, the creator and destroyer—an appropriate icon for the election. It was then taken outside and placed on a makeshift caisson

affixed to a motorcycle and driven off to a counting station with a convoy of witnesses in tow.

The next morning, in the stations where ballots from 16 precincts were to be tallied, we watched the simultaneous striptease of the boxes, as first the blue tarps and then the seals and locks were taken off. To ensure that no single village's vote was identifiable, ballots from multiple precincts were dumped into large bags and mixed. Throughout the morning, individual ballots were inspected and affirmed by members of the counting groups, as well as by teams of party agents and domestic observers who roamed the cramped counting house. By the time the American delegation returned to Phnom Penh, we were convinced that what we had seen—the balloting and the counting—had about the same degree of technical competence and integrity as could be found in any election in the United States.

But, of course, there is more to an election than the balloting and the count. There is the campaign, and there is what happens with the results. When the Americans met in Phnom Penh to discuss what we'd seen and what we should say about it, we were faced with two different realities, which had to be reconciled. The campaign had been notably unfree and unfair, with the CPP getting, by independent analysis, eight times the news coverage of the opposition, whose lives were in danger. The *Phnom Penh Post*—contrary to the tenor of the general media—had printed the gruesome photograph of a murdered Funcinpec electoral observer whose legs were literally skinned. That image had to be weighed against the almost joyous balloting process we had observed.

So the Americans chiseled a balanced statement. It read, in part, "The relative success of the balloting and the counting thus far cannot negate the violence, extensive intimidation, unfair media access and ruling party control of the administrative machinery that characterized the pre-election period. To their credit, the Cambodian people appear to have overcome these obstacles and to have made possible a successful exercise in national self-determination."

The statement was released at a news conference two days after the election. Members of the delegation

were instantly dispirited, however, when one of our leaders, former congressman Stephen Solarz, reverting to the soundbite habits of a seasoned politician, referred to the election as the "Miracle on the Mekong." If this had indeed been a miracle, reports from the opposition that gross irregularities had taken place would have to be proven false. Yet a three-page, nuanced analysis reflecting reservations about whether the election could be deemed a success, given the intimidation and violence that had preceded it, was summed up in international wire stories by that phrase, "Miracle on the Mekong."

The Joint International Observation Group, of course, was beset by no such anguish over what to say.

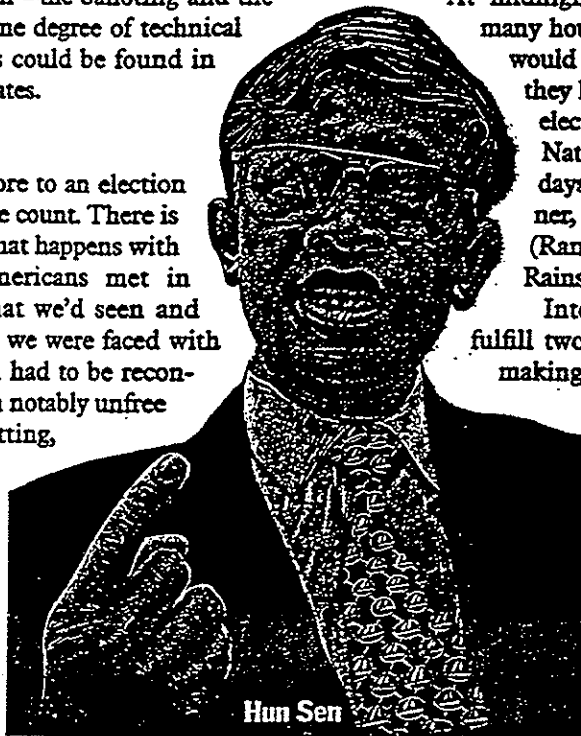
At midnight before Tuesday dawned—many hours before the first official tally would come in from the provinces—they had been pleased to declare the election "free and fair." It took the National Election Commission 10 days to declare Hun Sen the winner, with 41.4 percent of the vote. (Ranariddh had 32 percent, Sam Rainsy 14 percent.)

International election observers fulfill two roles: witness to the world, making it harder for the powerful to

commit electoral fraud, and comfort to voters, who need reassurance that someone is watching out for chicanery. The Norwegian, alas, was right: We were observers, without the capacity or the mandate to investigate. (In fact, we were never able to run down the story about those 40,000 ballots.) The role we played may well

have been symbolic, but it served notice to Hun Sen that, with so much riding on international approval, overt electoral mischief was ill advised.

It is right for the United States to set a high standard for what constitutes an acceptable election, in any country. The willingness of the Europeans to bless the Cambodian election prior to its even taking place was an act of acquiescence to Hun Sen, and a ratification of his coup of a year ago. The Europeans seemed to adhere to the cynical wisdom that Hun Sen is going to be around one way or another, so why not accommodate him? It may be safer that way. But it does precious little benefit to the world's most brutalized, and bravely resilient, people. ♦



Return to Angkor

By Sichan Siv



The writer served in the Bush administration as deputy assistant to the president for public liaison and as deputy assistant secretary of state for South Asian affairs. He was senior adviser to the U.S. delegation to the Paris Conference on Cambodia.

There are three types of leaders: clean and competent, competent and corrupt, corrupt and incompetent. In Cambodia, there are none of the first

Thomas E. Dewey had always wanted to see Angkor. He got his wish after he lost his 1948 presidential bid to Harry S. Truman. He and his host, King Norodom Sihanouk, talked about Cambodia's 1947 election. In his *Journey to the Far Pacific*, he concluded his "Angkor" chapter by saying that what the kingdom needed was "better political leadership." We should bear these words in mind as we look back to Cambodia's elections this summer.

An ancient Khmer prophecy foretells that Cambodia would go through such turmoil that blood would reach the elephant's belly before peace returned. In May 1993, the tide of blood seemed to have crested. After 23 years of ordeal, 90% of registered voters went to the United Nations-organized polls. Funcinpec, founded by King Sihanouk and led by his son Prince Norodom Ranariddh, won, but Hun Sen's Cambodian People's Party, which maintained a larger fighting force, bullied its way into government. The world winked at the shotgun marriage. And the partners slept with each other as enemies until their violent divorce in July 1997.

At the beginning of the coalition government, there were some efforts to support economic growth and political stability. Unfortunately, the unnatural alignment was overly politicized. Party interests would be served first, through a corrupt and incompetent apparatus. The judiciary became an instrument of the executive and the National Assembly a rubber-stamp parliament. Other problems mushroomed: illegal logging, drug trafficking, money laundering, Aids. Donor countries continued to provide assistance, hoping to improve the little progress that had been made. But one election does not a democracy make.

A genuine election usually comprises four phases: pre-election (voter registration, campaigning), polling day, vote counting (appeals, adjudication) and the transfer of power. The lead-up to this year's vote was fundamentally flawed, leading perhaps inexorably to a less-than-credible result. There was registration fraud, intimidation, violence and unfair media access initiated by Hun Sen's CPP. Indeed, the National Election Commission was staffed heavily with its supporters.

Still, the high voter turnout of about 90% was a tribute to the Khmer people. They wanted democracy and understood the sanctity of the ballot. This was amplified by King Sihanouk's message on the secrecy of the vote and the confidence of voters seen at polling stations. When asked about their vote, Cambodians giggled. Most would say "I don't know" or "I voted for the party I like." One woman wouldn't even tell her

husband. And one said, "Hun Sen." Why? "I hate him, but fear a war if the CPP lost." The few hundred international observers could be present at only 10% of the polling stations. Yet overall, they saw a polling day that went relatively smoothly.

But the post-voting period has been pregnant with problems. Serious charges of irregularities by the opposition haven't been properly addressed. The CPP got 41% of the vote, less than Funcinpec's 32% and the Sam Rainsy Party's 14% combined. It was judged the winner. Then there was the violence. In early September, peaceful demonstrators, including Buddhist monks, were beaten and shot by government forces. These acts, which must be strongly condemned, make a mockery of Cambodia's national motto, "Nation, Religion, King." Leaders who don't understand the virtue of give-and-take divide the nation, pay no respect to religion and don't listen to the king.

For now, there is a danger of rushing into business as usual. The international community should not abdicate its responsibility to protect Cambodia's democratic gains. When people turn out *en masse* the message is that they want change. All voices must be heard, and not only the powerful minority. As such, recognition of the new government should be conditional on how the post-election phase evolves.

Cambodia's hunger for democracy and human rights will not die. There will always be different opinions. And in the age of the Internet and mobile phones, the truth will out. Cambodia has come far but still has a long way to go. Khmer leaders must learn to heed opposing views, bearing in mind that those who agree with them are not always their friends, and those who disagree are not necessarily their enemies.

Some of us in the United States observer delegation called on King Sihanouk in Siem Reap. We discussed Cambodia, arriving at the conclusion that there are three types of leaders: clean and competent, competent and corrupt, corrupt and incompetent. In Cambodia, there are many of the third group, few of the second and none of the first. Until leaders begin to put the interest of the people above theirs, Cambodia will never have a clean and competent leadership, and will continue to suffer.

Later, as we took off into the sunset, the incredible towers of Angkor Wat suddenly appeared above the jungle. Fifty years after Dewey's visit, Cambodia still needs "better political leadership." ■

OUTLOOK

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 Close to Home

SUNDAY, AUGUST 9, 1998



FILE PHOTO BY RICHARD VOGEL—ASSOCIATED PRESS

Cambodians look happy to see the CPP's Hun Sen, who won the election in late July. But the majority of eligible voters chose the opposition parties.

Brutocracy Wins

The Travesty of Cambodia's 'Fair' Elections

By STEPHEN J. MORRIS

The July 26 elections in Cambodia were a failure for American foreign policy. Although a majority of the Cambodian people rejected the brutal and corrupt Hun Sen regime, that majority was not enough to remove the regime from power. And despite the rush by many international observers to endorse the elections as free and fair, the entire process was clearly tampered with by the ruling party.

Yet the United States, warned well in advance that this might happen, allowed the

Stephen Morris, a fellow at Johns Hopkins University's Paul H. Nitze School of Advanced International Studies, observed the Cambodian elections for the National Democratic Institute on International Affairs.

opposition to be pressured by the Asians and Europeans into joining a political exercise in which the deck was stacked. In this policy, the Clinton administration failed to defend the moral and security interests of both the Cambodian people and the United States.

There were 39 parties contesting this election but only three main contenders, which between them won 88 percent of the vote. The first was the ruling Cambodian Peoples Party, the CPP, installed in power by the invading Vietnamese army in 1979. It is led by former members of the Khmer Rouge, the most enduring of whom is Hun Sen. Voted out of office in a U.N.-sponsored election in 1993, it pushed its way back into power that year by threatening to re-ignite civil war.

The second was Funcinpec, the royalist

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party led by King Sihanouk's son Prince Norodom Ranariddh, which won the 1993 election but unwillingly entered an unworkable coalition with the CPP at the timorous Sihanouk's request, and at the behest of a U.N. administration that refused to enforce its legal mandate. That coalition fell apart in July 1997 when Hun Sen launched a coup.

The third contender was the Sam Rainsy Party, named after its leader, an outspoken former finance minister who was fired in 1994 after he denounced corruption within his own government.

In the days following the election, international observers trumpeted the fact that they saw no evidence of intimidation or fraud on election day. As one of them, I can confirm that observation.

But the election cannot be judged on the events of polling day alone. Unfair and un-free conditions obtained in the months before, and in the counting process that followed, thanks to CPP control over the election infrastructure, the national media and the local administration. Bribery and intimidation were rampant.

The international observers were spread thin. In fact, the small number of international observers (500) relative to the number of polling places (11,000) and counting centers (1,900) ensured that even if all teams were at different places at any one time, they were in no position to witness more than a fraction of the polling and counting processes.

Moreover, none of the international observers would have known which of the Cambodians at the polls were local CPP officials, whose presence was an intimidating one. But the voters certainly knew. Reports are now appearing in the Western press of actual ballot tampering during the voting and counting processes.

The problems with the election began long before the vote. Hun Sen's 1997 coup was followed by months of savage killing during which more than 100 opposition figures died. Despite the requests of the U.N. Office of Human Rights, none of these killings was properly investigated and no culprits have been apprehended.

Then, in May, the CPP conducted a thumb-print registration campaign to force the population to join the party. Bribes of food and clothing also were used. In the

province of Kratie, which I visited, the governor boasted that he had registered 75 percent of the population in the CPP. Throughout Cambodia, those who refused to join the CPP were identified as opponents of the government, and were subject to discrimination, threats and worse. At least 21 opposition activists were murdered in the month prior to the election, some in the most sadistic manner.

For example, one electoral observer from the royalist party, a double amputee named Thong Sophal, was found with his skull crushed, his eyes gouged out, his fingers and one ear cut off, and the skin scraped off his thigh stumps. Hun Sen's police described Sophal's death as a suicide.

This sadism is the hallmark of Hun Sen's police and militias. The gouging out of eyes seems to be the one-eyed prime minister's vengeful calling card.

Cambodian society has long been perverted by state violence and impunity. Although there was no way for the CPP to determine who voted for which party, it spread rumors that it was able to do so. For many illiterate peasants, whose culture is permeated with belief in supernatural events, those rumors must have had some effect. Even influencing a small minority would have been enough to swing the election.

Furthermore, the opposition was denied anything approaching equal access to the mass media. Each party was restricted to five minutes per day on television, while Hun Sen was seen daily for long periods opening schools and hospitals, and pronouncing on national affairs.

The vote-counting process has been brought into question by opposition charges of fraud, given credence by the government's behavior. For example, final results have been continually postponed, and promised recounts in areas of irregularity have now been scheduled to take up to two months.

The only independent figure in the Fraud and Irregularities Committee of the National Election Committee, Kassie Neou, resigned in disgust. It was recently reported in the Western press that the formula for determining the allocation of seats from raw votes was changed by the authorities on May 28 without publicly informing the opposition parties. The formula gives the CPP, which won 41 percent of the vote, a majority of seats instead of a minority.

It is remarkable that so many Cambodians overcame fear and voted for the opposition. As in 1993, the opposition vote would have been even higher had there been no intimidation and manipulation. Even a difference of 10 percent of the votes nationwide would have dropped the official CPP tally to 31 percent.

The United States has a considerable stake in Cambodia's future—from a security as well as a moral standpoint. The U.S. government has spent nearly \$1 billion trying to implant democratic institutions there, only to see them destroyed by Hun

Sen between 1993 and 1997.

It has pledged to assist the Cambodian people in bringing to justice all those responsible for the Khmer Rouge holocaust of 1975-78. Furthermore, the United States is greatly affected by the fact that criminal syndicates are using Cambodia as a transit point for world distribution of narcotics and are involved in defoliating Cambodia's forests with unrestricted logging.

All these American interests are incompatible with those of the Hun Sen regime. Hun Sen, himself an unrepentant former Khmer Rouge commander, has presided over the restoration with full amnesty of the vast majority of Khmer Rouge commanders and soldiers who were once loyal to Pol Pot. As for the syndicates which flourish in Cambodia today, they are protected by the regime, which lines its pockets with payments from loggers and drug traffickers.

No amount of American diplomacy is capable of resolving this incompatibility. Yet, some within the U.S. State Department seem not to have grasped this fundamental point. They act as if only "positive signaling" will cause Hun Sen and his team of recidivists to abandon their criminal ways.

Nowhere is this more apparent than in the U.S. response to the terrorist attack on an opposition political rally last year. On March 30, 1997, four grenades were tossed into a peaceful meeting of Sam Rainsy supporters, killing 16 and wounding more than 100. Circumstantial evidence has long pointed to the involvement of Hun Sen's bodyguards.

The wounding of an American citizen at the meeting, Ron Abney, triggered an FBI investigation. Yet despite the pleading of several U.S. congressmen and Cambodia's

opposition leaders, the contents of that report have never been revealed.

Two months ago, Rainsy brought to the FBI's Bangkok office a man who has confessed to being one of the terrorists, and who has implicated Hun Sen's bodyguards as those who gave him orders. Yet the State Department still refuses to provide members of Congress with details. The conclusion that Rainsy and many Americans have drawn from this is that the State Department does not want to upset Hun Sen.

Apologists for the Hun Sen regime argue that Cambodia needs stability in order to develop, and that the firm hand of Hun Sen is more able to provide that than the undisciplined and quarrelsome noncommunist parties. But what is the virtue of "development" by defoliation and narcotics distribution? Nor does Hun Sen provide stability. Since the July coup, Cambodia—and especially Phnom Penh—have become totally lawless. Kidnapping of Cambodian businessmen for ransom has reached epidemic proportions. As one foreign witness, the writer Philip Gourevitch, reports in the Aug. 10 New Yorker, the police murder even nonviolent traffic offenders in public with impunity.

Cambodia can have a civilized government responsive both to its people's needs and to the security interests of its neighbors only if the Hun Sen regime is removed from power. Earlier this year, the United States could have stood firmly behind the beleaguered opposition parties and supported a boycott of the election until conditions for a genuinely free contest existed. It could now declare the election results unsatisfactory.

Instead of taking the moral lead, the United States is preoccupied with not being too far out of step with its European and Asian allies. But these allies, especially the French and Japanese, seem to care more about their regional political influence and investment opportunities than about Cambodia's fate or the struggle against international crime syndicates. Many Western ambassadors in Phnom Penh are mesmerized by the possibility that they can moderate and do business with the Hun Sen regime.

In light of its cumulative policy failure, the morally decent new starting point for the United States is to act overtly as defender and protector of the safety of the Cambodian opposition. It must also make clear that it will not permit aid to any Cambodian government that is beholden to drug traffickers or that has ex-Khmer Rouge ministers. The United States should demand, as well, that Thailand arrest the dual Cambodian-Thai citizen who is the principal drug trafficker financing Hun Sen's regime.

If instead the Clinton administration follows the European and Asian inclination to appease Hun Sen, it will not only be undermining U.S. long-term interests; it will be committing a final indecent betrayal of a defenseless and downtrodden people.



FILE PHOTO—ASSOCIATED PRESS

Opposition party leader Sam Rainsy at a rally before the election. The candidate provided the U.S. State Department with terrorist evidence against the Hun Sen regime.

'MIRACLE ON THE MEKONG' OR ORCHESTRATED OUTCOME?

ELLEN BORK

Wednesday, August 5, 1998 ; Page A19

On July 26, a year after a bloody coup by the Cambodian People's Party (CPP), Cambodians voted in parliamentary elections. On July 27 and 28, with virtually no results reported, and having visited a fraction of the 11,000 polling stations, the European Union-dominated Joint International Observer Group and the U.S. delegation gave their stamp of approval. The joint observer group said the election was "free and fair to an extent that enables it to reflect, in a credible way, the will of the Cambodian people." The U.S. delegation praised an apparently "successful exercise in national self-determination." At a press conference, former representative Stephen J. Solarz, a leader of the U.S. team, called the elections a potential "miracle on the Mekong." He said that election day conditions had "to some extent mitigated" preelection intimidation and the CPP's control of the media and electoral apparatus. Solarz denigrated opposition parties' complaints about the process and referred to the opposition as the "loser." If the U.S. delegation had taken more time in issuing its statement, he said, "the train would have left the station."

I was a member of the U.S. delegation. I went to Kompong Cham province, which is governed by Hun Neng, the brother of CPP leader Hun Sen. My team concentrated on Tbaung Kmum district, east of the Mekong, which has one of the worst human rights records in Cambodia. At a dozen polling stations, we saw voters turn out early and in high numbers to wait in line, enter cardboard cubicles for privacy and then put their folded ballots in the slot of a secure aluminum box. Through a translator, we talked to voters, officials and local observers. None reported problems. Sometimes our translator talked to people alone. The next day, we watched ballots being counted on the floor of a pagoda. We left before most returns were relayed to the provincial election authority, and then to Phnom Pehn.

Back in the capital, we compared notes with delegation members who went to other provinces. Like us, they reported an orderly process and a massive turnout. Like us, they saw no instances of overt intimidation and no obvious fraud. Like us, they heard no complaints from party representatives or local observers.

So why am I skeptical? The uniformly positive responses from voters and officials strike me as odd. I wonder whether the high turnout reflects something other than enthusiasm. At one polling station, officials wrote the turnout, 99.2 percent, on the blackboard three hours before closing. They already knew who wasn't coming to vote. Even though we were knowledgeable about Cambodia and election monitoring, our methods may simply have been inadequate to the task. How likely is it that Cambodians would speak openly about coercion to us or our translator, an unknown Khmer man?

It would be difficult to get answers under any circumstances. Two of our group stopped to speak to a man on a bike in a vast rubber plantation. He was frightened. My colleagues suggested he pretend to be giving directions. As he gestured, he told them that people were scared, and that if they felt able to vote freely they would vote against

the regime. Then he got nervous and left.

Our findings and methods contrasted with those of a Khmer-speaking American human rights worker with six years' experience in Cambodia. Rather than briefly visit many polling stations, she and three companions spent much of the day outside one station in Kampot province. They identified the village chief and his subordinates overseeing the crowd. They overheard muttered comments about villagers and their allegiances.

The village chief said he would stay all day -- a violation of election rules -- to make sure things went smoothly and to fetch people who hadn't voted yet. What if they don't want to vote, he was asked? "Everybody would want to come to vote," he replied. Members of Funcinpec, the party ousted in last July's coup, reported death threats from the commune chief, who served as the poll security chief, if the vote didn't "go well." These people are no longer sleeping at home.

I do not know what I saw -- a well-run election with the fullest participation of the Cambodian people, or an orchestrated exercise carried out by an electoral apparatus controlled by the ruling party. Many things I saw have more than one interpretation. Observers more skilled than I saw intimidation.

Whatever observers saw on election day, we know enough about Cambodia, the coup last July and its aftermath -- including as many as 100 political assassinations -- and the CPP's domination of the electoral process not to prejudge the outcome, undermine political parties' ability to contest fraud or underestimate the danger Cambodians face for exercising their rights.

The writer is a former staff member of the Senate Foreign Relations Committee.

ATTACHMENT

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August 3, 1998

H.E. Chheng Phon
Chairman
National Election Committee
Phnom Penh, Kingdom of Cambodia

Dear Excellency:

On behalf of the International Republican Institute (IRI), I want to thank you and the staff of the National Election Committee (NEC) for the courtesy extended to us during our observation of elections on July 26. I am pleased that balloting was peaceful and relatively orderly.

However, I would like to bring your attention to an incident observed by an IRI delegate during a visit to the 0028 Commune Election Commission (CEC), Wat Thbay Antkum--located behind the Hotel Monorom--at 2200 hours on July 27.

The delegate was alerted to possible vote count fraud by party agent pollwatchers. When he arrived at the CEC, he observed the counting of ballots on the floor of the pagoda. He asked the FUNCINPEC and Sam Rainsy Party agents for an explanation of the count and was informed that Mr. Vong Sok, the Chairman of the CEC, was conducting a re-count of the ballots. The agents informed the delegate that the first count at the CEC concluded at approximately 1530 hours and that a re-count began at approximately 1930 hours. The party agents signed appropriate witness forms following the first count, but had not been informed of Mr. Vong's intentions to conduct a re-count until the counting process was underway. When the agents asked Mr. Vong for an explanation of his actions, they were instructed to "go away, you have no right to say anything." The agents were also told by Mr. Vong that the ballots and election materials would be transported to the Provincial Election Commission (PEC) that night. The delegate suggested that the party agents file a complaint to the relevant authorities.

When interviewed by the delegate, Mr. Vong Sok stated that he conducted the ballot re-count on instructions from the PEC to put the ballots "in order" (given by radio at approximately 1700 hours). He stated that during the first count, FUNCINPEC and CPP ballots may have been inadvertently mixed. He dismissed the party agents' concerns with the re-counting of ballots as a "misunderstanding." Mr. Vong confirmed to the delegate that the ballots and election materials would be transported that night, but that the exact time would be decided by the PEC.

At approximately 0400 hours on July 28, the delegate received a second telephone call from the party agents. He was informed that the two trucks had arrived to collect the ballot boxes and election materials. The party agents indicated that they had been invited to accompany the ballots to the PEC, but as the trucks would stop at several locations, they were concerned for their personal safety. The delegate returned to the CEC and observed the ballots and election materials being loaded into one of the trucks. The delegate accompanied the party agents to the PEC.

At the PEC, the delegate and party agents were refused access to the building, despite requesting permission three times. Unarmed security officials informed the delegate that he could not enter the premises until sunrise. The delegate suggested that the party agents remain at the PEC.

While the delegate did not observe outright vote count fraud, he raised several questions that require an explanation.

- Did the PEC order the recounting of ballots at this CEC at approximately 1700 hours on July 27, and why was the re-count ordered?
- Why did CEC Chairman Vong Sok fail to inform the FUNCINPEC and Sam Rainsy Party agents of the re-count?
- Why were the ballots and election materials transported from the CEC to the PEC at night?
- Does the transporting of ballots at night violate the spirit of Section 8.22.7 of the “Regulations and Procedures for the Election of Members of the National Assembly,” regarding the transport of ballots?
- Were the delegate’s rights and duties to observe the “electoral process” (as defined in Article II, 1 and Article III, 15 of Annex III of the “Regulations and Procedures for the Election of Members of the National Assembly”) violated by the denial of access to the PEC?

The incident causes me to be concerned that an atmosphere of suspicion has been created by the actions of the CEC, PEC, and NEC during the counting of ballots.

I look forward to hearing your response to these questions in the near future. You may contact me directly in Bangkok at [66-2]651-8353, or contact Tim Johnson, IRI’s representative in Phnom Penh at (012)844-958.

Sincerely,

Elizabeth Dugan
Resident Program Director
Southeast Asia

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**PRELIMINARY STATEMENT OF THE
IRI-NDI DELEGATION TO THE JULY 26, 1998
ELECTIONS IN CAMBODIA**

Despite a tense and violent pre-election period, on July 26 the Cambodian people turned out in overwhelming numbers to exercise their right to vote for members of a new parliament. The balloting and counting processes were generally well administered, and the atmosphere on the balloting and counting days was largely peaceful and upbeat. Nevertheless, the relative success of the balloting and counting thus far cannot negate the violence, extensive intimidation, unfair media access and ruling party control of the administrative machinery that characterized the pre-election period. To their credit, the Cambodian people appear to have overcome these obstacles and to have made possible a successful exercise in national self-determination.

An election, of course, is much more than an administrative process or what happens on election day itself. Elections can be divided into four distinct phases: (1) the pre-election phase, which includes the campaign environment and voter registration and other technical preparations for balloting; (2) the balloting on election day; (3) the counting and consolidation of results; and (4) the investigation and adjudication of complaints and the formation of a government.

In their statement on July 14, 1998, the National Democratic Institute for International Affairs (NDI) and the International Republican Institute (IRI) expressed serious concerns about the pre-election environment, including (1) widespread intimidation, violence and a climate of impunity that might prevent people from voting for the parties of their choice, (2) flaws in the institutional framework – including the makeup of the National Election Commission (NEC), ruling party control of the election administration, and the failure of the Constitutional Council to be properly constituted – that might contaminate the balloting and counting, and (3) a denial of equal access to the electronic media by opposition parties and politicians in violation of established international covenants. Our concerns were based on the fear that millions of people could be intimidated into voting for a party they did not really support. We also feared that the ruling party's control of the electoral machinery might result in manipulation of the balloting and counting processes.

In contrast to the campaign period, voting on polling day went remarkably smoothly. The participation of more than 90 percent of the eligible voters compares more than favorably with far lower turnouts in many long-established democracies. The incontestible determination of millions of Cambodians to take the future of their country into their own hands, in spite of efforts to discourage them from doing so, should lay to rest the discredited notion that only those who are heirs to the traditions of western civilization, or who have achieved middle class status, have an interest in the benefits of democracy.

The prevailing election-day atmosphere was the antithesis of what we would have expected had our fears about effective intimidation on polling day actually materialized. Virtually all voters queried assured us that they were confident about the secrecy of their ballots. Moreover, polling stations were organized in a way that enabled voters to cast their ballots in private, which lent credibility to their assurances. While some members of our delegation believe they witnessed instances of intimidation during the balloting, the great majority did not.

Unlike 1993, when Cambodian elections were administered by the United Nations, these elections were organized by Cambodians themselves. Whatever the political affiliations of election officials may have been, these officials generally conducted themselves in an impartial and efficient manner and seemed committed to a legitimate process. Despite problems in some locations, the administration of the balloting appears to have been carried out with commendable effectiveness.

Domestic observers and political party representatives were present in virtually every polling station and counting center our observers visited. The NEC responded to the concerns of legitimate domestic and international observers by acting swiftly to ensure that members of well-established and trained observer groups received credentials and had priority to monitor the polls. The NEC also disqualified thousands of observers from groups that had misused credentials, had not trained their observers, or had failed to establish their credibility.

As for the counting of ballots on July 27, we were impressed with the apparent efficiency and transparency of the count at the commune level, where we observed it. National observers and party agents reinforced our tentative assessment that the count has proceeded thus far without significant problems. However, reports have been received of a number of counting stations in which only one party agent was permitted inside to witness the count, even though there were several separate tables where counting was under way, thus depriving them of the ability to effectively monitor the counting process. This needs to be investigated and a determination made of the number of counting centers in which this violation of the proper procedures took place in order to determine the extent to which it may have affected the overall results. We are also concerned by the unexpected decision of the NEC to postpone the release of results last evening. Indeed, given the claims of opposition leaders concerning irregularities and improprieties at an undetermined number of counting places throughout the country, we believe it is essential that the NEC conduct an immediate and thorough investigation of these allegations in order to determine whether they were of such a magnitude as to call into question the legitimacy of the entire process.

We commend the members of parliament and political leaders in exile for their great courage in returning to contest these elections. We also commend the national election monitoring groups, including COMFREL, COFFEL and NICFEC, for their ambitious and effective programs to educate voters and for their vigilance during the balloting and counting processes. We note as well the important contribution of the Voice of America to broader, more fair media coverage of the parties and their campaigns. Most of those responsible for administering the balloting and counting at the village and communal level, as we have observed it thus far, deserve credit for putting their responsibility as election officials ahead of their partisan preferences and affiliations. The international community, including ASEAN, the United Nations, the Friends of Cambodia and

multilateral as well as bi-lateral donors, performed an essential role in the aftermath of the violence of last July by insisting on a return to a multiparty electoral process. Finally, we congratulate the Cambodian people once again for demonstrating their commitment to democracy.

Several days before polling day, Prince Norodom Ranariddh told leaders of the delegation that if there were no major incidents of violence in the remaining days, if voting was carried out without serious problems, and if the ballots were counted accurately, then he would accept the results as the will of the people. Hun Sen has also pledged to delegation leaders that he will respect the election results. Should our preliminary conclusion about the absence of violence in the last days of the campaign and the transparency of the balloting and counting hold up in the course of post-election investigations, we call upon all political leaders to respect the results of the elections and to peacefully resolve their differences.

NDI and IRI will continue to monitor the resolution of complaints and the process of forming a new government. In light of what happened five years ago when the current ruling party refused to accept the results of the election and threatened civil war, we feel compelled to register our view that any effort to reject or reverse the results of the election through the use of force or other extraconstitutional means would be a grievous blow to the cause of democracy in Cambodia. An election in which the winners are denied by the losers the offices that they have won is just as bad as no election at all. We trust that regional and international organizations, as well as individual countries assessing these elections in terms of their own policy toward Cambodia, will insist that the results of the elections be reflected in the composition of the next government.

That we do not currently have evidence to challenge the legitimacy of the elections should not obscure our very real and continuing concerns over the fundamental flaws that emerged during the pre-election period. It is precisely for this reason that we strongly recommend that the next government take steps to guarantee all parties fair access to the media, to prevent intimidation and punish those who engage in it, and to establish a fully independent and nonpartisan electoral administration so as to allay fears that the ruling party will use its control of election machinery to influence the outcome of future elections.

We caution that final judgment on the entire election process is premature. This statement is being released before preliminary election results have been made public. NDI and IRI will continue to monitor the post-election period, including the final tabulation of the results, the processing of complaints and the organization of the next government on the basis of the elections' results. Should we receive information calling into question the judgments contained in this statement, we will not hesitate to revise our preliminary conclusions and make them public.

* * * * *

Former United States Congressman Stephen Solarz and former United States Ambassador James Lilley led this multinational NDI-IRI observer delegation. The delegation includes 60 members, including IRI and NDI staff members, and comprises international election experts, political leaders, democracy activists and regional experts from the United States and seven other countries. Delegation members have previously participated in numerous election assessments and international election observer delegations throughout the world.

NDI and IRI work to promote democratic institutions and processes worldwide. The Institutes have conducted comprehensive international observer programs for about 100 elections during the past 15 years, and they have established a reputation for independence, impartiality and professionalism in conducting electoral assessments.

NDI and IRI have worked in Cambodia since 1992. Through work with political parties, nongovernmental organizations and the National Assembly, IRI and NDI have sought to support a peaceful and democratic political process. Since the violent ouster of the First Prime Minister in July 1997, the two institutes have closely monitored the political environment in the country. The two institutes have conducted four joint missions to Cambodia to assess the political environment and electoral preparations over the last year, and NDI and IRI representatives have visited Cambodia on a number of other occasions. The institutes established a monitoring presence in Cambodia for the July 26 elections beginning in late April.

The delegation conducted its work in accordance with international standards for democratic elections and in accordance with Cambodian law. The delegation did not seek to interfere with or to certify the election process. Ultimately it will be the people of Cambodia who will judge the legitimacy of these elections.

Members of the delegation arrived in Cambodia during the week before polling day and participated in a series of meetings with government and election officials, political party representatives, democracy activists and the institutes' long-term observers. Before election day, the delegation was divided into 20 teams that were deployed to 15 provinces around the country. Each team then met with local election officials, international and domestic monitoring groups, political party representatives and others.

On polling day the teams visited numerous polling stations in their assigned areas to observe the opening of polling stations, balloting and where feasible, the transportation of the ballot boxes. On counting day, the teams observed the process of counting the ballots at the commune level.

For further information, please contact Lynn Heller (NDI) at 202-328-3136 (tel) or Mike Mitchell (IRI) at 202-408-9450 (tel).

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ATTACHMENT G

NATIONAL

NEWS

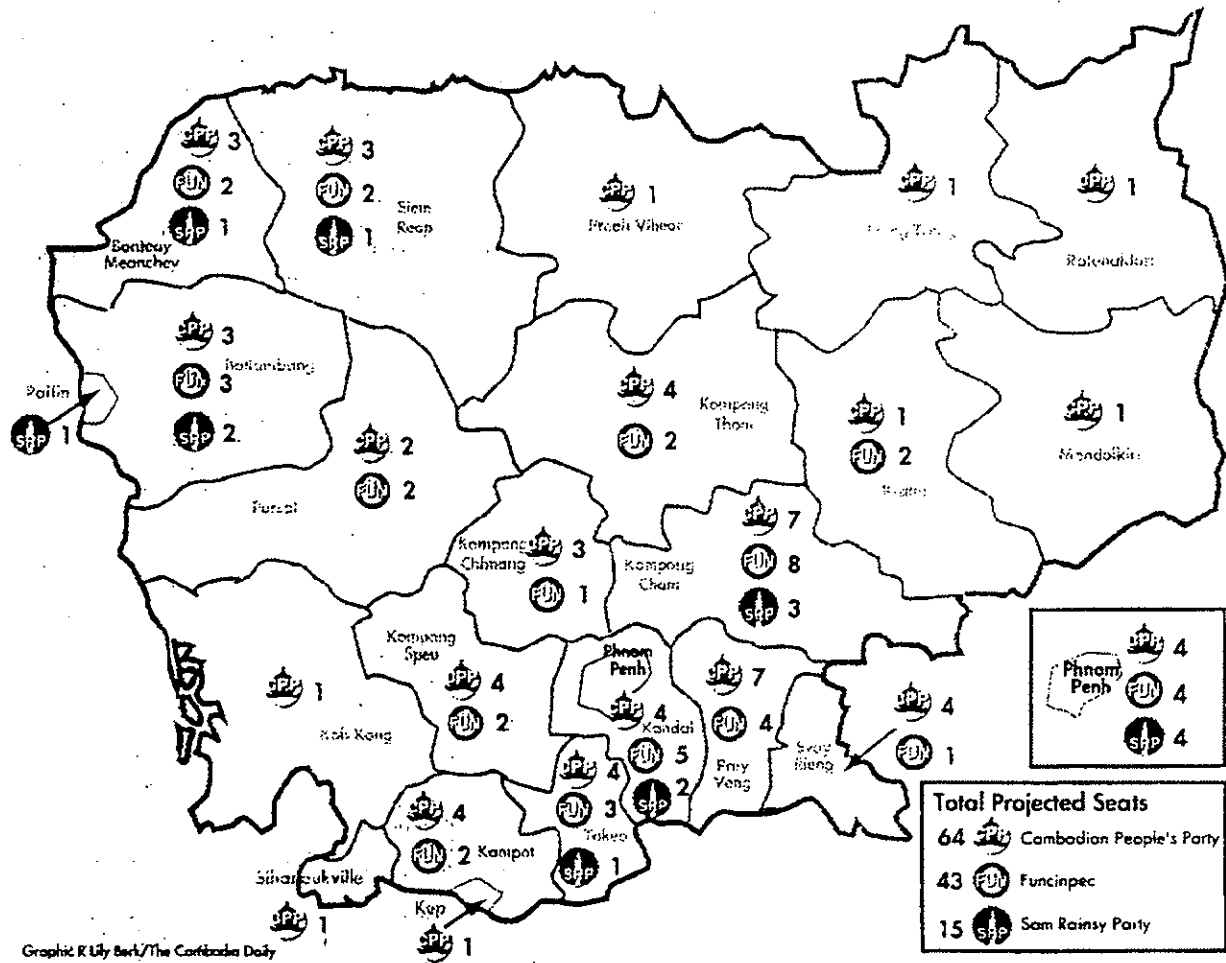
Briefing**US Congressman Takes Tough Stand on Polls**

The US will not recognize Cambodia's new government or resume suspended aid to the country unless last month's elections are certified as "credible," a US congressman said in a letter released Monday. "I am confident the United States can only accept free, fair and credible elections," Republican Dana Rohrabacher said in an Aug 14 letter to King Norodom Sihanouk. "The entire process, including an honest vote count and honest resolution of all allegations of improprieties, is necessary to certify an electoral process as credible." Rohrabacher said he had strong congressional support to continue the aid suspension "until a legitimate government that is free of coercion, violence and fundamental corruption is established." He added that calls for the opposition to join a coalition government with the CPP were unjust. "Now is not the time to compromise with people who have forced the nation into unspeakable suffering, even brigands who believe themselves to be masters of kings," he said. Government spokesman Khieu Kanharith on Monday called the letter "regretful." "I have seen the letter, it is a biased stance," he said. "The stance of [Rohrabacher] differs from Stephen Solarz, who was in the field and said the election was a 'Miracle on the Mekong.'" (AFP and The Cambodia Daily)

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NATIONAL Assembly Seat Allocation, Based on Final NEC Results



CONSTITUENCY	# OF SEATS	% COUNTED	CPP	FUNCINPEC	RAINSY	OTHERS	TOTAL VOTES
Battambang	8	100.0%	107,825	82,653	64,199	45,656	300,333
Banteay Meanchey	6	100.0%	84,225	55,439	47,584	36,846	225,094
Kandal	11	100.0%	184,742	198,073	80,985	45,280	509,080
Kampot	6	100.0%	104,596	63,488	23,516	32,711	224,311
Kep	1	100.0%	6,296	4,316	995	946	12,553
Kompong Cham	18	100.0%	246,900	277,362	96,720	100,242	721,224
Kompong Chhnang	4	100.0%	78,692	47,046	11,143	31,882	168,763
Kompong Speu	6	100.0%	124,458	62,882	19,881	38,114	245,335
Kompong Thom	6	100.0%	93,467	69,711	22,704	41,579	227,461
Koh Kong	1	100.0%	20,379	11,262	9,111	6,057	46,809
Kratie	3	100.0%	35,297	45,497	14,969	12,041	107,804
Mondulkiri	1	100.0%	8,296	2,068	1,061	447	11,872
Pailin	1	100.0%	3,326	2,180	5,733	505	11,744
Phnom Penh	12	100.0%	140,109	159,008	132,127	43,937	475,181
Preah Vihear	1	100.0%	34,203	6,592	4,105	3,388	48,288
Prey Veng	11	100.0%	220,915	143,068	30,161	48,277	442,421
Pursat	4	100.0%	58,918	42,760	11,259	19,875	132,812
Ratanakiri	1	100.0%	27,162	3,268	3,683	1,791	35,904
Siem Reap	6	100.0%	137,661	69,228	43,523	32,234	282,646
Sihanoukville	1	100.0%	24,067	19,945	13,535	6,991	64,538
Stung Treng	1	100.0%	17,761	5,393	6,469	1,545	31,168
Svay Rieng	5	100.0%	117,687	52,778	18,050	29,736	218,251
Takeo	8	100.0%	153,808	129,388	38,152	37,568	358,916

Source: NEC.