

# THE CAMBODIAN ELECTION PROCESS: NDI'S SECOND POST-ELECTION STATEMENT

*August 22 , 1998*

The National Democratic Institute for International Affairs (NDI) continues to monitor the post election process and political events generally in Cambodia. NDI has worked in Cambodia since 1992, has organized five missions to Cambodia over the last year and established a monitoring presence for the July 26 elections beginning in late April. NDI has maintained its field office in Phnom Penh and is committed to continuing to monitor post-election developments.

In a Preliminary Statement, issued jointly on July 28 with the International Republican Institute (IRI), NDI commented that the voting process was "generally well administered" and the atmosphere on election day was largely "peaceful." At that time, the Institute also reiterated its serious concerns regarding "violence, extensive intimidation, unfair media access and ruling party control of the administrative machinery that characterized the pre-election period." The statement applauded the Cambodian people for turning out in such high numbers on election day.

In that July 28 Preliminary Statement, NDI and IRI cautioned that a final assessment of the entire election process was premature pending the final tabulation of results, the processing of complaints, and the formation of the next government based on the results of the elections.

Regrettably, post-election developments point once again to systemic problems with the election process. It was these problems that led NDI and IRI, in a statement on July 14, 12 days before polling day, to describe the process leading up to the elections as "fundamentally flawed."

Since the vote, NDI's pre-election concerns about the credibility of the bodies responsible for administering the elections and adjudicating disputes have proved well founded. As NDI pointed out in public reports in January and March, the way the members of the National Election Commission (NEC) were selected raised serious questions about its independence and credibility. Under the new election law, to ensure broad participation, the 11-member NEC was to include representatives from each of the parties represented in the National Assembly and from the NGO sector. But party seats were given to ruling party-backed factions of opposition parties, and the selection of the NGO representative was seriously flawed. The makeup of the Constitutional Council was also controversial. Accordingly, the NEC and the Constitutional Council lack credibility in their responses to election-related complaints and post-election controversies. Unless election-related complaints are addressed expeditiously, thoroughly and impartially, there can be little public confidence in the integrity of the overall process.

## **Arbitrary Rejection of Complaints**

In the weeks following the election, political parties submitted in excess of 800 complaints to the NEC. Rather than investigating these complaints, the NEC dismissed them outright on the grounds that the

jeopardized the parties' ability to take complaints to the Constitutional Council.

### **Lack of Appeals Process**

The Constitutional Council, which is the final arbiter of electoral disputes, has yet to hear any cases. The Council has refused to accept complaints about intimidation of opposition party agents, alleged electoral fraud, and the formula by which seats are allocated on the grounds that these complaints had either not been formally rejected by the NEC or had not been filed before the deadline. This refusal to even accept, let alone hear, such complaints by the Constitutional Council, coupled with the NEC's failure to follow due process in providing the required rejection notices, has eliminated any meaningful opportunity for appeal.

### **Seat Allocation Formula Controversy**

The means by which the NEC selected, then changed, then adopted different formulas for allocating seats in the National Assembly has raised further questions about the NEC's decision making processes. The lack of transparency and failure to provide a satisfactory explanation has exacerbated the seriousness of these questions. What is certain is that the formula currently in effect advantages the Cambodian People's Party (CPP); in fact, it is the change in formula that provides the CPP with a majority of National Assembly seats.

### **Intimidation of Opposition**

Directly following the election there were numerous complaints of threatened violence toward local opposition party activists throughout Cambodia. Many activists fled their communities. On August 20, while one of the opposition party presidents, Sam Rainsy, was inside the Ministry of Interior, unknown persons fired shots and threw a grenade at the front gates of the compound, killing one individual. Inside the compound, Sam Rainsy and several journalists were reportedly pushed at gunpoint to the ground, kicked and threatened. One shot was fired. Sam Rainsy and others were detained for three hours. These events certainly send a chilling message to the opposition, as well as to the general population.

A demonstration outside the National Assembly is planned for August 23. Given recent violence, NDI calls upon authorities to ensure that the rights of peaceful assembly and expression are respected.

The election process has yet to be completed, and the post-election situation continues to evolve. How the post-election problems are resolved will influence greatly the legitimacy of the next government and the prospects for democracy in Cambodia.

NDI will continue to monitor events and will issue further statements as warranted. The Institute plans a post-election mission at the time of the seating of the new National Assembly in September, and NDI and IRI will issue a final assessment of the entire process soon thereafter.

###

---

---

Copyright © National Democratic Institute for International Affairs (NDI). All rights reserved. Portions of this work may be reproduced and/or translated for non-commercial purposes provided that NDI is acknowledged as the source of the material and is sent copies of any translation.