

# PRELIMINARY STATEMENT OF THE JOINT NDI/IRI DELEGATION TO THE JULY 26, 1998 ELECTIONS IN CAMBODIA

*July 28, 1998*

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 incontestable 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

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.

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 extra-constitutional 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.

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*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*

*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.*

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