

# State of Democracy and 2008 National Assembly Elections

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# The State of Democracy

- **Cambodia's 1993 Constitution, formulated after the Paris Peace Accords of 1991 provides for one directed elected legislative chamber, the National Assembly, for which there have been elections in 1993, 1998, and 2003.**

**Since 1998, a second chamber the Senate has been created with members voted in by a constituency that consists of National Assembly Members and Commune Councilors.**

- **The recently held commune council elections (April 2007) in Cambodia represented other step towards democracy and some creditable increase in political space.**

**Around 90% of the 1,621 communes have councilors from a variety of parties, both ruling and opposition parties.**

- **However there is a constraint in regarding with the formula of allocating the seats (used for national and local elections) that not encourage small parties.**

**The CPP control and dominance the electoral processes, perpetuating a "winner takes all" pattern in all institutions from national to local level, Cambodia will never earn the accolade of truly free, fair, and credible elections.**

- **A compromise was made and amendment adopted at the National Assembly on 2nd March 2006, between the opposition party and Prime Minister to amend the Cambodian Constitution from a 2/3- majority vote to an absolute majority in order to form a government.**

**An increase in the number of opposition MP in chair positions is a result of the improvement of the parliamentary function of check and balance.**

**There was an additional change in the expert committees of**

**Parliament with a 5-2-2 formula, consisting of 5 committees leaded by CPP, 2 committees leaded by Funcinpec, and 2 others leaded by SRP**

- **Gender equity as elected representative increased 12% and 14.5% of the National Assembly and of local council membership, respectively, were taken by female candidates.**

**However, this increase numbers of female elected officials has not yet reached 30% of female candidates on party list**

- **A compromise was made and amendment adopted at the National Assembly on 2nd March 2006, between the opposition party and Prime Minister to amend the Cambodian Constitution from a 2/3-majority vote to an absolute majority in order to ease the formation of future government and contribute to solve the political deadlock after elections.**

**After amendment, there happen the division and FUNCINPEC in two parties FUN and NRP, and the removal of the FUNCINPEC ministers and local governors (provinces and districts).**

- **Some major political parties have access to radios and newspapers (but not Television). They started to campaign and disseminate their political party platform through radio and newspapers.**
- **Following the controversial arrests of human rights activists and journalists over defamation charges, the article 63 related to defamation was amended to remove the sentence of imprisonment, yet maintaining the sentence over compensation.**

# 2008 National Assembly Elections

- **The political environment of for the 4th National Assembly elections has been becoming active, in some cases tense, political parties organize themselves to take part in the upcoming elections.**

**However some parties have reported the destruction of signs and intimidation toward its activists. Opposition members with not full protection by security personnel, get no help/assistance from local authorities control listed, forcing other party members to move away form community, threaten to confiscate land**

- **Trend of improved politically security climate in Comparison with Previous Elections:**

**Cases of murder and violence of political activists have decreased however killings and intimidation *towards the activists, and candidates of political parties during the election process is higher than usual between elections.***

**Killing of Political Activists and Candidates ( 2 cases during 2008 pre elections, 9 cases in 2007 elections while 28 cases in 2003 and 18 cases in 2002)**

**Intimidation/threats such as firing gun, death threat and harassments ( more than 127 cases in 2007 while 281 cases in 2003 and 138 cases in 2002) elections. But the impact of the recent cases cannot yet be measured**

- **Some irregularities and political influence in the handling of FUNCINPEC's controversial complaint against Prince Norodom Ranariddh**

**Lawsuit against Prince Nodorom Ranariddh with Influence of the Prime Minister (1-breach of trust the Prince was accused of illegally selling FUNCINPEC's headquarters and 2-adultery case by Marie, his wife)**

- **Although Cambodia has made significant steps forward which offer hope for the future, both through these past elections and through the promises for the national elections in July 2008, the elections still was marred by numerous irregularities, such as political violence and institutional inconsistencies, which prevented some of the electorate from exercising their franchise.**
- **Some key problems prevalent in past elections and future elections still need to be addressed**

- **Partisanship of election administration officials at all levels. (National Election Committee, Provincial, Commune and Polling Station Commissions.)**

**Restructure of the National Election Committee (NEC): changed from five to nine members from elected political parties as represented in the NA (five CPP, two SRP and two FUNCINPEC);**

- **Successive failures to enforce proper electoral standards that have emboldened hard line party activists to apply coercive tactics over voters.**

**Community/Social Exclusion and Discrimination: opposition members with not full protection by security personnel, get no help/assistance from local authorities control listed, forcing other party members to move away form community, threaten to confiscate land.**

**Verbal Pressure on Voter: From local authorities to high rank government officials: “Without CPP’s rule or CPP election lost in result of instability”; “ Projects [Thousands] will vanish if the CPP loses the elections”**

- **Serious disparities in resources and media access before and during the election campaign.**

**Six TV stations of all 7 stations affiliate with CPP  
State and private TV were biased towards broadcasting  
CPP activities up to 80% of all political party coverage**

**The ruling party to take great advantage of state resources and equipment in carrying out its campaign and in giving gifts to the people (money and materials).**

**The ruling party spent a great deal of money (impossible to calculate) on printing, mostly in color, of items such as T-shirts, hats, flags, leaflets, candidate photos. Some candidates gave sarongs and money (usually around a few thousand Riel) to people in various places. Some gift-giving activities were also broadcasted on TV and radio.**

- **Undue restrictions on efforts to inform all voters of their rights and their full, free and active participation in election processes.**
- **Lack of transparency: NEC not intention to collect political parties' account books in order to review campaign income and expenditure. If this is not done, there may be a risk of lack of transparency in the election process.**
- **Lack of will to acknowledge and resolve election violations expeditiously and justly.**

- **Concerns on lost of voter rights**

**In 2007 commune council elections: around 2,5 million eligible voters did not vote ( most of them non ruling party/CPP voters) total eligible voters-2007 around 7.8 millions: decrease voter turnout 67%=5,29 million voters, in comparing with 87%= 4,54 million voters in 2002.**

**18% of eligible voters ( did not to vote ) tried to go to voter but face obstructions; 9% (1.4 millions ) that they did not receive Voter Information Note (VIN); making them think that they did not have right to vote. ( According COMFREL's survey with 300 voters). The bureaucratic and technical processes that can act effectively as impediments must be overcome**

**Failure of the Ministry of Interior to provide identity cards to all citizens ( especially youth voters), identified as the main cause behind the noticeable increase in the number of applications for Form 1018 . Problems lie not only with those who have not been issued an identity card but also with some who have**

**Recently a concern of clean up of voter lists ( around 650,000 voters will be deleted fro the lists)**

## **COMFREL Response: Target area: remote areas of 15 large constituencies/ provinces**

- **Deploying 210 trained long term observers (LTOs). They help disseminate voter education materials and educate voters from house to house meetings.**
- **Deploying 6,500 short term election observers (STOs).**
- **Conducting parallel voter tabulation (quick count).**
- **Conducting media monitoring**
- **Continue to conduct voter education through publication and radio program**
- **Separate Project on Youth Political Participation ( research, training and forum)**

# The Role of International Community

- **Financial Support ( with conditionality of political reform-good governance)**
- **Technical Support ( improvement of legal framework and election administration )**
- **Political Support**  
(Monitoring of political environment, and election process, for example, COMFREL and partners of legal and human rights NGOs, conducted and joined meetings and dialogues the Japanese Ambassador, and other representatives of the international community in lobbying them to help normalize the situation through influence on the Cambodian government to immediately release leading human rights activists and critics jailed on politically motivated charges of criminal defamation.  
NGOs campaigned to restoring human rights respect and protection, urging donors to make this a clear request at the annual donor government Consultative Group meeting)