Cambodia Elections Assessment:  
Recommendations for USAID/Cambodia

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Executive Summary

Election fever has hit Cambodia. Everywhere one goes the topic of elections arises. At this point elections appear to overshadow all aspects of economic activity and development as well as politics, and they will demand significant attention by the donor community.

Signs for the prospects of free and fair elections are mixed. As with every other topic in Cambodia there are constant innuendos regarding alleged irregularities in the electoral process so far. Yet, on the other hand, high level officials of the Royal Cambodian Government have given strong positive signals that they wish to support the conduct of free and fair elections. But the electoral code has not yet been issued. The electoral legal environment is a vacuum, since the last election was conducted under UNTAC law and fully implemented by UNTAC. No documents, voter lists, or systems were left in place after UNTAC's departure on which current electoral practices could be built. But there are some 50,000 Cambodians trained in various aspects of elections under UNTAC and indications are that a good number of these people would want to work on the upcoming elections.

Various donors have already undertaken specific activities to begin supporting development and implementation of a Cambodian electoral system. But these efforts have been piecemeal and have represented constituent views, or have raised questions for which Cambodia still needs answers. Donors have made a significant investment in Cambodia's democratic transition; while there is a desire for the democratic process to move forward, there is also a reluctance to become too involved in what could become an expensive process, especially if it does not seem that there is an overall approach which has a chance to leading to genuine elections as well as build Cambodian capacity to undertake elections in the future.

The upcoming elections are really a first election for Cambodia in its transition. There was no Cambodian responsibility for the last election and there were no electoral systems left behind on which Cambodia could build for its next elections. The intervening few years have helped to begin building a fledgling civil society and have introduced foreign NGOs. Both of these groups are providing civic education and oversight roles on the actions of government. The twenty political parties which contested the 1993 election have practically vanished from the political landscape. Those parties which remain are, to a large part, not democratic in their practices. Cambodia is ruled by a coalition government in which it appears that most major decisions are made at the top. The Cambodian government's implementing ability has not been exemplary in other activities, so there is no reason to believe that it would do an exceptional job in implementing an elections system.

Threats to the election are two-fold: from individuals and groups which intentionally try to manipulate the outcome of the election and from a "bungling" of the entire electoral process to such a degree that neither the process nor the result is credible. The latter is probably the larger threat of the two, hence a need for donor assistance.
It is recommended that as an immediate next step, USAID seek Embassy and Washington permission to pursue a joint electoral assessment in Cambodia, preferably under the auspices of the United Nations' Elections Assistance Unit (EAU) attached to the Secretary General's office, with logistical support provided by UNDP/Cambodia.

If this approach is not pursued either because the RCG does not provide the proscribed request, or because donors, through the UN cannot agree upon the approach, then it is recommended that USAID undertake direct support for NGOs to carry out a massive political information, education and communication (IEC) program to inform voters about the elections process, how to participate, how to appeal decisions and address irregularities in the process. In addition, it is recommended that USAID support capacity building efforts of indigenous elections monitoring organizations to develop a nationwide elections monitoring program. Limited technical support might be provided to the elections commission and other implementing organization, particularly training of elections workers, but without an agreement on overall approach by donors, it is likely that there would overlapping and inconsistent assistance of this sort, so such approaches should be minimal and only to address specific targets of opportunity which have significant probability of positively affecting the elections environment.

If a joint assessment is conducted, then it is recommended that the donors, both in Phnom Penh and New York seek a UN coordinating role for the election, with an implementing unit at UNDP, probably headed by a technical expert from the UN's EAU. The unit would be a clearinghouse for donor elections assistance activities and an appropriate convener could be identified for donor meetings to discuss needs, priorities, and collaborative approaches (including direct technical assistance from the EAU if this can't be provided through other, bilateral channels). Elections assistance would continue to be bilateral in nature, but the UN role would be to assure that all priority needs are being met and to minimize overlap and confusion, especially in terms of mixed signals being sent to the Cambodians. A UN coordinating role would require a formal request from the RCG and a determination that the conditions in Cambodia are sufficiently positive so as to not overshadow the chances for a genuine election.

USAID’s elections support to Cambodia must be with a goal of Cambodia’s political development over time. Some type of assistance which Cambodia might need cannot be provided by USAID because of specific restrictions (like training the military, or supporting specific parties); for those areas which are not restricted, USAID experience provides a sound base from which to plan the USAID role. Large commodity drops have not been related to success of elections. Within the context of the goal of helping Cambodia’s political development, the over-arching objective of elections assistance should be developing Cambodian capacity to manage the technical and political processes of elections in the future with international support diminishing over time. USAID’s comparative advantage is stimulating appropriate elections-related activities in civil society. Civic education and developing of an indigenous monitoring capacity should be USAID’s top priority in preparations for elections. In addition, if the requisite political will exists, appropriate levels
of direct assistance to the elections oversight and implementing bodies should be considered.
Cambodia Elections Assistance

1. Background

The Kingdom of Cambodia is administratively divided into provinces and cities. The provinces are sub-divided into Srok (districts), and the Sroks are further sub-divided into Khum (communes). In the cities, the first level of political subdivision is the Khan (district) and these are sub-divided into Sangkat (communes). Cambodia, a country with a surface area of 181,040 square kilometers (about the size of Missouri) has twenty-one provinces and 1,555 communes. The population is estimated to be between 9 and 10 million.

Cambodia has experienced five multi-party elections for its constituent assembly: 1946, 1947, 1955, 1972 and 1993. All aspects of the 1993 election were carried out by the United Nations under the mandate of the Paris Peace Accord of 1991 and the Comprehensive Settlement Agreement for Cambodia which called for the election. The last openly contested democratic election before the 1993 election was in 1955, when three major parties (the Prachea Thipatay or Democrats, the Sangkum Reastr Niyun or Nationalists, and the Prachea Chon or Populists) competed. The 1972 election, according to scholar David Chandler, provided little opportunity for political choice, with only 10 of the 126 seats contested. The elections of 1946 and 1947, following on independence from France, were contested by four and five parties, respectively. These two elections were no doubt the most free and fair multiple party electoral events in Cambodia’s history with no violence, not threats or intimidation.

The 1991 Comprehensive Settlement Agreement for Cambodia was an international agreement which brought the four warring factions together to lay down arms and form a democratic government. The goal of the civilian and military arrangements was, first, to establish a politically neutral and peaceful environment for the conduct of election of members of the constituent assembly (election security). This in turn was a step towards the emergence of Cambodia as a country following 'a system of liberal democracy, on the basis of pluralism. It will provide for periodic and genuine elections ... universal and equal suffrage ... voting by secret ballot ... [and] a full and fair opportunity to organize and participate in the electoral process.' [The full text of the Comprehensive Settlement Agreement can be found in 31 Int. Leg. Mat. 180 (1992).] While no international agreement exists to set the minimum standards for free and fair elections, the Agreement was important both for Cambodia and broader definition of what the international community considered minimum conditions for the conduct of free and fair elections in 1993.

The Agreement provided that the 1993 election was to be held on a provincial basis, in accordance with a system of proportional representation and party lists. All Cambodians aged eighteen, including Cambodian refugees and displaced persons, were entitled to take part and vote. Political parties could be formed by any group of five thousand registered voters, but party platforms had to be consistent with the principles and objectives of the
Agreement. Voting was to be by secret ballot, with provision made for the disabled and those who could not read or write. At the campaign level, it was provided that 'the freedoms of speech, assembly and movement will be fully respected. All registered political parties will enjoy fair access to the media, including the press, television and radio.' 

[Comprehensive Settlement Agreement, Elections Annex (Annex 3)] The Electoral Law and the Code of Conduct for Political Parties, drafted by the UN, provided further detail and practical guidance for the conduct of the 1993 election. The election was highly successful, with over 90% of registered voters participating, and 20 political parties contesting seats. The results of the elections left Cambodia's political scene divided. Four parties divided up the 120 seats in the National Assembly: FUNCINPEC (the royalist party) won 58 seats; the CPP (the former communist ruling party) won 51; the BLDP won 10; and MOLINAKA captured 1 seat. Since no party won a majority of the constituent assembly, giving each of the two major parties a effective veto power in the assembly, a coalition government was formed, dividing up the spoils of the government under a somewhat unique structure -- with two prime ministers (one FUNCINPEC and one CPP) and co-ministers from each of the two major parties in each of the key ministries. The parties suffer from internally strife and bickering. Their organization tends to center around individuals, rather than issues.

The Cambodian constitution, promulgated in September 1993 by the new constituent assembly, calls for free and fair elections at a periodicity not less than 5 years, so the next national assembly elections are constitutionally mandated no later than 1998. The Royal Cambodian Government (RCG) has indicated that it is targeting local elections in 1997, followed by national elections in 1998. The necessary mechanics of running elections are not in place and it is not clear that the RCG understands that the international community will expect that the upcoming elections be run by Cambodia, with international support. It is important to note that UNGA resolutions in 1992 and 1993, both adopted without a contrary vote, established that 'the fundamental responsibility for ensuring free and fair elections lies with Governments.' Donor emphasis will need to be on helping the Cambodian government put in place the structures and background necessary to assure that have a prospect of being free and fair. The goal of elections assistance should be to promote the political development of Cambodia. Specific elections assistance activities should contribute to the process of political development as well as to the technical aspects of the conduct of the election. Ultimately, the success of elections assistance will be evaluated not only in terms of whether the assistance helped the execution of the election according to the internal project design, but also in terms of how well the assistance helped contribute to the freedom and fairness of the election in the short-run, how it helped develop the potential for future elections without external assistance, the prospects for increased respect for human rights as a result of the election and elections assistance, the improved prospects for both political and economic development and increased standards of living as a result of the election.

Already there is a significant anticipation of elections building up in Cambodia. The people, both in the cities and rural areas, are speaking of the elections. The two major parties are beginning to posture more as contestants in a proximate election than as partners in the coalition. (CPP is holding weekly meetings on strengthening party structures at all
levels; FUNCINPEC is selecting committees to run for local elections.) The media are
carrying stories related to electoral politics. Indigenous human rights groups are already
developing concept papers for assistance in civic education and training of local monitors.
Cambodia is catching 'election fever.'

2. The Context for Elections

When UNTAC left Cambodia in 1993, it did not leave behind systematic bases for
future elections. Cambodia has no electoral law (although various drafts have been prepared
and are being discussed in public and private), nor is there a register of voters, a set of
established voting districts, electoral officers or an electoral commission. The base for the
proposed 1997 and 1998 elections will need to be built essentially from scratch. Some
50,000 Cambodians were trained to participate in the UNTAC-led elections, but these
individuals no longer work for the UN. While many of the Cambodian former UNTAC
elections workers might be identified, a large portion now have stable jobs and families; it is
not clear how many will be willing to work on the upcoming elections and risk losing their
jobs (or their lives), especially since the extravagant salaries paid by UNTAC will not be
available for elections workers in any Cambodian-run election.

Because of the virtual absence of any electoral system in Cambodia, it is important
that international assistance begin at an early stage in the process, continue through the
campaign and electoral event, and then consolidate the gains made after the election. As a
matter of USAID policy and as a result of the Cambodian context, USAID elections
assistance in Cambodia will focus on training and technical assistance, with minimal
commodity transfers. The major focus of USAID assistance will be on capacity building,
with a focus on training of local NGOs for civic education and election monitoring. As
appropriate, assistance will also be directed to assisting in the training of elections officials.

Cambodia is a transition country with a weak coalition government. The proposed
elections are for local village leaders in 1997 and for members of the national assembly in
1998. The national election can be characterized as a 'breakthrough' transitional election.
The security context is mixed. While Cambodia does not have a secret police, the prospect
for intimidation, injuring or killing of members of opposition parties, unions or journalists,
the destruction of opposition buildings and headquarters, the break-up of political meetings,
and violence surrounding the election is real. There is not yet an administrative authority for
running the election and developing competence in such an authority will be essential if the
logistics of the election are to succeed. Cambodia's security forces are a loose unification of
the armies from each of the four factions which were at war before the 1991 Agreement; the
chain of command is weak and it is not clear that the forces will either want to or be able to
keep law and order during the campaign and the election itself. International observers will
be critical to provide oversight of the role of the military in these elections. But Cambodia's
military does not have a tradition of ruling the country, so the threat of a military-initiated
take-over is relatively low.
The political cleavages in Cambodia stem from the various sides in the years of conflict which ended with the 1991 Agreement. The CPP party represents formerly communist interests which were in control in the State of Cambodia, the Khmer Rouge is the indigenous radical communist party which is still carrying on an insurgency against the government. Both FUNCINPEC and the BLDP represent interests which were leading the non-communist resistance, primarily from abroad. The KNP is a new off-shoot from FUNCINPEC. These groups are centered primarily around individuals, rather than issues, and there is significant in-fighting within each of the parties. A little over 10% of Cambodia’s population is made up of the Kuy and Cham ethnic groups, both of which live primarily in concentrated regions in rural areas. Neither is represented in any significant manner in the coalition government.

Cambodia does not have a strong democratic history. The 1993 elections were personality-based and there were no real defining social issues placed before the voters. The last genuine elections in Cambodia were so long ago that most eligible voters for the 1993 elections had no memory of these earlier elections after independence. The 1993 election was run entirely by the international community under the auspices of the United Nations Transition Authority to Cambodia (UNTAC). The citizens and officials of Cambodia lack familiarity with free elections and the accompanying requirements of freedom of the press, of association, and of opinion.

Since the 1991 Agreement, Cambodia has permitted the relatively free operation of a wide variety of international non-governmental organizations (NGOs). These international NGOs have, in turn, fostered the development of nearly 120 new, indigenous NGOs. This community of NGOs is represented geographically in virtually all of the country, except those areas where open armed conflict is continuing. While there is a scarcity depth and independence in the usual organizations which provide an oversight function to the government (particularly the national assembly and the courts), these NGOs are starting to form a vibrant civil society which is beginning to engage people at the local level in democratic functioning, in carrying out roles which represent neighbors, and advocacy. In addition, their extensive national networking provides a basis on which they can monitor and report on governmental malfeasance with a reduced fear of retribution. This emerging civil society offers a strong base from which sustainable civic education and indigenous election monitoring capacity can be developed.

Since the installation of the current coalition government in 1993, Cambodia’s economy has performed well. Economic growth is positive and investment is beginning to flow into the country. Inflation has remained in check and the local currency’s value is relatively stable. But this growth has not been even; it is centered in Phnom Penh and the cities as well as along the corridors connecting these cities. In the countryside, where some 85% of the population lives, life remains extremely difficult and families earn a subsistence living. The life of Cambodia’s rural citizen is very similar to what it was 200 years ago. Infant and child mortality rates are high. Malnutrition is rampant. Tuberculosis is emerging as a major health threat. Shelter is of poor quality. The benefits of Cambodia’s democratic
change to the rural peasant can be seen only as a slight opening of the political space, with little or no economic and quality of life benefits. The RCG has provided for the upcoming elections in its national budget; the expectation appears to be that if an election is announced, then the international community will come and do it.

Cambodia's fledgling judiciary is neither independent, nor sophisticated. USAID has in place programs which are training judges, prosecutors, court officials and defenders; this program has significantly improved the functioning of the system and the protection of the rights of the criminally accused. But the system is already operating at or near capacity and it is unclear if it would be able to adjudicate disputes related to elections. The elections adjudication system will need to be elaborated in the elections law and USAID will need to closely monitor this to determine whether it will be sufficient to meet the needs of timely, independent and impartial dispute resolution.

Cambodia's media, like virtually every other institution is weak. Journalistic standards are not professional and control by the government and political sources permeates the print and broadcast media. The government has been known to exert control over criticism through intimidation; editors of newspapers critical of the government have died under unusual circumstances. But organizations do express opinions critical of the government and this expression continues to grow.

While technically the upcoming election can be classified as Cambodia's second democratic election, given the unusual circumstances in which it took place, it is in many ways an advanced first election. The lack of any electoral framework, however, and the potential that many in the government expect the international community to fully fund (and possibly carry out) the functions related to the election resemble in many ways the characteristics which a country faces as it approaches its first democratic election. The advances in party development, the activities of the ever-developing indigenous NGO community, the opening of the political space, and the experience of the UNTAC election all lay a strong basis for the next election.

The talk of elections permeates local discussions and the anticipation of the election is high. RCG officials, including the co-Minister of the Interior from the strong CPP, have made strong statements in support of genuine elections. At a seminar sponsored by NDI and the Asia Foundation, an open, frank discussion of the needs for free and fair elections took place and signals from most key actors were positive. The King, the Prime Minister and the co-Minister of the Interior, for example, have made very strong statements in support of the upcoming elections. The King, for example, has recently said that there should be clear separation of powers among the three branches of government, consistent with the constitution, and that there should be free and fair elections in a neutral environment, with all parties having an equal opportunity to campaign and win the elections. The First Prime Minister has said that the government has given its 'utmost effort to facilitate free and fair elections, that will be free of intimidation, threats of violence for all voters, all parties, or agents of those parties. He has further proposed:
- the establishment of an independent neutral electoral commission, under the auspices of the king
- that the army and all police forces be under the authority of the electoral commission
- that there be agreement by all to obey the law
- that all political parties possess good will so that the election will be neutral and fair
- that there be enthusiastic support for individuals to form political parties, either in opposition to the government, or in coalition with the government.

The (CPP) co-Minister of the Interior in commenting on the upcoming elections has said that Cambodia must comply with the following principles:

- The election must be according to its mandate and held at a designated date.
- Full freedom of political party establishment.
- With or without the government’s participation, an independent election commission with full authority during the election period must be established.
- Ensured security for political parties and candidates.
- The state must facilitate a program of voter education and training to people of all walks of life, especially women and youth throughout the country, with a priority on rural areas in order to promote the people’s understanding of their duty as voters.
- The establishment of electoral districts absolutely must be clearly defined, based upon the number of people eligible to vote. This principle requires a thorough population census by local officials in cooperation with national and international experts.
- The state must provide financial support to political parties and the election campaign of candidates based upon the number of votes they received and on the basis of post-election reimbursement. If the state is unable to do so, there shall be an independent organization to openly supervise the financial income and expenditure of all political parties.
- During the election campaign, there must be equal access to the media, both written and broadcast forms.
- The establishment of an effective mechanism to ensure secret ballots, and to safeguard the ballot boxes and the counting of votes.
- The establishment of offices to resolve election disputes during and after the election.
- During the election preparation, all armed forces must be put under special assignment, so as to ensure order and security during the election. The election laws must include firm punishment to all acts of violence during the election period.

While there seems to be considerable political will from many quarters for the upcoming election, the largest question mark remains around support for the elections by the Second Prime Minister, Hun Sen, who has stayed quiet on elections -- although he has traveled the country extensively and begun what looks much like a traditional campaign. Many observers believe that, in the face of weak institutional checks and balances on the current administration, a strong international role will be required to serve a watchdog function and constrain irregularities of all sorts.
The next concrete signals which will be required from the RCG are the actual promulgation of an electoral law and the establishment of an elections administration authority. There is also a need for a formal request for assistance from the international community to support the election. Given the heavy investment from the international community in Cambodia's democratic transition, it would be nearly impossible not to provide some assistance for elections. The upcoming elections are a critical step in the development of Cambodia's democratic culture and values and offer an opportunity to support widespread civic education. The amount and type of assistance will depend on the degree to which the RCG is taking the necessary steps to ensure free and fair elections and its willingness to accept approaches technologically appropriate for establishing sustainable electoral systems. Elections assistance will likely be a topic for discussion at the upcoming donors conference in Tokyo in July.

3. Areas of Focus for Planning and Conducting Free and Fair Elections

There are two types of threat to free and fair elections in Cambodia: that of deliberate interference with the process so as to affect the outcome of the election and that of a "bungling" of the process, with poor planning, incompetence due to lack of training, and inadequate logistics and security. While the possibility for the first exists, it appears much more likely that the greatest threat to the election is the second type.

To protect a significant donor investment in Cambodia's democratic transition, donors are becoming more interested in the upcoming elections. Several activities have already taken place related to the upcoming election, but these have been undertaken in a piecemeal approach with little or no coordination. This current assessment is being conducted to review the current status of election planning among donors and outline an approach for USAID as the period leading up to the election proceeds.

So far, under USAID auspices, IFES recently conducted a pre-election technical assessment in which a timetable for activities leading up to local elections in 1997 and a national assembly election in 1998 was laid out. It is clear from this timetable, and that of other elections technical consultants to the Ministry of the Interior, that time is short for carrying out all the necessary activities required to permit the conduct of free and fair elections. While the timetable might be delayed, this would be at the expense of shifting

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1 This assessment was conducted in March-April, 1996. It involved interviews with USAID/Washington and USAID/Cambodia staff, officials of the Department of State in Washington and in the U.S. Embassy in Phnom Penh, representatives of implementing NGOs in the U.S. and in Cambodia, RCG officials, and broad cross-section of Cambodian citizens.

focus from one of building national capacity to carry out elections (and building the
depth's foundations for a democratic culture) to a more technological approach aimed primarily at
assisting the election event. In addition, under NED and USAID funding, respectively, NDI
and the Asia Foundation conducted a high profile seminar on elections for which focused
government and opposition parties on the key issues surrounding preparations for election.
The French government has placed an advisor in the Ministry of Interior who has drafted one
version of a technical approach to elections. NDI, again with NED funding, also provided
technical legal support to the Ministry of the Interior on elections law and processes. Future
donor assessments should build on these solid works and propose modifications only when
technically and/or politically appropriate.

In the past there has been an apparent 'competition' of sorts among donors in
democracy and governance areas. While the actuality of such a competition may not be
founded, nonetheless significant discussion of potential intra-donor differences has had a high
opportunity cost to assistance programs in Cambodia. In addition, if the RCG perceives a
rift between donors, it is left in an awkward position trying to approve programs which can
appear to lead in two different, or even contradictory, directions. To minimize the
possibility of disagreements in approaches and provide a basis for developing a sound,
minimum cost elections assistance package, this assessment recommends that, as the next
immediate step in donor planning for elections assistance, a joint donor assessment of
elections needs be undertaken as soon as possible, with leadership from the United Nations’
Elections Assistance Unit (EAU). The assessment must be given critical parameters about
donor priorities for the election (for example, that the goal is building capacity building
rather than transferring technological solutions). This assessment should identify needs and
priorities for elections assistance. It should focus on what is needed and not on who will
provide it or how it will be provided. The findings of this assessment can then serve as a
basis for developing collaborative bilateral approaches to elections assistance and identifying
critical gaps among various bilateral programs which will need to be addressed. There
would not need to be any commitment to a successive joint step, however the results of this
assessment could serve as a basis for agreement on next steps. If the RCG were receptive
donors might, for example, as an immediate next step, offer to provide technical assistance
to the Ministry of the Interior in drafting the electoral law and designing the electoral system.

The Consultative Group (CG) on Cambodia is tentatively scheduled to next meet in
July 1996. A joint assessment should have been conducted and results should be available so
that donor representatives to the CG are able to further discuss collaboration in the context of
elections assistance either as an agenda item at the CG or as a side issue for the meeting.
While there has been an informal push to exclude all political discussion from the upcoming
CG and deal only with economic matters, given the permeating nature of elections
considerations it is perhaps unrealistic to make such an artificial dichotomization of the
assistance environment. It is recommended that USAID encourage a U.S. position at the CG
which embraces discussion of election support and the RCG and donor budget for elections.
Donor coordination in elections assistance is of very high priority. Already donors are facing rising costs to meet the demands of complex emergencies at the same time that assistance budgets are shrinking. The investment in Cambodia's peace process since 1991 is now over $2 billion. Donors are wary of being involved in another massive elections assistance program for Cambodia; nonetheless, this is really a first election for Cambodia and without external assistance, the probability of a successful election is extremely low. In addition to the civic education and other preparatory programs of an information nature, elections require high quality logistics and planning from the voter registration process through the final vote count. The RCG has not shown its aptitude for highly organized efficient processes in other fields and it is unrealistic to expect that they will in elections planning without external assistance. The level of assistance which should be provided is a matter for discussion among donors, subject to the RCG's concrete steps to create an environment conducive to genuine elections.

Goodwin-Gill has identified ten 'constituent elements' of free and fair elections. Donors should focus on these ten areas, as well as security as they undertake a joint assessment of the needs for elections assistance in Cambodia. Once needs in each area have been identified, donors will be able to discuss collaborative and cooperative programming options.

3.1 Developing the electoral law and system

Through UNGA resolutions and regional agreements, it is recognized 'that there is no single political system or electoral method that is equally suited to all nations and their people and that the efforts of the international community to enhance the effectiveness of the principle of periodic and genuine elections should not call into question each State's sovereign right, in accordance with the will of its people, freely to choose and develop its political, social, economic and cultural system, whether or not they conform to the preferences of other States' [UNGA res. 46/137]. Inherently political decisions will need to be made in the development of an electoral system, and these decisions fall in the sovereign domain of Cambodia. For example, Cambodia used a proportional representation system under the UNTAC election, but there is considerable discussion about moving to a majority voting system. There are strong arguments on both sides of this issue. Another key issue which is inherently political will be the location and composition of the electoral commission (should it be under the Ministry of the Interior, the Prime Minister, or Independent; should its membership be neutral or balanced? If balanced, how?).

Cambodia must decide how its electoral system will be defined. However, as Cambodia develops its system, the system must be consistent with international standards.

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such as Article 21 of the 1948 Universal Declaration of Human Rights which sets out the basic premises for election rights and article 25 of the 1966 Covenant on Civil and Political Rights which states that

every citizen shall have the right and the opportunity, without any of the distinctions mentioned in article 2 and without unreasonable restrictions:
(a) to take part in the conduct of public affairs, directly or through freely chosen representatives;
(b) to vote and to be elected at genuine periodic elections which shall be by universal and equal suffrage and shall be held by secret ballot, guaranteeing the free expression of the will of the electors;
(c) to have access, on general terms of equality, to public service in his country.

The system must also be consistent with articles 19, 21 and 22 of the Covenant, which guarantee, freedom of expression, assembly, and freedom of association, respectively.

The RCG has already received technical assistance from NDI (with NED funding), the Asia Foundation and from the government of France identifying questions and possible approaches for an electoral law and system. The political questions which face the RCG have been clearly enunciated, although public debate on the issues remains muted; while at least in Phnom Penh there is much discussion regarding how the RCG plans to approach answering the questions, there is very little actual debate about the substance of the questions. The technical inputs provided to date have been of high quality, but do not enjoy the guidance of a joint donor review of the situation. They could serve as a point of departure for a joint assessment and agreement on a donor approach..

If the RCG is receptive to inputs in developing the electoral system, donors can provide:

- direct technical assistance to the Ministry of the Interior and the electoral commission
- observation at elections in other countries, preferably as international monitors
- model electoral laws and systems from other countries
- realistic timetables, requirements and budgets for logistics planning and examination of various options for the system
- technical communications assistance in conducting a civic education program.

Outside of assistance to the RCG, donors can support:

- non-governmental civic education surrounding the development of the electoral system
- advocacy efforts on the part of NGOs interested in the electoral system.

Outputs from such assistance would include:
- improved public knowledge of the process surrounding the electoral system and of the basic elements of the final system
- dialogue between the government and outside sources on the electoral law and system
- a practical electoral system which is based on planning and capacity to be used efficiently and effectively
- general acceptance in Cambodian civil society of the law and the process by which the law was developed
- after promulgation of the law, modifications as necessary based on constructive dialogue between the RCG and Cambodian civil society.

3.2 Delineation of constituencies

While variations exist in many countries and elections, in general and as a matter of principle, voting districts should attempt to provide for equal representation to the maximum extent possible. In the 1993 elections, there were 1,400 polling stations in Cambodia. These covered all of the country, with the exceptions of Khmer Rouge-controlled areas and remote areas of Siem Reap and Kampong Thom provinces. One proposal which has been put forward is to have 8,000 polling stations in coming elections, with each station covering approximately 1,500 residents (with anticipation of 500 to 750 voters at each polling station). While no final determination has been made on how many polling stations there will be, where they will be placed, or what proportional representation will result, this is a critical area in which deliberate decisions will need to be made.

The question of how many constituents an elected official should represent has been dealt with in many countries and situations. In France, the Constitutional Council has confirmed that delimitation of constituencies for any single département should not exceed 20% of the average for all départements. The U.S. Supreme Court has held that the equal protection clause requires districting to provide for equality of voters in each district. The number of people represented by an elected official can vary widely across countries (ranging, for example, from Latvia where a representative to the constituent assembly represents about 10,000 to China, where this is nearly 335,000!). How boundaries for electoral districts are drawn is a product of choice of the national government, based on population and distribution, geography, and resources, but if there is are substantial differences in the representation/population ratio between units or if the lines are drawn in such a way as to affect the outcome of the election, then there may be a violation of international law.

Cambodia has not had a complete census in modern times. In fact, the last census was conducted in 1962 and the results from that census are unusable for the present purposes. The temporal proximity of the elections precludes a formal census in time to scientifically develop districts so as to maintain the principle of equal representation. While the representation is of the total population of a district, there have been shortcuts proposed to count registered voters as the basis for districting. This is an approach which should not
be taken without careful consideration, since for many different reasons there can be a great discrepancy between a district's population and the number of registered voters in that district.

UNTAC registered 4.7 million eligible voters without a preliminary census. While the magnitude of this effort cannot be repeated, there are alternative approaches which might be employed. One approach which has been suggested and seems feasible in the current context would having village leaders carry out an informal census in their villages -- subject to the scrutiny of indigenous NGOs, political parties, etc., with data sent to Phnom Penh which can be used as a basis for determining districts. One danger of such an approach is that any data collection effort is likely to be requested to collect other data, not relevant for the purpose of districting, and further complicate an already complicated effort. It will be especially important for local groups to be involved both in the development of the quasi-census and in the final district delineation to assure that district lines are not drawn so as to potentially influence the ultimate outcome of the elections.

In helping the RCG determine districts, donors can provide:

- direct technical assistance for development and implementation of a quasi-census
- limited commodity support for analyzing data from quasi-census
- long-term technical advisor(s), as appropriate
- technical support for the development of district maps, descriptions, etc.
- assistance developing a communications strategy to inform the public about the districts and the process used to delineate the districts.

In addition to direct assistance to the RCG, donors can also support:

- non-governmental civic education surrounding the development of the districts
- advocacy efforts on the part of NGOs to raise issues related to district delineation efforts.

Outputs from this assistance would include:

- improved public knowledge of the process surrounding the quasi-census and the delineation of election districts
- dialogue between the government and outside sources on the quasi-census and districting
- a set of districts which seems to respect the principle of equality of representation and which does not appear to have been developed in a manner so as to influence the outcome of the elections
- general acceptance in Cambodian civil society of the districting system as fair

3.3 Managing the election
For elections to be free and fair, administration of the electoral process must be independent and impartial. Further there has to be trust in the system. Clearly basic trust in the system does not exist in Cambodia. Confidence is only likely where the election machinery is and appears to be impartial. The institution of an independent electoral commission is now widely adopted as an important step in building traditions of independence and impartiality. Until the electoral law is promulgated, it will not be clear what approach Cambodia will follow; there has been some discussion of having the local elections carried out by the Ministry of the Interior, with an electoral commission appointed for the election of national assembly members. Whatever approach, the criteria for how the election is managed must lead to trust in the system and an appearance of impartiality.

As an electoral commission is established, there are many approaches which can be considered and the donor community can share with the Cambodian government various approaches which have been used elsewhere. Different approaches which have been employed include commissions made up of an equal number of representatives of parties contesting the election; party commissions with the addition of government-selected members; party representatives in proportion to the number of candidates fielded, plus a number of judges or jurists selected by lot; and commissions with members designated by parties involved in pre-election negotiations. The election machinery can be either impartial or in balance (if impartial members who enjoy the confidence of all parties cannot be found, then balance must be created by the appointment of party representatives). Given the push by many for a relatively high level of external involvement, Cambodia might want to consider the experience of South Africa, where the government appointed several international members of the Independent Electoral Commission, including individuals from Canada, Zimbabwe and Eritrea.

The duties to be performed in managing the election include either directly or by supervision over lower echelons: supervising observance of the election law; organizing the preparation and conduct of elections; appointing constituency election commissions; examining complaints against constituency election commissions; registering national lists of candidates; compiling and supervising the updating of voter registries; keeping constituency delimitation under review; establishing forms and standards for ballot paper and other official documents; establishing and publishing the definitive results of elections; certifying those who are elected; and reporting on the conduct of elections. The value of an independent electoral commission to carry out these duties is that confidence in an emergent multi-party system is only likely if the parties themselves are co-opted into the process of election management.

The donor community will be called on to carry out extensive training and to provide considerable operational and material support in the management of the election process. Given the need to build Cambodian experience and develop a sustainable Cambodian election system, preference should be given to approaches which build capacity over those which are technologically oriented. Personnel salaries, travel and per diem, commodities and other
operational support should be provided only in the context of a multi-donor approach which is coordinated with the government and which has visible support from the government.

To help the RCG manage the elections, donors can provide:

- direct technical assistance for development and implementation of an electoral commission
- training of trainers for elections workers and poll workers
- limited commodity support for operations of the electoral commission
- long-term technical advisor(s), as appropriate
- technical support for the development of systems for voter registration, logistical plans for carrying out the elections, security of the elections, etc.
- assistance developing a communications strategy to inform the public about the overall election process and to inform the public over time of the progress in carrying out the planning for elections
- participation as international monitors in elections of other countries by key Cambodian elections officials to provide an external view of the standards which the international community holds in assessing elections
- internationally respected members for or advisors to the electoral commission.

In addition to direct assistance to the RCG, donors can also support:

- non-governmental civic education about the planning for the upcoming elections and why it is important to vote
- advocacy efforts on the part of NGOs to raise issues related to elections management.

Outputs from this assistance would include:

- a clear transparent system for managing the elections, including an election commission which was selected based either on impartiality of members or balance among interests in Cambodia
- elections officials and poll workers who know the rules and regulations covering their jobs and conduct
- dialogue between the government and outside sources on the system developed, including the type of electoral council
- a clear set of rules, which lay out expectations for the conduct of elections so that citizens will know how the elections will be carried out, and so NGOs and parties can plan their voter education and monitoring efforts accordingly
- general public familiarity with the system under which elections will be conducted
- general acceptance in Cambodian civil society that the election system is reasonable and fair.

3.4 The right to vote
The right to vote is recognized in Cambodia's constitution; this plays both a substantive and confidence-building role. This right has not been found to be absolute around the world, and may be subject to reasonable restrictions which are not arbitrary and do not interfere with the free expression of the people’s opinion. Residence requirements are one such restriction which has been imposed in many countries (on an assumption that non-residents are less informed and don’t pay taxes). In the Cambodian context, there is also a question as to whether overseas Cambodian citizens should be permitted to vote at the Cambodian embassy in their country of residence. This would require special security considerations to avoid the possibility of fraud.

Cambodia has no nationality law, so it is unclear exactly who will be permitted to vote. Under UNTAC, the law permitted suffrage to individuals born in Cambodia or who had both parents born in Cambodia. Article 33 of Cambodia’s constitution requires that a nationality law be promulgated, so just how to deal with determining eligibility to vote remains a critical issue. Questions which must be addressed in this context include how the large Vietnamese community, born in Cambodia but not generally recognized as Cambodian, would be treated in the absence of a nationality law.

Also, there has been considerable discussion on disenfranchising classes of citizens, for example the military. The rule of law requires that those classes of individuals disqualified from voting, if any, be known in advance, and that challenge be available in appropriate cases. From the recognition of the individual’s right to vote flows the necessity of voter registration to assure effective exercise of that right.

Donors can help the RCG develop transparent procedures for defining the franchise and disenfranchisement by providing:

- direct technical support for analysis and drafting of a nationality law
- direct technical support in examining options for various proposals to disenfranchise classes of individuals and in defining clear, objective criteria for determining whether an individual fall inside or outside of each class
- communications technical assistance to inform voters about eligibility criteria for voting and classes of citizens disenfranchised.

Donors can also provide support to NGOs and other groups to stimulate:

- public debate about the proposed nationality law and implications of various options being discussed
- public debate about the franchise to vote and options for disenfranchising various classes of citizens
- civic education programs on voter eligibility criteria and classes of citizens disenfranchised.

Outputs from donor support would include:
- a nationality law which is generally acceptable to the Cambodian people
- a clear set of guidelines defining the criteria for voter eligibility and classes of
disenfranchised citizens
- public knowledge of who is eligible to vote and who is not.

3.5 Voter registration

Obstruction of the registration of voters has been in many countries a primary
approach to frustrating the right of those eligible to vote. Interfering with or discouraging
registration has occurred in many countries. In addition, lack of transparency and
competence in the system can lead to irregularities which are the result of inept procedures,
rather than deliberate manipulation.

The electoral list is a crucial feature in the organization of free and fair elections. The voter registration system must enable all qualified citizens to be included, to prevent
electoral abuse and fraud by individuals, special interest groups, political parties and
governments. It must be widely accepted as an authoritative and legitimate means of
cataloguing the electoral population and of settling disputes. Experience has shown that
involving political parties and special interest groups in promoting, monitoring and auditing
the registration process is often called for, together with extensive civic education programs,
including training of election officials, and getting the voting message across to the public
on, for example, how and when to register, and the rights and responsibilities of living in a
democracy.

The voter registration process requires clear eligibility criteria and their consistent
application by trained officials. Article 34 of Cambodia’s constitution requires, for example,
that eligible voters be at least 18 years of age. Those eligible should be aware of the
procedure. Electoral lists should be published promptly and clear effective means should be
available for correcting errors (including omission and cancellation of those deceased or who
have moved).

Donor assistance can help establish the registration system and train both registration
officials to implement the process and NGOs to oversee its implementation. The focus here
should be on appropriate technology, transparency and developing a system which can be
sustained over time by Cambodians. High technology, high cost approaches should be
avoided. In addition, donors can help establish a system of adjudication of disputes and
irregularities arising from the implementation of the voter registration system.

Donor assistance to the RCG to support the development and implementation of the
voter registration system could include:

- training for voter registration officials and supervisors
- direct technical support for developing a transparent, efficient, effective and quick
system of adjudication/appeal
- provision of a long-term external jurist for appeals system
- communications technical support for civic education on how and when to register; how to appeal a decision
- training for adjudication officials.

Donor support outside of government channels could include support to NGOs and political parties to:
- promote, monitor and audit the registration process
- provide civic education on how and when to register; how to appeal a decision.

Outcomes which would be expected from this donor assistance include:
- eligible voters know when and how to register
- electoral lists are published promptly
- clear and effective means exist for correcting errors (including omission and cancellation of those deceased or who have moved)
- an efficient, effective and timely system of adjudication is in place and functioning
- a significant proportion of eligible citizens actually register to vote
- there is general public acceptance of the registration process.

3.6 Civic education and voter information

Successful elections depend on four pillars: political will, successful negotiation of political decisions; technical implementing capacity; and information and communication. Deficiency in any one of these areas increases the risk of a failed election. The communications approach must be deliberate and based on best principles.

While civic education activities fall under many of the other areas in which elections assistance should be planned, the significance of an informed public to the credibility and acceptance of the entire system requires special attention. The successful and timely education of the public on the process supports a feeling of transparency (although it should also stimulate public discussion). Civic education activities cannot be disjoint; messages must be few, clear and unconfusing to each target audience. There should be no confusion created by different or conflicting messages. Civic education programs must cover the entire nation at a minimal cost. Civic education is the joint responsibility of the government, the business community, political parties and the NGO sector.

In most democracies, civic education is an integral part of the school curriculum. In Cambodia, however, the educational system is in total disarray and basic education is wanting, devoid of any semblance of civic education. UNTAC's voter education program for the 1993 election has been characterized as extraordinarily successful, both in terms of
resources and effects, but it was an extremely expensive and highly technological approach, including mass distribution of radios and creation and operation of a professional radio station. Such an approach is probably unrealistic for the coming elections both due to cost and technical feasibility. Civic education will, nonetheless, be necessary to inform the electorate about the processes and procedures surrounding the phases of elections planning and the election event, but it also is critical in creating an environment in which the values of democracy are understood and acted upon by the population. While NGOs (including political parties, business and civic organizations and the media) can contribute significantly in these areas, the government also has an obligation to play a role stimulating activity, through non-partisan civic education programs, to promote democratic values among the adult population.

The donor community will need to stimulate civic education activities of indigenous NGOs through some operational and program support. In place of the Radio UNTAC approach with broad media coverage in the last election, civic education in this election will, to a large extent most likely depend on locally-based training programs with some supplemental media support.

Communications theory and experience tell us that civic education messages must be targeted (both geographically and to specific audiences) and coordinated so as not to create confusion. Messages will be in four phases: general information on the upcoming election and why it is important (to counter any tendency of voter apathy prior to the registration process); information on voter registration (who is eligible to register, how and when to register, how to deal with disputes related to registration); information on the mechanics of voting (secrecy of the ballot, when and how to vote; how to deal with disputes related to voting); and, how to decide for whom to vote. Throughout this process, there must also be clear messages informing the public of the procedures being used to develop the electoral system. Consistent with communications theory and practice, it will be important to test messages to assure that the intended content is consistent with the message taken away by the target audience.

International assistance to the RCG for developing civic education and voter information should include:

- technical assistance related to market segmenting, message development and communications strategies
- long-term advisors for civic communications
- limited commodity support (paper, ink, etc.)

Donor support for NGO civic education and voter information programs include:

- coordination of NGO civic education programs
- convening meetings of NGOs involved in civic and voter education to discuss collaboration and common approaches
- technical support for developing a political IEC strategy including technical assistance related to market segmenting, message development and communications strategies
- limited commodity support (paper, ink, etc.)
- limited operational support.

Successful implementation of donor assistance in the political IEC process will lead to outcomes including:

- existence of a political information, education and communication strategy in the public and private sectors
- regular meetings of NGOs to coordinate IEC activities
- delivery of donor-supported messages on schedule
- message recognition in targeted segments of the population
- message comprehension in targeted segments of the population
- general acceptance of the overall approach to elections planning and implementation leading up to the elections.

3.7 Candidates, political parties and political organization

Article 25 of the Covenant on Civil and Political Rights establishes the right of every citizen, without discrimination, to take part in the conduct of public affairs, to be elected, and to have equal access to public service in his or her country. These rights are not absolute, however, and may be subject to a variety of reasonable limitations. For example, an individual may, as a result of the country’s electoral system, only be able to present a candidacy through a recognized political party. Threshold requirements may also limit representation possibilities of small parties which do not win a certain percentage of the vote. Registration requirements can hinder the establishment of new parties, as was seen in the case of the Khmer National Party in Cambodia. Political organization can be hindered by government denial of access to state media and intimidation. It is important that the parties be clearly distinct from the government. Legal restrictions may be placed on the candidature of individuals. For example, Article 34 of the Cambodian constitution requires that candidates be at least 25 years of age. In addition, some classes of individuals such as judges or civil servants, might be restricted from competing for positions, but these restrictions must be transparent. To address these issues, the donor community should support private, non-profit monitoring organizations to engage in citizen education and oversight, reporting irregularities so that they can be corrected quickly. In addition, donors may choose to support development of political parties and training of local elections officials.

To assist in creating a positive environment for the creation and registration of political parties, donor assistance to the RCG could include

- technical assistance in developing criteria and implementing regulations governing
party creation and registration
- technical assistance in establishing adjudication procedures and mechanisms
- provision of a long-term internationally recognized jurist to be part of the appeals process
- provide communications technical assistance to inform the public about general requirements to form a political party and to be a member of political parties without reprisal.

Donor support outside of the government to stimulate the environment for uncomplicated and transparent creation of political parties will include support directly to political parties and to politically-active NGOs. Support to political parties by USAID cannot be such that it would affect the ultimate outcome of elections, so there cannot be a discrimination in access to such support among non-violent parties participating in the process. Donor support to civil society could include:

- non-partisan party training in establishing platforms, organizing, conducting a campaign
- civil society strengthening
- promote, monitor and audit the party creation and registration process
- provide civic education party development, on how and when to register if a person wants to compete a position, and on how to appeal a decision.

Successful donor assistance in the area of developing the political party environment should lead to the following outcomes:

- clear criteria for creating and registering political parties
- a transparent party registration process
- multi-party contesting of the elections
- minimum public discontent with the party creation process
- an efficient, effective and punctual adjudication of disputes and irregularities surrounding the party registration process
- parties have platforms
- all major parties have effective local party structures
- internal functioning of parties is democratic
- parties represent constituents in demographic mix
- parties represent constituents views and advocate for them.

3.8 Electoral campaigns

Systems and legal guarantees are only a part of the equation that produces a free and fair election. The rule of law must permeate the pre-electoral period, the election event, and the post-electoral resolution of any electoral issues. A successful election depends on much more than what happens during the election event. The entire process must enjoy the
public's confidence and belief that it was transparent and fair. This includes preliminary issues such as the nature of the electoral system, voter entitlement, voter registration, party organization and civic education.

The conduct of the campaign brings forward issues of fundamental human rights and obligations of the state. Article 2 of the 1966 Covenant on Civil and Political Rights notes that rights must be respected and ensured for all individuals regardless of, among other things, political or other opinion. Freedom of movement, assembly, association and expression must be respected throughout the election period. All parties must conduct their activities within the law. Political parties and special interest groups must not be subjected to arbitrary and unnecessary restrictions in regard to access to the media or generally in regard to their freedom to communicate their views. Parties, candidates and supporters must enjoy equal security. Voters must be able to cast ballots freely, without fear or intimidation. The secrecy of the ballot must be maintained. The overall conduct of the election must be such that it avoids fraud and illegality. No legal or administrative obstacle should stand in the way of unimpeded access to the media on a non-discriminatory basis for all political groupings and individuals wishing to participate in the electoral process [1990 CSCE Copenhagen Document, para. 7.8].

Access to the media is an issue in Cambodia. Article 36 of the UN Electoral Law for Cambodia stipulated that to ensure fair access to the media for all political parties contesting the election, all newspapers and broadcasting media controlled by public authorities should be made available to the UN at no cost, for the purpose of publicity and electoral education. UNTAC resisted attempts to block access. UNTAC also organized special television panels at which parties were able to air their policies. In addition, Radio UNTAC transmitted 15 hours a day and made time available on an equal basis to all parties contesting the election. Without UNTAC, media access will be of concern in the upcoming elections. The two media issues are access and balanced coverage.

Article 7 of the Elections Annex to the Comprehensive Settlement Agreement provided that 'adherence to a Code of Conduct established by UNTAC in consultation with the SNC will be a condition for ... participation' in the elections. This code laid down the basic campaign freedoms to be enjoyed by all parties, but also repeatedly stressed the prohibition of intimidation, violence and possession of weapons at political meetings. The parties agreed to advise UNTAC of planned rallies and, in cooperation and liaison with the UN, to avoid coinciding with meetings by other parties. The parties also undertook, in effect, to educate their supporters in the meaning of democracy, for example, by emphasizing the secrecy of the ballot and that no one will ever know how an individual has voted. Perhaps the most important element in the Code of Conduct was an arrangement that all parties should meet at least once every two weeks with the UN Chief Electoral Officer, to discuss any matters of concern arising in the campaign. By thus establishing a regular channel of communication between the parties, the UN was able to anticipate and avoid incidents and misunderstandings that might otherwise have led to violence. Codes of conduct agreed to by all the competing parties are increasingly being accepted in potentially tense situations as a practical basis for
contributing to a peaceful election. In the longer term, they may also help to develop confidence in the democratic process as a mechanism for implementing representative government and effecting peaceful change.

International observers are also a feature of many third world elections. The access of international observers to elections is not based in international law, but rather on practice. The roles of international observers in transition situations should not be so much a verification exercise as a facilitation of the growth of democracy and the strengthening of national institutions. Few elections in situations of transition allow for clear 'fair/not fair' determinations. The international observer's role is to pinpoint egregious violations of election rights, but also to keep these in context and to indicate how and where improvements can be made.

The donor response to promoting a positive campaign environment should be to support elections monitoring by both indigenous and international organizations and training for party officials and candidates, police and military (since USAID does not provide training to the military, military training would need to be undertaken by another donor, or by the Department of Defense; a police training waiver is in process).

Donor assistance to the RCG could include:

- training of elections workers, party officials, candidates, police and military
- provision of an internationally respected jurist to participate in adjudication of disputes and irregularities
- direct technical assistance to strengthen institutions necessary for the rule of law.

Assistance to NGOs and political parties could encompass:

- models of Codes of Conduct for political parties, as requested
- political party training
- mediation services among parties in developing acceptable code of conduct
- support for international monitors
- limited operational support for indigenous elections monitoring organizations
- program support for indigenous elections monitoring organizations.

Outcomes expected from a successful donor assistance program in this area include:

- relative equality of media access by competing parties
- relative balance in media coverage and reporting
- violence addressed in a transparent, impartial, fair and rapid manner
- irregularities addressed in a transparent, impartial, fair and rapid manner
- a code of conduct agreed to by competing political parties
- national acceptance of the environment as conducive to free and fair elections
- indigenous oversight of the entire campaign period

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- enhanced indigenous capacity to oversee an election process.
- international oversight of the electoral event
- internationally-supported growth of elections-related institutions
- no major opposition party boycotts the elections.

3.9 Balloting, monitoring and results

The fundamental rules relating to the exercise of electoral rights center on non-discrimination, access to the poll and the act of voting, equal and universal suffrage, secret ballot and guarantees that the results of the vote shall reflect the free expression and the will of the electors. The actual process of balloting deserves particular attention. There are questions which must be answered regarding the location of polling stations and their accessibility for the population; the presence of competent officials, versed in the procedure; the presence of party representatives; secrecy of the act of voting and the security of the ballot box; the integrity of the counting process and its translation into a genuine political result. Technical procedures related to balloting must be well defined including the organization and management of voting, including the opening and closing of polling stations at stated times; the arrangement of booths and the orderly movement of voters; the identification and verification of voters (hence the importance of a credible registration system); an established procedure for objection and challenge; the issue of ballot papers to recognized voters; the marking of ballot papers out of sight of officials or other electors; the deposit of marked ballots; and, in the absence of other sufficient guarantees, the identification of voters, for example with indelible ink, in order to prevent double voting. The counting process requires measures to ensure that ballot boxes are empty before voting begins, that they are secure when polling stations are closed, or during any period of transit. Parallel voting tabulation has proven valuable as a means of independently verifying the results reported by electoral authorities.

Support in this area is for the election event. The organization of election day (or week as in the case of the last national elections) is high-visibility and the way that voting takes place and the handling of ballots, the count, etc. are the basis from which many make the judgment as to whether the elections were free and fair. Donors will need to provide significant support in this area, both to adequately support the logistics of the election and also to support sufficient oversight to keep irregularities in check. Here, donors will need to supply commodities, perhaps provide technical support staff, and also support external oversight of the process.

Donor assistance to the RCG could include:

- direct assistance on technical aspects of the election (organization and management of voting, voter verification, location of polling stations, their accessibility, staffing, ballot and ballot box security, approaches to assure the integrity of the counting system and adjudication)
- training of elections officials and poll workers
- limited staff support
- limited transportation support
- limited communications support
- material support directly related to the election (paper, ink, indelible ink, tables, chairs, ballot boxes, etc.)
- technical support for IEC effort aimed at informing voters of the procedures for voting and for resolving disputes and irregularities.

International assistance to NGOs and political parties with respect to this area is related to oversight of the actual election event, so it would be different from longer-term NGO assistance in the context of elections. Given the high number of volunteers to be accommodated surrounding the election event, relatively more operations support might be provided for this set of activities than for other NGO-implemented activities. NGO and political party support could include:

- transportation for oversight support
- external monitors
- operations and program support for indigenous elections monitoring programs
- communications support for monitors
- logistical support for monitors
- technical support staff
- technical support for IEC effort aimed at informing voters of the procedures for voting and for resolving disputes and irregularities.

Successful assistance related to assistance for the election event would produce:

- public awareness of the procedures for voting and dealing with obstacles to voting and irregularities
- presence of indigenous, international and party observers at most polling places
- smooth flow of voters through the polls on election day
- minimal impediments to voting
- a significant portion of registered voters actually voting
- charges of irregularities deal with in a transparent, impartial, fair, and rapid manner
- a counting of ballots which is perceived as transparent and fair
- public acceptance of the electoral event as conducted in a free and fair manner.

3.10 Complaints and dispute resolution

A free and fair electoral system must be able to deal promptly and effectively with the different types of complaint that will inevitably arise. These might include refusal of the right to stand as a candidate or to vote, attempts to suppress voter turn-out, alleged misinterpretations of the electoral laws or procedures, alleged violations of the criminal law,
disputes regarding the accuracy of the count, or claims that the cumulative effect of such irregularities is so extensive as to invalidate the elections. Generally at issue is either the validity of the election result or the penalization of those who have violated electoral or criminal laws. The integrity of the system requires not only that such issues be dealt with by an independent and impartial authority, such as the electoral commission or the courts, but also that decisions be reached in a timely manner, in order that the outcome of the election not be delayed. The availability of such procedures must be open and known to the electorate and the parties. At the formal level, what is important is not so much the sanction imposed, but the timeliness of the response. In the case of violence or intimidation, for example, what is needed is a prompt reaction, in order that continuing disturbances not interfere with the elector’s essential freedom to choose.

The international community can assist the adjudication arm of the electoral system with training, technical assistance and limited material support. In some countries where the judicial system is weak and not credible, an international jurist has been appointed by the government as having final jurisdiction in any electoral dispute; this might be an approach worth discussing with the Cambodian government.

Donors could provide the following types of assistance to the RCG to build the capacity of the elections dispute system:

- technical assistance in establishing adjudication system
- technical support for developing an IEC campaign aimed at informing the public about how to deal with disputes and potential irregularities
- training for adjudication bodies in electoral law and precedent
- targeted technical assistance to the adjudication system
- limited material support in relation to other assistance
- internationally respected jurist(s) as key personnel in the adjudication system.

External support for NGOs and political parties would include:

- technical support for IEC effort aimed at informing voters of the procedures for resolving electoral disputes and irregularities.
- training in electoral law and precedent
- training on issues in elections dispute resolution
- limited operations support for adjudication monitoring activities
- program support for adjudication monitoring activities.

Outcomes of donor assistance in helping develop and implement the dispute resolution system include:

- functioning adjudication system which disposes of cases in timely manner
- decisions in adjudication system based on electoral law and precedent
- public knowledge of how to gain access to the electoral adjudication system
- public knowledge of the general procedures to be followed in the electoral adjudication system
- number of votes spoiled is minimal
- parallel vote counts in select areas confirm official counts
- general public acceptance of the adjudication system as fair, timely, impartial and just.

3.11 Security

While not listed as an explicit constituent element of free and fair elections by Goodwin-Gill, the lack of a secure environment -- for individual citizens and for candidates, party organizations and NGOs involved in the elections process -- throughout the election process is another area of key concern for donors. Unless the election result -- that is the entire process as well as the totalling of the ballots -- reflects the expression of the will of all eligible voters who chose to exercise their franchise, the election cannot be viewed as genuine. The security climate must minimize acts of intimidation, violence, or any other illegal acts which are designed to unfairly influence the outcome of the election. Citizens must feel free to express their opinions, join political organizations, compete in the elections, and campaign freely.

Security in the UNTAC election was assured by the multi-national UNTAC peacekeeping forces stationed in Cambodia throughout the pre-election period and by well-trained elections workers. Both indigenous and international observers were present in much of Cambodia to provide an oversight function. Such an extensive donor security response is neither feasible nor desirable for the upcoming elections since budgets would not permit and the goal of elections assistance is to develop an indigenous capacity to handle all aspects of elections, including security.

There are three security concerns related to election: protection of the right of citizens and candidates to speak freely, participate in political events, and campaign; security of the ballot boxes, ballots and assuring that citizens can vote in private without being intimidated or impeded; and, the possibility of a political and/or military action -- by defeated parties or by the military or police -- which might result from an outcome which is viewed by these organizations as unacceptable. As noted earlier, one proposal to deal with impartiality of the military has been to place the police and military under the king during the elections period. Another proposal is to disenfranchise soldiers. Neither of these alone, nor the two combined, seem sufficient to ensure security for all aspects of the elections process. There will need to be significant training for those who will serve roles related to preserving the rule of law during the elections period. Likewise, external monitors will remain essential not only to observe the process, but also to train local enforcement officials. Some foreign experts might be stationed with the police and or the military to help assure transparency and fairness in security approaches. Donors might also provide training to the police and military forces in human rights, elections law and procedures, and military-civil relations.
Donor support to the RCG to enhance the security environment could include:

- training for military and security personnel
- technical assistance to identify security staffing, logistic and training issues
- technical assistance for security planning, in particular with respect to assuring that voter registration points and polling stations are guarded; the storage, distribution and movement of election equipment and materials is secure; if polling proceeds over several days, election materials are secured overnight; and, procedures exist for dealing with security emergencies such as rioting, attacks on voters at polling stations, etc.
- expatriate technical expertise for military and police, as appropriate
- support for analysis of reported incidents of irregularities, violations to identify areas where repeated incidents are occurring.
- technical support for developing an IEC strategy for training the population in civic and political rights
- limited operational and program support for implementing civic and political rights IEC activities.

Assistance to NGOs and parties from the donors could include:

- external monitors
- external security forces
- limited operational support elections monitoring activities
- program support for elections monitoring activities
- technical support for developing an IEC strategy for training the population in civic and political rights
- limited operational support for implementing the civic and political rights IEC activities
- program support for implementing the civic and political rights IEC activities
- elections monitoring activities
- support for analysis of reported incidents of irregularities, violations to identify areas where repeated incidents occur
- support for public defenders activities related to elections disputes.

As a result of successful implementation of such security assistance activities, donors can expect the following outcomes:

- citizens are able to identify their civic and political rights as related to the elections process
- citizens can recognize abuses of citizens civic and political rights in the elections process
- citizens can identify how to gain access to the appropriate adjudication system for violations of their civic and political rights
- citizens have a basic understanding of the way the adjudication system works
- citizens have access to a public defender to help them protect their civic and political rights
- citizens and candidates are able to speak freely, participate in political events, and campaign
- ballots and ballot boxes remain secure
- citizens are able to vote in private without being intimidated or impeded
- all political parties and factions accept the final announced outcome of the election.

3.12 Menu of Possible Donor Elections Assistance Activities

Based on the analysis, a menu evolves for possible donor elections assistance in technical assistance, training, commodity support and operational support. Assistance to the government would most likely be among the following categorizations:

**Technical assistance** to support:

- the drafting of a new electoral law and development of an electoral system
- the provision of model electoral laws and systems from other countries
- development of realistic timetables, requirements and budgets for logistics planning and preparation of a comparison of various options based on cost and ease of implementation
- to develop and implement a comprehensive communications covering all aspects of the development and implementation of the electoral system
- the development and implementation of a quasi-census
- the development of district maps, descriptions, etc.
- the development and implementation of an electoral commission
- elections management
- the development and implementation of a voter registration system
- the presence of internationally respected advisors at the electoral system
- the presence of internationally respected advisors in the adjudication system
- the drafting of a nationality law
- an examination of proposals to disenfranchise classes of citizens
- the development of a transparent, efficient, effective and timely system of adjudication and appeal
- targeted technical assistance to the adjudication system
- clarification of criteria and implementing regulations governing party creation and registration
- institutional strengthening in those institutions necessary to support the rule of law
- smooth technical implementation of the election (organization and management of voting, voter verification, location of polling stations, accessibility, staffing, ballot and ballot box security, approaches to assure the integrity of the counting system, adjudication)
identification of security staffing, logistic and training issues
- expatriate technical expertise for military and police forces, as appropriate
- support for analysis of incidents of violence and irregularities to identify patterns which should be addressed.

**Training** of the following groups:

- elections officials through participation in official monitoring of elections in other countries
- poll workers and elections officials
- voter registration officials
- adjudication officials
- police
- military
- communications workers.

**Limited commodity support** such as:

- analytic tools for analysis of quasi-census
- basic equipment for the electoral commission
- basic materials for voter education materials (such as paper, ink, etc.)
- election materials (paper, ink, indelible ink, tables, chairs, ballot boxes, privacy screens, etc.)
- basic equipment for the adjudications system.

**Operational support** might be provided to:

- carry out the logistics of the election event (transportation, communications, staffing)
- assure the analysis of reported incidents of irregularities and violations to identify areas where patterns are developing
- assist in carrying out a comprehensive elections communications strategy.

Outside of government channels, donor assistance will be to *NGOs and political parties*. This assistance would include:

**Technical assistance** to:

- develop advocacy efforts related to all aspects of the development and implementing the electoral system
- develop a political IEC strategy including technical assistance for market segmentation, message development and testing, and communications strategies
- review laws and issues related to nationality laws and possible issues in implementation of various approaches
- review laws and issues related to disenfranchising of various classes of citizens
- coordinate programs across NGOs
- arrange meetings among donors and between donors and the RCG to discuss collaboration and common approaches and issues
- examine model codes of conduct for political parties
- mediate differences among parties.

Training of:

- of political parties to help establish platforms, improve organizing, develop effective campaign strategies
- of NGO staff in electoral law, precedent, issues and dispute resolution
- of NGO and party staff on effective communications strategies and approaches.

Operational support for:

- monitoring and auditing the voter registration process
- civic education and political IEC activities
- monitoring and auditing the party creation and registration process
- international monitors
- indigenous elections monitoring organizations
- transportation and communications for programs directly related to the election event
- logistical support for elections monitors
- adjudication monitoring activities
- external security forces
- analysis of reported incidents, irregularities and violations to identify emerging patterns
- public defenders to become engaged in election disputes.

Very limited commodity support might be provided in the form of:

- civic education and political IEC materials
- basic office supplies and equipment.

4. USAID's Areas of Comparative Advantage

Among the items on this menu of potential donor elections assistance, USAID is unique in its support for a strong civil society education, IEC and oversight role in elections. USAID’s long-term capacity building exercises place it in a position to work on institutional development with indigenous NGOs. USAID has also had great success in developing local elections monitoring capacity. These activities should probably be of the greatest interest to USAID. If the election environment should remain uncertain, with delay of an elections law,
delay in requests for elections assistance from the RCG, and a general malaise with respect
to progress, USAID should focus in this area.

If the elections environment does not deteriorate, and an election law is promulgated
and a formal request is received from the RCG, then USAID should consider some limited
direct assistance to the RCG to help improve the logistical preparations for the elections.
USAID could also provide limited material support for the election event if such assistance
were needed to fill critical gaps (preferably in the context of a UNDP-coordinated program).

If the elections environment improves considerably, with open communications and
apparent transparency, the USAID should consider increasing assistance to the RCG, as
necessary, to address the RCG’s most urgent needs related to elections planning and
implementation.

In each scenario, USAID should focus on capacity building as the primary goal,
choosing a capacity-building and appropriate technology approach over a high-tech approach.

5. Donor Coordination

5.1 Current Donor Coordination Efforts

A coordinated approach among donors and with the RCG is recommended. This
would enhance channels of communication and would minimize possible duplication of
activity or contradictory approaches. It is important to recognize that the RCG has carrying
capacity issues, but to the maximum extent possible the program should follow the lead of
the RCG. Realistically, however, it is important to note that there are efficiency and
effectiveness issues in the government (which, for example, might delay delivery of ballot
boxes and/or ballots or the registration of candidates -- even without implicit "meddling" to
affect the outcome of the election), so there will need to be watchdog activities to ensure that
the credibility of the process is not undermined. Given the need for broad national coverage,
indigenous groups will need to serve this oversight function. NGOs whose mandate includes
elections monitoring will need to play an active role in assuring that irregularities are
addressed.

Western donors have already organized in an 'informal group' which has met on
occasion with representatives of the RCG to discuss elections assistance and the role of the
international community in elections assistance. Donor meetings have been at two levels, the
Ambassadorial level (including the Ambassadors from all countries wishing to participate)
and a technical level (including representatives from countries which are planning to provide
direct assistance to the electoral process). At present, no formal request for assistance has
been issued by the RCG. No Ambassadors from Asian countries have yet joined the
informal group.

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5.2 The Possibility of a UN Coordination Role for Upcoming Elections

UNDP has been informally asked by representatives of the 'informal group' to obtain guidance from New York as to whether it could serve in a coordinating role for donor assistance for a Cambodian-organized local election in 1997 and constituent assembly election in 1998. UN elections support has been a point of considerable debate in the donor community and prior approval is required before elections support can be provided. There remains opposition within the UN to any involvement in elections; for example, China, Cuba and Colombia all opposed the UN's involvement in the 12/90 Haiti elections as a violation of article 2(7) of the UN Charter and many governments continue to insist that there is no 'universal need for the United Nations to provide electoral assistance' [see UNGA res. 48/124, 10 Dec. 1993, para. 4]. Informal indications thus far from New York are that there would be a favorable response to the request of the government for elections assistance. The Secretary General has indicated that elections assistance remains "an exceptional activity of the Organization" and a positive response to a request for elections assistance must meet four criteria:\[4\]: it must pertain to situations with a clear international dimension; the UN must be involved in monitoring of the entire election process; UN involvement must have broad public support; and, approval must be obtained from the competent UN organ. UN elections assistance is, by policy, technical and non-political in nature.

Clearly UN involvement in the upcoming Cambodia election would meet the criterion of a clear international dimension because Cambodia, as a country in transition, will require significant external support if it is to conduct successful free and fair elections and because the international community already has a significant investment in Cambodia, specifically to support the political development of the country. Agreements with the Cambodian government will determine if the UN would be permitted to monitor the entire election process. The criterion of broad public support appears to be no problem in the Cambodian context, but a joint assessment would need to verify this fact.

UN elections assistance can only be provided in response to a specific request from the government. UNGA resolution 48/131 requests that the UN attempt 'to ensure, before undertaking to provide electoral assistance ... that there is adequate time to organize and carry out an effective mission ... that conditions exist to allow a free and fair election and that provisions can be made for adequate and comprehensive reporting of the results of the mission.' It also recommends that 'in order to ensure the continuation and consolidation of the democratization process,' the UN should provide assistance both before and after elections. The request would be considered by the UN Electoral Assistance Unit (EAU) which would, in turn, delegate responsibility for providing assistance to the appropriate UN organ (in this case, UNDP/Cambodia). The UN's Center for Human Rights (through its field office in Phnom Penh) would be involved in the elections assistance package.

UNDP has incorporated the concept of good governance as an objective of its development philosophy and elections coordination is provided in the context of this overall UNDP objective. A UNDP coordinating role could take many forms, varying from a limited focus on the coordination of election observers or on developing a clearinghouse of assistance activities to actively designing and managing all elections assistance. The UN has had a checkered history of success in getting projects funded by other donors and, when funded, successfully implementing them in an effective, efficient manner, when donors are not integrally involved in the planning and program design. An approach which does not integrally involve the donors in the planning and design is probably not one which the US Mission should support. A useful, hybrid, role could be carved out for the UN somewhere between these two extreme types of involvement where, in the spirit of developing good governance, it convened meetings among the donors (most likely chaired by the Resident Coordinator) and between the donors and the RCG to jointly develop a needs assessment and then serve as a facilitator in a collective process to plan assistance approaches which permit each donor to provide according to its priorities and procedures (but in the context of a deliberate approach which explicitly addressed the need which were identified in the joint assessment and design). During the pre-election period and during the election event, UNDP could convene regular and necessary meetings of donors to help improve program coordination and to discuss significant political events which might interfere with the election process. In addition, on election day, the UN could coordinate activities of elections observers.

The objective of support during the pre-election period is to establish the necessary mechanisms for the conduct of free and fair elections; the over-arching goal of international involvement is in the context of developing good governance as part of the political development of Cambodia. In the pre-election period, while the tactics of assistance will involve achieving specific elections related outcomes, approaches should in each instance place high priority on developing Cambodian capacity to organize future elections with less or no external assistance and to promote democratic values. Deliberate focus should be placed on training local officials; offering appropriate, and not advanced, technology; supporting civic education; promoting the role of domestic monitoring groups; and, in the post-election period on developing follow-on programs which institutionalize participatory development and good governance. Focus should be both on the government, as provider of civic education and implementor of the election machinery, and on the NGO community for both civil education and oversight. In addition to coordinating donor assistance in these areas, the UN might also field observers to attend political rallies and oversee technical implementation of the registration and election process as an international verification of the process.

The goal of support for the election event is the free and fair conduct of the election and Activities which the UN could take around the election event include helping the RCG organize and implement the elections logistics while, at the same time, coordinating parallel checks and balances to assure the integrity of the system. This would include systems for establishing and setting up poll stations, assuring appropriate staffing at stations by trained
poll workers, delivering ballots and boxes to polling stations, the conduct of the vote, and then ballot tabulation and reporting as well as systems to assure the security of voters, polling stations and the ballots and boxes. As international monitors arrive, the UN could coordinate their activities for maximal coverage and efficiency by undertaking activities such as:

- briefing observers upon arrival in a country;
- arranging logistical support;
- coordinating the deployment of observers on election day;
- facilitating the collection and analysis of information gathered by observers; and,
- organizing a debriefing for observers after the elections where experiences are exchanged.

In addition, the UN might want to help the RCG plan safety measures surrounding the election event and directly sponsor a parallel vote tabulation to verify the accuracy of the vote count.

In the post-election period the UN focus on building on the election experience, with programs which further institutionalize participatory development and good governance.

Garber and Gibson noted three cautions related to UN involvement in election activities:

- first, the UN has not yet been involved in an election that required a specific negative evaluation; while one would not want to assume at this time that the Cambodian elections would not be successful, it is important to explicitly consider beforehand how the UN and the donor community would react to a negative election and how such a determination would be made
- second, the relationship between UN organs and NGOs in the election support would need to be clarified; there is considerable involvement in Cambodia by international (and local NGOs), and ideally the arrangement in Cambodia could be guided by the successful practice and experience gained at the EAU in constructive involvement of NGOs
- third, UN operations are not inexpensive and might require reallocation of funds and personnel from other priorities; it would be important to have a clear and realistic budget at the outset, with agreement among the donors and between the donors and the UN as to how the Cambodia coordination effort will be funded and at what cost to Cambodian development and human rights activities as well as to other UN programs outside of Cambodia. In general, country coordination efforts are funded to a significant extent from UN country IPFs (indicative planning figures) -- the UN

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country program budget.

While a specific budget would need to be prepared for UNDP Cambodian elections coordination activities, it may be useful, for reference, to review the cost and scope of other UNDP coordination efforts. The cost (in U.S. dollars) of the UNDP coordination efforts for the 1992 Kenya election was $52,317. The scope of UNDP involvement was narrow. The UN team consisted of one EAU staff and three consultants (two of which were provided by the Canadian government). Sweden and France reimbursed $15,000 of the total UNDP coordination cost.

For the 1993 Lesotho election, the UNDP coordination cost was $50,000 (although it is important to note that this figure significantly underestimates the overall UNDP assistance in Lesotho which forwarded the election agenda. Here the UNDP role included coordinating donor contributions, assisting the chief electoral officer (a Trinidadian), helping create and fund and umbrella NGO council, providing five vehicles and interpreters, briefing observer groups, and preparing a security plan for observers.

In the Burundi 1993 election, the cost of the UNDP coordination effort for the 1993 election was estimated at $200,000. This is additional to $400,000 provided to UNDP by the Swedish government for two consultants, training and electoral materials. UNDP and the Resident coordinator played an active role in this election. The Resident Coordinator helped solicit and rationalize $6 million of overall donor technical and material assistance for the election. In addition to donor coordination efforts, the UN coordinated international monitoring efforts.

UNDP coordination of the 1993 Malawi election was estimated to cost $393,000 (although this clearly underestimates the true cost since many senior UNDP staff in Malawi devoted near full-time to this effort in the six month period leading up to the election). This is a case where UNDP was highly involved, and where the elections assessment provided clear criteria for UN involvement (including postponing the referendum because of the short timeframe, use of a single ballot box, and inclusion of particular groups on the electoral commission. (Although only the first of these was directly address before UN involvement, and this in response to a request from the Secretary General.) Under UNDP auspices, observers oversaw the registration and polling process. Six missions to Malawi were sponsored by UNDP and the entire UN system provided inputs to the process.

If the RCG requests that the UN coordinate donor assistance for the upcoming elections, the donor community should review the signals being sent by the RCG with respect to elections and develop a coordinated approach to responding to the request depending on the electoral environment. It should be made clear to the RCG what expectations exist for various levels and types of support. The menu developed for engagement can also serve as a starting point for discussions of exist strategies. There should be a menu of options for exiting from the electoral process if it should disintegrate agreed upon by the donors. This menu needs to be clear in advance so that sunk investments in the process would not cloud
consideration of the need to exit (although it would, in effect, set absolute minimum standards below which potential disrupters of the election could not go and would implicitly condone acts of intimidation and other activities which did not cross the line).

The donor community should also identify its standards for evaluating the success of the UN coordination activity prior to its commencement, so as to provide clear signals of what is being sought and to help clarify priorities. Evaluation of the technical aspects of coordination can be undertaken by a review of the degree to which identified needs were met, and the efficiency and effectiveness of these activities in meeting those specific needs. At a higher level, evaluation would focus on how achieving these needs affected the overall process of the election and if Cambodia's capacity to conduct free and fair elections in the future was enhanced. Finally, the degree to which the UN coordination effort assisted the achievement of free and fair elections would need to be evaluated at a political level.

5.3 Potential for Collaboration under the U.S.-Japan Common Agenda

A new initiative has been proposed under the U.S.-Japan Common Agenda in the area of "Civil Society and Democratization." This proposal is still in its formative stages, however there has been discussion in Washington and Tokyo on beginning cooperation in this area in Cambodia in the context of elections. While it is not immediately clear that a collaborative programming approach will be able to be negotiated between our two governments, such collaboration could prove highly beneficial for Cambodia because it would help clarify joint U.S.-Japanese priorities for Cambodia and would, at the same time, lead to maximum impact at minimum cost in elections assistance programming. Developing a collaboration agenda promises to be a challenge, both for the Common Agenda and for USAID.

The U.S. and Japanese concepts of assistance to democracy differ in some respects. However, based on recent discussions between our two governments, collaboration now seems to be possibility. In 1995, Japan began tapping its budget for emergency assistance to support democratization in developing countries. This resulted in contributions to the UN Trust Fund for Electoral Assistance (in May, for local elections in Haiti) and to the Government of Tanzania for presidential and parliamentary elections. Japan is now increasing its work with and through non-governmental organizations (NGOs).

In refining the proposal for this initiative, interested USAID parties agreed that the initiative needed to be carefully focussed on countries where mutual interest and the desire for collaboration were high. Because of Japan's heightened interest in them, USAID has proposed that Cambodia and Peru serve as the two countries used to launch the initiative. The initial approach proposed is to develop a collaborative approach to strengthening civil society in the context of the upcoming Cambodian elections. Once activities in Cambodia are underway, the next step proposed for democracy and governance Common Agenda collaboration would be to explore collaboration on strengthening civil society in relation to
improving local governance in Peru.

Cambodia was cited at an earlier stage of Common Agenda discussions as a possible focus for collaboration on support to countries emerging from crises. The U.S. and Japan have already contributed significant economic assistance to Cambodia, as well as focusing intense diplomatic efforts there, following the 1991 Paris peace accord. We hope to build on the positive collaboration which has already been established between the U.S. and Japan to help Cambodia’s democratic transition.

As a country early in its transition from authoritarian to democratic governance, Cambodia offers an opportunity for the political elite to seek a new consensus for a more open political system. There has already been significant political liberalization since the withdrawal of UN peacekeeping forces in 1993. With local elections announced for 1997 and national elections announced for 1998, there is a unique opportunity for civic advocacy organizations to expand their education of citizens in the context of these upcoming elections and mobilize public support for fundamental political reform. But these organizations must act with vigor and speed since events in Cambodia are moving rapidly. There is a need for nascent civic advocacy organizations to engage in a wide range of labor intensive voter education and registration programs so that the process can be guided in a transparent manner toward free and fair elections. These organizations may also need to engage in monitoring and even participating in election administration, given the lack of institutional infrastructure in Cambodia.

In addition there is a need to build a network of support for fundamental political reform beyond the small cadre of activist organizations already in existence, particularly beyond Phnom Penh. These may include labor or women’s organizations, student unions, professional associations, etc. at both the local and national levels. Finally, there is a need to help the Royal Cambodian Government create a more favorable enabling environment to enhance the growth, autonomy and contributions of civic advocacy organizations in general. There is no legal framework for NGOs in Cambodia and the mechanisms for interaction between NGOs and the state, both at the national and at the local level, need clarification and improvement.

6. Recommended Plan of Action for USAID

It is recommended that USAID seek active donor collaboration and, to provide for a neutral and impartial locus for donor coordination efforts, that USAID seek to gain approval for UNDP as donor coordinator. The desired approach would place an elections assistance unit in the Phnom Penh UNDP offices. This would be staffed by professional staff from the EAU. UNDP’s role would be limited to serving as a clearinghouse for donor programs, a convener of donor meetings, and a service delivery mechanism to meet critical assistance needs which are not being met by any other donor.
First steps toward this approach will require a technical needs assessment, conducted as a multi-donor effort to identify needs and priorities for elections assistance. Donors could then determine which bilateral and joint programs fit with their mandates and abilities, and UNDP would identify priority needs which are not being addressed, with a goal of either having a bilateral donor address the need, or determine funding mechanisms under which the UNDP assistance unit could provide the assistance directly.

It is recommended that as an immediate next step, USAID seek Embassy and Washington permission to pursue a joint electoral assessment in Cambodia, preferably under the auspices of the United Nations’ Elections Assistance Unit (EAU) attached to the Secretary General’s office, with logistical support provided by UNDP/Cambodia.

If this approach is not pursued either because the RCG does not provide the proscribed request, or because donors, through the UN cannot agree upon the approach, then it is recommended that USAID undertake direct support for NGOs to carry out a massive political information, education and communication (IEC) program to inform voters about the elections process, how to participate, how to appeal decisions and address irregularities in the process. In addition, it is recommended that USAID support capacity building efforts of indigenous elections monitoring organizations to develop a nationwide elections monitoring program. Limited technical support might be provided to the elections commission or other implementing organization, particularly training of elections workers, but without an agreement on overall approach by donors, it is likely that there would overlapping and inconsistent assistance of this sort, so such approaches should be minimal and only to address specific targets of opportunity which have significant probability of positively affecting the elections environment.

If a joint assessment is conducted, then it is recommended that the donors, both in Phnom Penh and New York seek a UN coordinating role for the election, with an implementing unit at UNDP, probably headed by a technical expert from the UN’s EAU. The unit would be a clearinghouse for donor elections assistance activities and an appropriate convener could be identified for donor meetings to discuss needs, priorities, and collaborative approaches (including direct technical assistance from the EAU if this can’t be provided through other, bilateral channels). Elections assistance would continue to be bilateral in nature, but the UN role would be to assure that all priority needs are being met and to minimize overlap and confusion, especially in terms of mixed signals being sent to the Cambodians. A UN coordinating role would require a formal request from the RCG and a determination that the conditions in Cambodia are sufficiently positive so as to not overshadow the chances for a genuine election.

USAID’s elections support to Cambodia must be with a goal of Cambodia’s political development over time. Some type of assistance which Cambodia might need cannot be provided by USAID because of specific restrictions (like training the military, or supporting specific parties); for those areas which are not restricted, USAID experience provides a sound base from which to plan the USAID role. Large commodity drops have not been
related to success of elections. Within the context of the goal of helping Cambodia’s political development, the over-arching objective of elections assistance should be developing Cambodian capacity to manage the technical and political processes of elections in the future with international support diminishing over time. USAID’s comparative advantage is stimulating appropriate elections-related activities in civil society. Civic education and developing of an indigenous monitoring capacity should be USAID’s top priority in preparations for elections. In addition, if the requisite political will exists, appropriate levels of direct assistance to the elections oversight and implementing bodies should be considered.

6.1 USG Coordination and Considerations

Development and execution of USAID’s elections assistance strategy must be in close coordination with the Political Counselor at the Embassy and the Public Affairs Officer. Some activities are prohibited for USAID, such as military training, so if the USG is involved in these activities they will be managed elsewhere in the Embassy. Care should be taken to assure that messages delivered in training is consistent across all USG-sponsored programs.

Before the USG concurs with providing assistance in the context of a UN-coordinated effort, there should be a clear understanding among the donor countries and also by the RCG of the scope of the activities expected of the UN in the coordination role. In addition, there should be clear guidance to the Resident Coordinator regarding his role in mediating controversies during the pre-election period (including instructions to actively assure that it be clear that this role does no include making any post-election assessment regarding the election) and the relationship between the Resident Coordinator and the UNDP elections assistance program. Finally, there must be a clear exit strategy for the US so that the USG is not perceived to as continuing in a process which it believes does not meet the minimum standards for free and fair elections; ideally the US exit strategy would be consistent with the UN exit strategy.

6.2 Next Steps

If a UNDP coordinating role is envisioned, the next steps which will be required in the process, prior to actual implementation of assistance include:

- donor agreement on a UNDP coordination role
- development of method for donor meetings and decision-making
- request from RCG for UNDP coordination
- drafting of a scope of work for a joint assessment team (including, but not limited to consideration of the political environment; the viability of the electoral system and approaches being proposed; the potential for electoral manipulation; the specific requests for assistance from the RCG; the attitudes of opposition parties to UN and
other external roles in the elections; mechanisms for withdrawing if the situation deteriorates; capacity building potential of the assistance; and the long-term significance of a successful Cambodian election in the national and international context

- implementation of joint field assessment and determination of needs and priorities
- clear definition of and agreement with the role of the Resident Coordinator
- donor proposals of bilateral approaches to meet needs
- overall assessment of critical gaps and development of appropriate approaches to fill these gaps, either through bilateral programs or direct technical assistance from the elections assistance unit of the UN.
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USAID’s elections support to Cambodia must be with a goal of Cambodia’s political development over time. Some type of assistance which Cambodia might need cannot be provided by USAID because of specific restrictions (like training the military, or supporting specific parties); for those areas which are not restricted, USAID experience provides a sound base from which to plan the USAID role. Our experience shows that large commodity drops have not been related to successful institutionalization of capacity to conduct elections. Within the context of the goal of helping Cambodia’s political development, the over-arching objective of elections assistance should be developing Cambodian capacity to manage the technical and political processes of elections in the future with international support diminishing over time, and in ways that maximize the likelihood of the upcoming elections being conducted in a free and fair manner. USAID’s comparative advantage is not in transferring hardware and software to support elections. USAID procurement regulations are often in conflict with local needs and time sensitive purchases and deliveries are not USAID’s strong points. Rather, USAID has a much stronger competitive advantage in training and stimulating appropriate elections-related activities both in government and in civil society. Civic education related to elections and developing of an indigenous implementation and monitoring capacity should be USAID’s top programmatic priorities in preparations for elections. The amount and type of assistance will, however, be a function of the evolving political environment as the election date approaches. Assuming requisite political will, with the election environment remaining relatively open, USAID should seek a significant training and technical assistance role with both the RCG and the NGO sector.

In addition to programmatic focus, USAID must also remain cognizant of evolutions in the enabling environment for elections. At every appropriate opportunity, USAID and the Embassy should emphasize the importance of an open and transparent elections process, with open communication to the citizens. USAID should encourage active donor collaboration in elections assistance and policy dialogue. To provide for a neutral and impartial locus for donor coordination efforts, USAID/Cambodia should pursue agreement among donors and with the RCG to have UNDP or some other neutral party play a coordinating role for elections assistance (but not for actual management of the election). In addition, USAID/Cambodia and USAID/Washington should pursue with vigor assurances that elections assistance will be on the agenda for the upcoming CG meeting.

It is recommended that USAID/Cambodia seek Embassy and Washington permission to pursue a joint technical elections needs and priorities assessment, preferably under the auspices of the United Nations’ Elections Assistance Unit (EAU) attached to the Secretary General’s office, with logistical support provided by UNDP/Cambodia. This assessment would be led by a specialist from the EAU, with participation by technical representatives from countries with plans for significant elections assistance. The approval should include an approval for continuing with UNDP coordination (but maintaining separate, bilateral USAID programming), if appropriate.

The assessment would identify options how Cambodia’s elections might be carried out and identify logistical and resource requirements for each option. It would present a clear
menu of approaches and, for each, identify the necessary inputs to the process and estimate the overall cost. The RCG could then use the results of the assessment to realistically examine options for the elections and make decisions among the options based estimates of likely resource availability.

The results of this assessment would also be used by the donors to catalogue planned bilateral elections assistance in an overall framework of priority needs. Each donor could use this categorization to determine whether identified priority needs for the elections fit with its mandates and abilities and could be addressed under its bilateral assistance program. It would also provide a basis for donor discussions of programs and identification of critical unmet needs, which if unaddressed would raise tremendously the probability that the election would fail and for which there exist no bilateral assistance plans. The donors could then either agree on addressing the need through some bilateral mechanism or on funding approaches to have the need met with technical expertise from the EAU or other competent entity.

To pursue a joint elections assistance needs and priorities assessment, there will need to be agreement among the donors and with the RCG. This agreement must be reached as quickly as possible; ideally the results of such an assessment would be a necessary input for useful discussions at the CG on elections assistance coordination.

It is recommended that USAID/Cambodia actively seek Embassy concurrence with pursuing the addition of elections assistance to the CG agenda; and that, once concurrence is
received, a joint State/AID cable request Washington follow-up with the World Bank headquarters and USAID/Cambodia follow-up with the RCG.

The course of the pre-election period would follow one of the paths shown in Figure 1. The period between points A and P represent the time before an election law is passed. The three scenarios PX, PY and PZ represent the possibilities for the evolution of the elections environment once the law is promulgated as improving, a continuation of the relative status quo, or deterioration, respectively. The path from point A to point Q represents a scenario in which no election law is enacted and the environment for elections deteriorates significantly.

Clearly the next major milestone for the elections environment in Cambodia is the promulgation of an elections law. Without this law, the election methodology is left undefined and it is difficult to provide technical support to the process. In addition, the promulgation of an election law is a strong proxy indicator of the RCG's political will to conduct the election. While the enactment of the law does not guarantee strong political support, its absence does indicate a lack of commitment.

In the period before the election law is enacted (represented as line AP in Figure 1), USAID’s elections assistance objective should be to encourage an improvement of the environment, particularly the promulgation of a satisfactory election law. USAID assistance should be low-key and focused primarily on civil society and targets of opportunity within the RCG to directly affect the promulgation of the election law. The work with civil society should be limited and should support activities which raise elections awareness.

In an improving environment, with an open political space for parties to freely compete and campaign, where the government’s actions are transparent and supportive of free and fair elections, and where there is a rapid, fair response to incidents which might aim to put the elections process off track (represented as line PX in Figure 1), USAID’s assistance for elections should seek to build capacity in both the public and non-governmental sectors to competently, efficiently and effectively manage and implement a successful election. USAID should focus on technical capacity building activities in both the public and NGO sectors. USAID should undertake direct non-partisan support for NGOs and political parties, as appropriate, to carry out a political information, education and communication (IEC) program to inform voters about the elections process, how to participate, how to appeal decisions and address irregularities in the process. USAID should also support capacity building efforts of indigenous elections monitoring organizations to develop a nationwide elections monitoring program. Assistance to the government under this scenario would be expected to be significant. USAID should support training and technical assistance for the RCG to develop capacity both in communications and to successfully manage the entire election process in an open and transparent manner and implement the election event. Even in this most positive scenario, however, commodity support should be limited. USAID should assure that its assistance is consistent with and complimentary to that of other donors. As a positive gesture to the RCG in response to an opening of the electoral environment and political space, USAID should consider a direct grant to the independent elections commission as one mechanism for program implementation; such a grant would, of course,
need to be consistent with USAID accountability and monitoring requirements.

In a continuation scenario, where an elections law is promulgated and the elections environment does not degenerate, but also does not become more transparent (represented as line PY in Figure 1), the objective for USAID's election assistance would be to reinforce the positions of those elements of society who are pushing for a genuine election. USAID would be expected to have a modest elections assistance package which addresses both civil society and the government. USAID might work to a limited degree with the RCG to help it expand citizen awareness and civic education regarding the electoral process and to do some training of technicians in the electoral process and the expectations of their roles in the process (with a view that even if the election does not occur, relevant contacts within the government will have a better capacity to carry out future elections). Some IEC assistance would most likely be provided to the government and limited technical support to the elections commission or other implementing organizations. Direct assistance to the RCG under this scenario should still be very limited and only to address specific targets of opportunity which have significant probability of positively affecting the elections environment. Support for civil society IEC and monitor training should be moderate. Amounts channeled to NGOs and political parties should remain appropriate to the degree of openness in the electoral environment. USAID would want to maintain an equilibrium between NGO demand creation and government response so that the NGO community does not get too far out ahead of the government and risk severe negative repercussions.

In a deteriorating environment, with no electoral law before the CG, and unclear signals from the government (represented as line PZ in Figure 1), USAID's objective should be to stimulate improvements in the elections environment. In this case, USAID/Cambodia should follow a minimalist approach. USAID's objective in this scenario should be to improve the environment for elections (building primarily on targets of opportunity). USAID would most likely support advocacy to improve the environment and national IEC and monitoring through NGOs. This assistance should be in consultation with other donors through the UNDP coordination mechanisms.

If the elections environment deteriorates significantly -- with tolerance of systematic violence, no elections law and/or significant irregularities (represented as line AQ in Figure 1), USAID's primary objective should be to promote human rights monitoring surrounding abuses. USAID/Cambodia should seek Embassy concurrence to exit from elections assistance and to recommend that the UNDP coordination unit exit.

If a joint donor needs assessment does not materialize either because the RCG does not provide the prescribed request, or because donors cannot agree upon the approach, then USAID should pursue the course of action outlined above, maximizing contacts with other donors to the maximum extent possible and developing informal collaborative approaches.

If a joint donor assessment is carried out under UN auspices, then USAID, both in Phnom Penh and Washington, should seek an appropriate UNDP involvement in donor coordination in relation to the election, with an office at UNDP/Cambodia, headed by or with technical support from the UN's EAU.
The UNDP office would be a clearinghouse for donor elections assistance activities and an appropriate convener could be identified for donor meetings to discuss needs, priorities, and collaborative approaches (including direct technical assistance from the EAU if this can’t be provided through other, bilateral channels). Elections assistance would continue to be bilateral in nature, but the UN role would be to assure that all priority needs are being met and to minimize overlap and confusion, especially in terms of mixed signals being sent to the Cambodians. A UN coordinating role would require a formal request from the RCG and a determination that the conditions in Cambodia are sufficiently positive so as to not overshadow the chances for a genuine election.

Under this more collaborative donor assistance scenario, USAID will need to assure that its planned bilateral activities are consistent with an overall donor plan to assist the elections. Focus for USAID should remain on the training and technical assistance, rather than on providing large quantities of commodities. To the maximum extent possible, USAID should still follow the programming priorities outlined above for the various elections scenarios.

*It is recommended that USAID/Cambodia support the negotiation of an agreement delineating in general terms how changes in the electoral environment will be assessed and an agreement on general assistance approaches relevant for each of three types of electoral environment: a continuation of the general approach currently being followed, with the promulgation of an elections law and multi-party participation; a significantly improved environment, and a deteriorating environment.*

*It is recommended that if the elections environment deteriorates somewhat, with no electoral law before the CG, and unclear signals from the government, then USAID/Cambodia should follow a minimalist approach.*

*It is recommended that, if the elections environment deteriorates significantly -- with tolerance of systematic violence, no elections law and/or significant irregularities, USAID/Cambodia should seek Embassy concurrence to exit from elections assistance and to recommend that the UNDP coordination unit exit.*
### Recommended USAID Responses to Different Election Scenarios

<table>
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<th>Environment improves significantly after election law</th>
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<td><strong>NGO activities</strong></td>
<td>limited activities to promote promulgation of elections law</td>
<td>all aspects of IEC and building monitoring capacity</td>
<td>limited IEC and more significant development of monitoring capacity</td>
<td>limited activities to promote an improved elections environment and increased focus on human rights monitoring</td>
<td>human rights monitoring</td>
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<td><strong>Political party activities</strong></td>
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<td>promotion of code of conduct for parties; limited non-partisan party development</td>
<td>some IEC and targeted technical training for electoral commission and RCG on conducting elections</td>
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<td><strong>RCG activities</strong></td>
<td>targeted activities to promote promulgation of elections law</td>
<td>technical assistance to carry out logistics of the election and build capacity within electoral commission and RCG for elections management, administration and security</td>
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<td>limited activities, addressed at targets of opportunity, to improve the elections environment</td>
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- **USAID Objective**: USAID encourages improved environment and enactment of election law. Prior to the issuance of an election law, USAID encourages building capacity in public and private sectors to administer and manage elections. Continuation with "status quo" after election law involves reinforcing positions of those pushing for genuine elections. If the environment deteriorates, USAID stimulates improvement in the environment. In the event of no election law, USAID promotes human rights monitoring.

- **NGO activities**: NGOs engage in limited activities to promote promulgation of elections law. They address all aspects of IEC and building monitoring capacity. With limited IEC, NGOs promote monitoring capacity significantly. They focus on promoting an improved elections environment and increased focus on human rights monitoring in the absence of an election law. NGOs are involved in human rights monitoring.

- **Political party activities**: Political parties promote non-partisan party organization and development, and the promotion of code of conduct for parties. They focus on the development of electoral parties and increased focus on human rights monitoring.

- **RCG activities**: RCG activities are targeted to promote promulgation of elections law. They provide technical assistance to carry out logistics of the election and build capacity within electoral commission and RCG for elections management, administration, and security. In the event of some IEC, they focus on promoting technical training for electoral commission and RCG on conducting elections. If there is no election law, they focus on activities addressed at targets of opportunity to improve the elections environment.
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<td>PACT: limited IEC</td>
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<td>Political party activities</td>
<td>IRI/NDI: non-partisan training in party organization and development; promotion of code of conduct for parties</td>
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<td>RCG activities</td>
<td>IFES: targeted activities to promote promulgation of elections law</td>
<td>IFES: TA and training; technical support; IEC support Election Commission: logistics support (possibly direct grant)</td>
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