# *C*AMBODIA *D*EVELOPMENT REVIEW

# Challenges of Election Preparation in Three Western Provinces of Cambodia

**Doung Virorth discusses the Cambodian electorial process in three western provinces of Cambodia after the five elections since 1993.***

Cambodia has held five elections since 1993: three national elections, one commune council election and one Senate election. The elections have been critical in Cambodia's progress to democracy, respect for human rights and improved governance for sustainable development. Moreover, a recent CDRI study and various reports show that since 1998, Cambodian elections have been increasingly seen to be free and fair.[1] More specifically, electoral processes were managed and run by Cambodians with less technical support from foreign experts. Most people perceived that the elections were implemented with technical maturity, electoral preparation expenses were remarkably reduced, and legal frameworks were constantly improving.

Despite such progress, substantial challenges remain. Apart from loopholes and gaps in the legal framework, all elections were to some extent marred by threatened or real violence, intimidation, fraud and other irregularities and inappropriate practices. Political parties have lacked a culture of trust within which to hold discussions on election issues, which compounded their disagreements



*COPCEL has helped to make the election preparation and process much more transparent.*

and differences. If multi-party democracy in Cambodia was to mature, there was a need to lay a basis upon which all election participants could discuss their differences and work towards their peaceful resolution.

Today, there are still many election-related issues to be discussed and addressed. For example, the 11-month political deadlock following the July 2003

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* Doung Virorth is Programme Manager of Human Security, Peace Building and Conflict Transformation at CDRI. This article is based on a study conducted by the author for the Analysing Development Issues (ADI) course of the Cooperation Committee for Cambodia. The author would like to thank Dr. Brett BALLARD, acting research director, KIM Sedara, research fellow, OK Serei Sopheak, consultant COPCEL facilitator, and the ADI team for their substantial comments and feedback on this article.

## In This Issue

national elections created further potential for electoral conflicts, bitter confrontations and deep mistrust among political actors. In addition, although the National Election Committee (NEC) was praised for its technical performance, the general public continues to question its independence and political credibility.

COPCEL (Conflict Prevention in Cambodian Elections) is a roundtable forum for open and frank discussion of election-related issues. As a conflict prevention mechanism, it provides a safe and neutral forum for face-to-face dialogue among representatives of political parties, the government and civil society to discuss election issues.[2] At the national level, COPCEL consists of monthly meetings involving extensive preparation, identification of issues, finding of common ground, building of support and consensus, follow-up and behind-the-scenes dialogue. The mechanism is viewed as a sustainable structure for trust building through open, safe and neutral dialogue. Between August 1999 and the 2003 election, COPCEL convened 50 meetings with more than 100 participants. These included key representatives from the political parties, election monitoring NGOs, the NEC, security services, women's organisations and the Ministry of the Interior. The minutes of each meeting, once approved by the participants, were sent to the king, all members of the Senate, the National Assembly, Constitutional Council, NEC, prime minister, deputy prime ministers, all ministers involved in the conduct of the election, all provincial governors and deputy governors, about 25 foreign embassies and other international and civil society organisations.

In the July 2003 national elections, COPCEL contributed to positive changes in policy and process through discussion of such topics as the extension of registration, more equitable access to media, improved voter education, improved security and organisation, more transparent procedures and selection of election committees, to name a few. As a result, COPCEL is widely respected in Cambodia (and in the region) as a mechanism for conflict prevention and management, and for providing a safe and neutral forum for the promotion of a culture of dialogue and the building of trust. The NEC and some NGOs have adopted this mechanism in their programmes for discussions on particular issues.

Looking ahead to the 2006 Senate election, 2007 commune council election and 2008 national election, CDRI launched COPCEL Phase II at a conference in July 2005 to provide open and neutral forums for the safe discussion of election-related issues. Its main objective is to prevent conflict, violence and misunderstanding arising before and during elections by building trust and encouraging a culture of dialogue, which is fundamental in building peace and mature democracy. This phase will run for three years, with financial support from the United Nations Development Programme (UNDP).

COPCEL provincial meetings (COPCELPROM) were aimed to reach down to provincial levels to increase public involvement. Similarly, COPCEL media meetings (COPCELMED) aim to ensure high levels of civic participation in the elections. Since its launch, COPCEL Phase II has identified election-related issues only at the national level. Province-based challenges remain unidentified. These need to be properly identified and addressed through discussion.

**Research Methods**

This paper results from a small field study employing guide questions with 30 informants in three provinces of western Cambodia, namely Battambang, Pursat and Kompong Chhnang, 12–14 July 2006. The informants interviewed in each province were the provincial governor or his deputy, the provincial police commissioner or his deputy, the provincial election committee director and provincial representatives from the Cambodian People's Party (CPP), FUNCINPEC and the Sam Rainsy Party (SRP). Also interviewed were the director of the Provincial Local Administrative Unit (PLAU) and the provincial representatives from ADHOC, COMFREL and NICFEC. The study sought to uncover prevailing electoral issues in these provinces to be used as a basis for discussion and solution during the COPCELPROM. The research explored the nature of electoral processes and electoral conflicts in the three provinces with particular emphasis on the challenges related to voter registration, campaigning and election day conduct.

**Voter Registration**

According to the law on commune elections, voter registration is delegated to commune or sangkat council members, who act on behalf of the NEC to review the list of voters, registration of voters in the list and electoral voter roll for each commune/sangkat. To carry out this function, the councils should assign these tasks to the commune clerk, who will act as reviewing officer and registrar of the voter list and electoral voter roll. The council must instruct its clerk to exercise the tasks properly in accordance with the election law, regulations and procedures prescribed by the NEC.[3] The law states that the voter list should be updated on a rolling basis, from October to December each year. Voter lists are also copied to the NEC, which has the responsibility to validate voter lists at least 90 days before the election.

In accordance with the law, voter registration has been carried out by commune clerks with oversight from designated commune council members, resulting in a significant improvement of voter lists.[4] The lists have been made more accurate through removal of the names of people who died or moved away.

In principle, giving power to the commune authorities to maintain the registry of voters appears to be an

appropriate move. It locates responsibilities for this task at the most appropriate level,[5] especially at the time the government is implementing the decentralisation and deconcentration policy.[6]

At the same time, however, allocating responsibility to this level was risky in that commune councils had been constituted for only about one year when the task of updating the 2002 electoral rolls had to be carried out. It is widely accepted in initial studies of the functioning of commune councils that they have yet to establish a clear idea of their own procedures and aims and have not yet received the funds to establish a supporting infrastructure for their responsibilities. Moreover, relations of councils with their chiefs and clerks are poor, as are relations between CPP and SRP council members, the latter feeling that they are marginalised from decision making. As a result, delegating voter registration to this level entailed delegating it to agencies that were still poorly organised and coordinated.[7]

The study in the three western provinces also indicated some constraints and difficulties during registration by commune clerks. Busy schedules with other tasks assigned by their superiors from the Ministry of the Interior (MoI) prevented clerks from actively registering voters during both the nine-month pre-registration period and the 20-day formal registration period. The clerks had prioritised tasks other rather than registration, which sometimes forced people to wait because, when they came to register, they could not find the commune clerk nor any information. At the same time, more programmes for council members and clerks from SEILA and from NGOs, along with the annual planning of the MoI, further delayed members' and clerks' carrying out the tasks of voter registration.

Commune clerks are new to the voter registration procedure, which resulted in mistakes and drew many complaints from party and NGO representatives. According to the interviews, most problems happened with spelling and with date and place of birth due to carelessness of commune clerks, commune council members or voters.

It has been suggested that wider participation is needed to encourage people to register. Political parties, NGOs and local authorities, especially newly selected village chiefs, should raise awareness of villagers about the importance of elections, especially of ensuring their right to vote by registering. Interviewees and participants in COPCEL meetings said that everyone should work closely with the National Election Committee (NEC), provincial election committee (PEC), and commune election committee to avoid misunderstanding, in particular about the content of educational material.

Voter cards will not be used in the next election as the national identity card will be used instead.[8] If voters do not have a national ID card, civil servant cards, military service cards or police service cards can be used to vote. Finally, form 1018[9] with a photo issued by the commune chief can be shown to be allowed to vote. The shift to the ID card has been praised by most politicians and institutions because it will mean that people have one card that can be used for many purposes and the NEC does not have to issue a voting card. However, some politicians have voiced concern over the replacement of voter cards by ID cards because many eligible voters do not have ID cards yet and the process of issuing them is slow and sometimes involves corruption among police.[10] In some cases, ID cards can be another means to intimidate party activists by not issuing the ID cards to those people who supported other parties by local authorities, especially group or village leaders.

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**Campaigning Days**

Village chiefs play important roles in disseminating election information. However, some village chiefs were also alleged to be engaged in vote buying, intimidation, confiscation of voter cards and other illegal and threatening acts in large numbers during the election period.[11] Cases of intimidation by pro-CPP village chiefs were alleged in the three provinces in the study. Threatening activists with taking land or other property or by destroying the property of those supporting other parties were said to be common forms of intimidation. On "barking night"—the night before the election, which is supposed to be a non-campaign day, village chiefs or group leaders reportedly went around to make gifts to convince voters to vote for their parties. However, while provincial party representatives all commented that other parties did this, there were no official complaints about it lodged with PEC officials by any political party.

**Election Day Conduct**

Cases of voters who could not find their polling station on voting day were widely reported in the three provinces. According to the procedure, if the number of voters exceeds 700 at one polling station, the surplus is to be diverted to another station to ease the congestion. Changes of polling station had distracted many voters who had registered and expected to vote in a particular station but could not find their names, which sometimes led to them giving up trying to vote. Misspelling of names and wrong dates of birth in voter rolls also happened frequently in those three provinces, preventing people

| Summary of the electoral process | | | |
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| 9-Month voter pre-registration | 20-Day registration | Election campaigning | Voting day and vote counting |
| Delegated to commune councils and clerks. Steady improvement had been observed. | Technical accuracy needs to be considered more seriously by commune clerks, voters and NEC, especially related to spelling and writing date and place of birth. | Most conflicts arose due to disregarding of agreed schedules and violation of code of conduct for election by party activists. Also barking night is reportedly common in battambang, pursat and kompong chhnang provinces. | The presence of village chiefs, commune chiefs and district governors at polling stations remains a significant concern. |

from voting. This had been the subject of complaints by political parties, who said it was intended to prevent their activists from voting.

The presence of local authorities in front of polling stations was reported as influencing voters, especially non-CPP supporters. Village chiefs, commune chiefs or district governors waited at polling stations even after their votes had been cast as a form of intimidation of other political parties, and this had been complained about by political parties and recorded by election monitoring NGOs.[12]

**Conclusion**

This small-scale assessment indicated electoral improvement at sub-national level in Battambang, Pursat and Kompong Chhnang provinces. The commune clerks, who were in charge of updating the voter rolls and registering voters had increased their understooding of the procedure of voter registration and were more committed to the election process. The numbers of people registering vote had increased remarkably in most communes. Security had been improved by good cooperation among PEC officials, provincial authorities and armed forces. Intimidation or violence against political activists had been reported less often.

Some challenges remain unresolved. An overload of work for commune clerks and council members during the voter registration had delayed it and caused difficulties for both voters and commune clerks. It is recommended that during the 20 days of formal voter registration, 1-20 October, any plans for other commune work be avoided to give time for commune council members and clerks to concentrate on voter registration. On a non-campaign day, "barking night" was reportedly widespread in these three provinces, indicating that political parties were still trying to influence voters by giving gifts.

The presence of village chiefs and commune chiefs at polling stations after they already voted remained a concern for both political parties and national and international NGOs because such presence could be intimidating to voters. Dealing with this requires cooperation among the political parties to avoid a poor image of the electoral process. Technical procedures and voter registration need to receive more attention, especially more accurate and reliable spelling, dates of birth and places of birth. In the case of changing a polling station, information should be disseminated widely to avoid disruption on voting day.

**Endnotes**

1. C. Hughes and Kim S. (2004), *The Evolution of Democratic Process and Conflict Management in Cambodia,* CDRI, and UNDP (March 2002), *Report on the Election of the Commune Council.* Speech by SAR Kheng, deputy prime minister and minister of the interior, speech by IM Suosdey, chairperson of the National Election Committee, speech by Douglas Gardner, UNDP representative and UN resident coordinator, all at the Meeting on Calling for Funding for 2007 Commune Election, Cambodiana Hotel, 8 June 2006.

2. The formation of COPCEL was proposed by a 1999 CDRI study entitled *The Nature and Cause of Conflict in the 1998 Election.* For more information on the COPCEL structure and its activities, visit the CDRI web site: www.cdri.org.kh.

3. Election Law on National Assembly, enacted in 2002 (Chapter VI, Article 53).

4. Reports by TEP Nytha, NEC secretary general, during monthly COPCEL meetings in Phnom Penh. (See COPCEL minutes posted on www.cdri.org.kh). Also, the interviews for this study.

5. C. Hughes and Kim S. (2004), *The Evolution of Democratic Process and Conflict Management in Cambodia* (Phnom Penh: CDRI), p. 57.

6. Speech by IM Suosdey, *op. cit.*

7. C. Hughes and Kim S. *op. cit.,* p. 58,

8. Report by Tep Nytha at COPCEL meeting in Phnom Penh at the 4th COPCELEM on 30 June 2006. See COPCELCOM minutes posted on CDRI web site: www.cdri.org.kh.

9. This form is issued by the commune chief to prove that holders are residents of that commune and are eligible to vote if they do not have any other legal supporting document.

10. Interviews for this study.

11. C. Hughes and Kim *S. op. cit.*

12. C. Hughes and Kim *S. op. cit.,* and interviews for this study.