

Launching Conference Report
Conflict Prevention in Cambodian Election (COPCEL Phase II)
Thursday 14 July 2005 at Phnom Penh Hotel

**Organized by Centre for Peace and Development (CPD)
of Cambodia Development Resource Institute (CDRI)
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I. Introduction

An introductory conference for COPCEL Phase II was hosted on 14 July 2005 by CDRI at Phnom Penh Hotel with the presence of H.E Mr. IM Suosdey, Chair of National Election Committee (NEC), Mr. Larry Strange, Executive Director, CDRI, Ms. Anne-Isabelle Degryse-Blateau, Programme Director, Deputy Resident Representative, UNDP Cambodia. Closing remarks were given by H.E Mr. PRUM Sokha, Secretary of State, MOI, special representative of H.E Mr.SAR Kheng, Deputy Prime Minister and Co-minister of Ministry of Interior.

Eight key panel speakers from different sectors participated in the event to discuss the topic: "**Potential Conflicts in the next three Cambodian elections and strategic approaches to resolve them**". They were: H.E Mr. PEN Pannha, CPP, H.E. Mr. TEA Cham Rath, FUNCINPEC, Mr. LA Davuth, Sam Sainsy Party, H.E. Mr. TEP Nytha, NEC, H.E. Mrs. POK Nanda, Women for Prosperity, Gen. SARAN Komsath, MOI, Mr. KOUL Panha, COMFREL, and Dr. HANG Puthea, NICFEC. Also in attendance were Mr. OK Serei Sopheak, CDRI consultant, facilitator of the conference, and 225 other participants from various organisations such as National Assembly, Senate, Government ministries and provincial governors, Embassies, INGOs and LNGOs, political parties, and also university students and media.

II. Opening session

Mr. OK Serei Sopheak, in his welcoming remarks, thanked the Senate, National Assembly, Royal Government of Cambodia, main political parties and civil society for their kind support and active participation in the Cambodian-initiated COPCEL Phase I toward the significant positive results in the last elections and vowed to continue this commitment to COPCEL Phase II. He particularly thanked UNDP for financial support of COPCEL Phase II and also AusAID for intent to support this project. He emphasised the importance of COPCEL as a safe and neutral forum for all actors to build a culture of dialogue to resolve any misunderstandings or conflicts occurring during an election, which is a main element to build a culture of peace. To achieve this, commitments and active participation are needed from all stakeholders. He briefly explained that COPCEL Phase II had been divided into six structures with the aim to reach down to the provincial level through COPCEL provincial meetings (COPCELPROM) and to the general public through COPCELMED which is different from COPCEL Phase I. This COPCEL model, he believes, will be crucial for not only election related issues, but could also be applied to other issues especially in dealing with conflicts. Foreign countries with similar situations can also use this format.

Mr. Larry Strange, Executive Director, CDRI, in his welcoming remarks, briefly addressed three important points of the COPCEL process: Firstly, it is genuinely a Cambodian-initiated and originated process with a proven record of achievement and has active participation from Cambodian stakeholders. Secondly, this COPCEL is sensitive and responsive to Cambodian circumstances as its main primary objective is to prevent conflict, violence and misunderstanding in elections through building trust and a culture of dialogue. These are fundamental for peace and democracy. Finally, the COPCEL mechanism is based on CDRI independent research in 1998 of *The Nature and Causes of Conflict Escalation in the 1998 National Elections* and by studies in 2003 of *The Evolution of Democratic Process and Conflict Management in Cambodia*. These are significant contributions to improvement of the election process since 1998. Seeing these reasons and importance of COPCEL to Cambodia, CDRI expressed its commitment to working with other Cambodian stakeholders to strengthen democratic governance in Cambodia.

Mr. Strange thanked all stakeholders who had contributed their advice to COPCEL from the early stages, particularly the National Election Committee (NEC), other ministries and agencies of the Royal Government of Cambodia, major political parties, municipal and provincial governors and leaders of civil society in Cambodia. He thanked UNDP for their enthusiasm and commitment to financial support so that COPCEL could be able to offer both national and provincial level outreaches up to and until July 2008. For his ongoing commitment to COPCEL, particular thanks were given to Mr. OK Serei Sopheak who now acts as a consultant to CDRI on the programme,.

Ms. Anne-Isabelle Degryse-Blateau, Programme Director and Deputy Resident Representative, UNDP, welcomed all and expressed strong support for resumption of COPCEL in a new and expanded format, a crucial need to create neutral space for discussion of all questions relevant to the conduct of credible, transparent and accountable elections. She noted that previously COPCEL was a model of good democratic space building as it had provided many benefits to all participants involved in enhancing the democratic process in Cambodia. She also noted that COPCEL was highly valued by both the Cambodian people and the international community, who sent their representatives to learn from this experience.

Ms. Anne-Isabelle Degryse-Blateau mentioned that UNDP 's long term assistance to the new phase of COPCEL through Insight for Action programme, stressed UNDP 's continuing commitment to improve electoral process and promote democracy for and by Cambodians. The new initiative of UNDP Cambodia 's programme namely "Between the Ballot Boxes " which recently received authorization from the Department of Political Affairs of the United Nations, was set up and is currently in preparation process with three main objectives: firstly, increase the capacity and leadership of the National Election Committee to perform its various functions, secondly to enhance the normative electoral framework and process and thirdly, to increase civic participation and enhance a democratic culture. The last component of increasing civic participation is a new area and a most important one for UNDP and will target among others the youngsters and the children who Cambodia 's are future voters. This is done through skill development programme to be included in school curriculum at both primary and secondary levels.

Ms. Anne-Isabelle Degryse-Blateau stated that one of the greatest challenges still confronting Cambodia is the low level of political culture that is essential to achieve a mature democracy. As a step to address this issue during a time when a new round of elections is nearing, she believed that resumption of COPCEL was appropriate to provide all stakeholders with an opportunity to contribute further to the betterment of the upcoming electoral process using this formula, which has proven to be effective and satisfactory. At the end, she recommended that COPCEL continue to provide an open forum for sharing crucial information and for a constructive exchange of views,

because all this can be a support to a progressive shift in mindset, build mutual trust and mature the democratic process.

H.E. Mr. IM Suosdey, Chair of NEC, strongly supported the renewal of COPCEL phase II and believed that it will play crucial roles to prevent and deal with conflicts during the election process and will build further trust among participants, improve cooperation and share experience and information with NEC. He hoped that today, many key speakers would raise important potential issues related to the upcoming elections and find ways to deal with those issues as a fundamental step for focus of future COPCEL meetings.

H.E. Mr. IM Suosdey reminded all that COPCEL Phase I played a crucial role in finding ways to prevent conflict and violence during previous Cambodian elections. He believes that every election entails conflict from beginning to end, and that, so far, COPCEL had contributed a lot to address the root causes of those conflicts and created safe and confidential space for their resolution. This had enhanced the election environment with more understanding and deepened a culture of dialogue toward democracy.

III. Panel Discussion Sessions I and II

Topic: " Potential Conflicts in the next three Cambodian elections and strategic approaches to solve them "

Key Speakers for Panel Discussion Session I:

H.E Mr. PEN Pannha, CPP, H.E. Mr. TEA Cham Rath, FUNCINPEC, H.E. Mr. TEP Nytha, NEC and Mr. KOUL Panha, COMFREL

Key Speakers for Panel discussion session II:

H.E Mrs. POK Nanda, WFP, Mr. LA Davuth, Sam Rainsy Party, Gen. SARAN Kamsoth, MOI and Dr. HANG Puthea, NICFEC

The speakers shared common views that previous elections had been considerably improved with regard to preparation, technical and legal matters, and the election environment. The speakers also recognized that NEC had tried their best to implement its function and mission toward this significant improvement and be able to deal with conflict and violence to some extent. However some conflict inevitably will exist up to and within the next three elections, which will require serious preventative actions.

In the upcoming Cambodian elections, most root causes of conflict could be anticipated as follows:

- Voter registration is done by only one clerk in each commune. This can cause delays and some eligible people lose their names in registration lists. Misspelling by clerks or computers, long procedural complaints and response, late announcement of the voters list.
- Some political parties do not respect the election laws and regulations during election campaign days causing an unfair environment for the other political parties.
- Voters cannot find their polling stations due to change of location without proper announcements.
- Unclear guidelines for vote counting cause difficulties with officials in deciding the validity of sheets.
- Media coverage before and during the election, allegations of ballot sheet buying and polemics both direct and through the media.
- NEC institution is believed to be not neutral, not impartial and not independent by some people

- Extreme partisanship which can cause discrimination against others
- Local authorities particularly village chiefs, key actors at the local level, are believed to be biased toward some political parties
- There are some legal loopholes which can create conflicts through misinterpretation
- There is discouragement from NEC toward awareness raising on election related issues for civil society and the media. This keeps most people uninformed of election developments.
- There is the NGO Coordination Committee created by NEC, which overlaps and conflicts with NGOs in implementing observation of the election.
- Gender imbalance because there is no political will and legal principles
- Discrimination, violence and intimidation against women when standing for elections

Strategic Approaches to Solve these issues:

- All actors have to comply and respect the laws and regulations set up by NA and NEC especially during the election campaign. The Code of Conduct should be clearly defined
- Keep all actors well informed of all laws and regulations and election procedures.
- Increase effectiveness of mechanisms for the reception of complaints and their responses at every level
- Clear procedures of voter registration should be made to clerks including considerations for accuracy, transparency and if possible, additional assistants to register eligible voters
- Registered list of voters should be publicly announced several days in advance
- There should be ways to support voters who are illiterate or lack transport on election day
- Vote counting should be done in an open and visible way and not in a rushed manner
- NEC members should be appointed 10 to 12 months in advance of election preparations and should not be affiliated with any political parties and should stay out of politics 1-2 years after the election
- Build capacity of transparency and good governance for all actors involved in the election
- Equip election machinery with modern technology particularly computers and Khmer alphabetical preparation
- Increase cooperation with all actors on every election related issue
- There should be an election law amendment to ensure NEC constitutional independence to function in its mission. A selection committee and criteria for NEC members should be separately set up and approved by the National Assembly
- NGO coordination committees should be eliminated as they affects independent observers a lot
- The security force should be put under NEC control during the election to make sure it functions in its roles clearly and fully
- Media coverage should be encouraged to all actors particularly the national media to ensure that voters are kept well informed of the election procedures and process
- Jurisdiction of complaints on penal issues in election related issues should be taken out from the NEC. But NEC should keep jurisdiction over valid election result declarations. NEC should set up a Department of Complaints on penal matters
- The election law for commune councils should enable individuals who are not affiliated with any political parties to stand for election at their will
- Gender balance should be applied through mixing male and female candidates in the list of candidates of each political party to ensure participation of at least 30 percent of women candidates. This should be set up in the law or in the regulation of the election

Many concerns and comments were raised during the Question and Answer session which covered a wide range of election related issues including:

- What consequences would the Senate election in 2006 face if civil society were not involved in the election process?

- Concern of legal jurisdiction on penal issues in elections. It is not clear whether NEC or civil courts have jurisdiction over this issue.
- Issues of local authority especially village chiefs who play a very active role in all events at local levels. Most of them are believed to be biased toward various political parties. They often intervened by entering polling stations without authorization.
- Overwork for commune council clerks on voter registration tasks which causes delays and other problems
- Long procedures for complaints with no timely responses. Informal election result announcements through media by political parties which causes chaos after the election
- Most civil society and opposition parties expressed concern about the non-universal senate election where the law allowed only major political party members to vote

There were some similar responses to clarify the above concerns.

IV. Closing

H.E. Mr. PRUM Sokha, Secretary of State, in his closing remarks, welcomed the renewal of COPCEL Phase II through UNDP assistance and expressed strong support for this process. He articulated the appreciation of COPCEL phase I as important to build up a culture of peace and mature democracy during the last elections through its monthly meetings. These meetings created safe and neutral space for all actors including government representatives, civil society, NEC and political parties to express openly and freely their opinions, understandings, perceptions, differences and disagreements toward each other in a moral way and tried to find ways to deal with those differences and recognized them. COPCEL also played an important role in preventing conflicts and violence during the election. This was a significant improvement and allowed the election process to proceed more smoothly and freely in a safe environment and with mutual understanding. He believed that COPCEL Phase II would continue its mission and commitment to arrange and provide clear and invaluable contributions to peace, democracy and development in Cambodia in the upcoming Cambodian elections.

H.E. Mr. PRUM Sokha recalled and highlighted Cambodian election backgrounds within the last twelve years and indications of success made by NEC and Royal Government of Cambodia toward better improvement of those elections. They should become more firmly entrenched into the socio-political culture of Cambodia, even extending to the commune and/or grass-roots level. The most outstanding features of success, he said, included: Newly established NEC and other new law amendments and legal procedures, promotion of civic participation in all stages of the election process, particularly in consultations and resource mobilization, creation of a permanent voter registry with less expense, equal and open access to state media coverage, promotion and encouragement of more national and international election observers to ensure transparency, visibility and confidence to the public, effective and less expense over the election preparation process. This latter could reduce financial dependence on international assistance and more importantly, point to Cambodia becoming mature in arranging elections which are internationally recognised as reliable, safe, credible and acceptable.

The conference was adjourned at 12:30 noon.