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PRESS RELEASE

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NDI PRE-ELECTION DELEGATION TO CAMBODIA SAYS POLITICAL ENVIRONMENT IMPROVED; CRITICAL PROBLEMS REMAIN

PHNOM PENH – Improvements have been made in Cambodia’s political environment since its last election in 2003, but serious problems remain as the country prepares for a National Assembly poll scheduled for July 27, an international delegation has found.

The problems include the removal of large numbers of eligible voters from the rolls, prosecution of government opponents, lack of an independent judiciary and lack of opposition access to electronic media, according to a delegation statement.

The pre-election delegation, organized by the National Democratic Institute (NDI), visited Phnom Penh from March 31 to April 4 and announced its findings at a news conference here today along with a number of recommendations for improving the July elections.

The delegation was composed of Nora Owen, former Irish Minister of Justice; Sam Gejdenson, former member of the U.S. House of Representatives and ranking Democratic member of the International Relations Committee; Mark Braden, former general counsel to the Republican National Committee and U.S. election law expert; Dr. Todung Mulya Lubis of Indonesia, a prominent lawyer and chairman of Transparency International-Indonesia; and Peter Manikas, NDI’s director of Asia programs. The members met with electoral and government officials, political party leaders, civil society and human rights officials, and representatives of the news media and the international community.

The delegation’s statement noted that Cambodia is approaching its fourth national elections since the Paris Peace Agreement of 1991. While past elections have had significant problems, progress has been made since the last National Assembly vote in 2003. Political violence has decreased; the National Election Committee (NEC) has reorganized and is operating more transparently; women’s political participation has increased; and opposition parties have increased access to the media, although still limited.

But the delegation also identified several critical problems. It found the government has repeatedly invoked the criminal justice process against opposition party members and its critics. A significant numbers of eligible voters may have been improperly removed in the voter

registration process. Concerns persist about the independence of the NEC due to the lack of an independent constitutional mandate, a budget controlled by the Ministry of Interior, and its physical location within the Ministry of Interior's compound. The opposition parties' restricted access to the electronic media continues to be a major obstacle. The judiciary is widely-regarded as lacking independence from the executive branch, which often interferes in judicial decisions. Without a reliable judicial process, opposition candidates and parties cannot rely on courts and law enforcement authorities to enforce their rights in the electoral arena, the delegation statement said.

In its statement, the delegation made the following recommendations in the spirit of international cooperation:

National Election Committee

- The NEC should take strong administrative action against any violations of the election law and regulations. This includes sanctioning any election officials who do not fully perform their duties.
- Election-related disputes must be adjudicated in a fair and transparent manner. The NEC should review the complaints process to ensure that it is readily accessible and clearly understood by participants in the electoral process.
- The NEC should assert its regulatory authority under Article 75 of the Law on the Election of Members of the National Assembly (LEMNA) to ensure registered political parties receive equitable access to the media during the campaign period.
- The NEC should use the regularly scheduled meetings with political parties as means for resolving disputes as well as for disseminating information.
- If the concerns regarding deleted voters cannot be satisfactorily answered, the deletion list should be accepted as a supplementary voters list on election day.

Media Access

- The government should establish a fair and transparent process for allocating broadcasting licenses. No licenses should be granted or denied based on an applicant's political affiliation.
- The government should ensure that all political views are fairly represented on state-owned television.
- The NEC and Ministry of Interior should ensure that candidate debates among competing parties, which are currently planned, receive broad coverage by the state-controlled media.
- The leaders of the ruling and opposition parties should debate on national television and radio to help ensure that voters can make informed choices.

The Government of Cambodia

- The NEC should be authorized to submit its budget request directly to the National Assembly rather than to the Ministry of Interior.
- Efforts must be made to provide the appropriate financing to relocate the NEC's offices; this would reduce allegations of bias and lack of independence.

- Any person who misuses state resources to support or oppose any candidate should be prosecuted according to existing laws.
- It is critical that those who engage in violence and intimidation against political party members and civil society members be apprehended and prosecuted in a timely manner.
- The government should refrain from selectively applying criminal and civil defamation laws against political opponents. Such actions intimidate the opposition, and stifle democratic dissent.
- Article 37 of Cambodia's constitution provides for the right to conduct nonviolent demonstrations and Article 41 enshrines the right of assembly. The government should respect these rights. The right to assembly is also guaranteed under international agreements, such as the International Covenant on Civil and Political Rights.

International Community

- We urge the international community to continue to support Cambodia's election monitoring organizations and other NGOs engaged in the electoral process to ensure that they have sufficient resources to carry out their activities.

The full statement of the pre-election delegation is available on the NDI website at www.ndi.org.

NDI is a non-profit organization working to strengthen and expand democracy worldwide. NDI works with democrats in every region of the world to build political and civic organizations, safeguard elections, and promote citizen participation, openness, and accountability in government.

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