



EUROPEAN PARLIAMENT

**PARLIAMENTARY ELECTIONS IN CAMBODIA
ELECTION OBSERVATION DELEGATION**

24 – 29 July 2008

**Report by
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Chairman of the Delegation**

Introduction

Following an invitation from the Royal Government of Cambodia, the Conference of Presidents decided at its meeting on 12 June 2008 to authorise the sending of a delegation of the European Parliament to observe the Cambodian National Assembly elections, which took place on 27 July 2008. The delegation was composed of seven Members appointed by the political groups in accordance with the rolling d'Hondt system (the list of participants is annexed to this report).

As is usual, the European Parliament's delegation was fully integrated into the European Union Election Observation Mission (EU EOM), which was led by Mr Martin Callanan, MEP. This EOM opened its offices in Phnom Penh on 13 June 2008 and 44 long-term observers were deployed a week later in all 20 provinces and 4 municipalities, thus covering the 24 constituencies. On Election Day, some 130 EU observers were deployed throughout the country.

The 2008 National Assembly elections were the fourth multi-party elections since the signing of the peace agreement in 1991. The previous elections in 2003 were also observed by a delegation of the European Parliament and Mr Glyn Ford was the Chairman on that occasion, too.

A number of preparatory meetings took place in Brussels and Strasbourg before the EP delegation left, during which Members had the opportunity to examine the political situation in the country and decide on the most appropriate deployment plan. All preparations were conducted in close cooperation with the European Commission in Brussels, with the EOM core team in Phnom Penh and, in particular, with the Chief Observer, Mr Callanan.

Political context

The 1993 Constitution establishes a multi-party monarchy with two legislative chambers, the National Assembly and the Senate. The monarch, the head of state, is selected by the Royal Throne Council among descendants of the three royal lines. He serves as a head of state for life and acts as a symbol of unity, with no real political power. King Norodom Sihanouk abdicated in October 2004 and was replaced by one of his sons, Prince Norodom Sihamoni.

The 123 Members of the National Assembly are elected for a five year term under a proportional representation system. The members of the Senate, the second Chamber, are indirectly 'elected' by the National Assembly and Commune Council members, with two members being appointed by the King.

These were the fourth multi-party elections since the signing of the peace agreement in 1991. The first national elections took place in 1993 and marked the beginning of the current political landscape. Political parties must register with the Ministry of Interior in order to carry out their activities. There are 57 registered parties, of which 11 have contested the 2008 election, although it was expected from the outset that only five parties would be represented in the new National Assembly: the ruling Cambodia's People Party (CPP), the National United Front for Independent, Neutral, Peaceful and Co-operative Cambodia (FUNCINPEC), the Sam Rainsy Party (SRP), the Norodom Ranariddh Party (NRP) and the Human Rights Party (HRP).¹

Generally, political parties in Cambodia tend to focus their activities around one party leader without much internal party democracy and weak programmatic identity.

The ruling CPP had 73 out of the 123 seats in the outgoing National Assembly and was installed in government by the Vietnamese in 1979. It is led by Chea Sim, the Chairman of the Senate, and Prime Minister Hun Sen. The party has considerable resources at its disposal, controls most of the key political posts and has a very effective and present organisation both in urban areas and at village level. The CPP benefits from their long-standing presence in government and capitalises on the general positive economic development.

The royalist FUNCINPEC was founded in 1978 and has been led by Prince Norodom Ranariddh. A number of its members belong to the royal family. The party has been in gradual decline, in particular since the 2003 elections. In 2006, the party ousted Prince Ranariddh, who established subsequently the Norodom Ranariddh Party (NRP). Prince Ranariddh lost his seat in the National Assembly in March 2007 and thus also his parliamentary immunity. He was then found guilty of breach of trust in a lawsuit and sentenced to 18 months in prison. Prince Ranariddh did not appear in Court, claiming that the judgement was politically motivated and now lives in France and Malaysia. Although he was registered as a candidate in the elections, he had not returned to Cambodia and the Prime Minister publicly declared he would be arrested if he did.

¹ The remaining smaller political parties that are: Khmer Democratic Party (KDP); the League for Democracy Party (LDP); Hang Dara Democratic Movement Party (HDDMP); the Khmer Republican Party (KRP); the Society of Justice Party (SJP) and the Khmer Anti-Poverty Party (KAPP).

The Sam Rainsy Party (SRP) was, following FUNCINPEC's coalition with the CPP, the opposition led by the former economy and finance minister Sam Rainsy. It belongs to the Council of Asian Liberals and Democrats. Its main campaign message was good governance, anti-corruption and accountability and its electorate is mainly urban.

The Human Rights Party (HRP) was founded in July 2007 by Kem Sokha, the former president of the Cambodian Centre for Human Rights and former Chairman of the Human Rights Commission of the National Assembly. In contrast with the other one-man ruled parties, the decision-making process of the HRP is marked by more internal democracy.

Cambodia has not recovered entirely from the traumatic years of civil war and is still a post-conflict society, despite the fact that it has enjoyed a period of relative political stability since 1998. While political parties are allowed to function in Cambodia, nevertheless, they are subject to systematic harassment and intimidation. Therefore, it was not surprising, as was observed already during the 2003 elections, that security and stability remain important factors in the current mindset of the electorate. The ruling CPP, which clearly dominates the political scene, presents itself as the guarantee for security, stability and prosperity and highlights the achievements of the government so far in terms of economic development and infrastructure improvements. There is, furthermore, no clear separation in the activities of the government and the CPP as a party.

The current government consists of an alliance of the CPP and FUNCINPEC, with the former as its dominant coalition partner. Following a long period of negotiations (11 months) after the 2003 elections it was decided to create a massively expanded government with 7 deputy prime ministers, 15 senior ministers, 28 ministers and 135 secretaries of state. The SRP is with 24 seats the main opposition party in the outgoing National Assembly.

Constitutional amendments of 2006 changed the requirement of a two-third majority of all members of the National Assembly to form a government. Since then, the requirement has been lowered to the absolute majority of all members of the National Assembly.

An interesting feature of the institutional set-up is related to the role of the village chiefs. The overwhelming majority of them are aligned with the CPP and have a considerable potential to influence the electorate in their villages, which is combined also with a deep-rooted culture of clientelism.

Last but not least, it should be pointed out that the weaknesses of the judicial system remain a cause of concern, which cannot be considered and independent nor free of political interference. The prevalent culture of impunity, the inadequacy of the police and the level of corruption provide a very fertile ground for intimidation.

Briefing with the core team on the political background and context

Prior to election day on 27 July, the EP delegation met with Mr. Martin Callanan, Chief Observer, and the EU EOM Core Team, for more comprehensive briefings that covered the current political situation in Cambodia, the media coverage, the electoral procedures and the security situation. The core team poses the question: "Have we faced a Disneyland since 26 June²"?

The political landscape is clearly dominated by CPP. The EU observers have reported on extensive and consistent use by CPP of state resources, in particular vehicles, but also premises. Furthermore, government staff, especially at provincial and communal level participated in CPP campaign activities more than in previous elections. Across the 24 constituencies, the EU observers consistently report that almost all government authorities work for CPP policies and vice-versa. The CPP controls most governor positions, most commune chiefs and most village chief positions. At local level the control of the party is very obvious. Several EU observers have reported the combined tactics of intimidation and encouragement to further strengthen CPP dominance.

Cambodia has an estimated population of around 14-15 million. Around 50% of the country population is younger than 25 years. The level of interest of young people in politics is one of the interesting open questions of these elections, because many will be voting for the first time.

Despite impressive economic growth of around 8-10% per annum over the past three years, Cambodia remains a very poor country. It is ranked 131 out of 177 in the 2007/2008 UNDP Human Development Index. Illiteracy remains a major problem, with around two thirds of the population being illiterate. Illiteracy affects considerably more women (around 85%) than men (around 50%). Infant and under-five mortality rates are high and 1/3 of the population lives under 1 EUR per day.

Corruption remains rampant and is generally considered to be one of the key problems facing Cambodian politics, economy and society. Transparency international's 2007 Corruption Perceptions Index placed Cambodia 162nd out of 171 countries surveyed.

Cambodia is divided into 20 provinces and four municipalities. There are in turn subdivided into a total of 185 districts and 1621 communes. Provinces and districts are administered by Government-appointed governors. Communes are administered by directly elected Commune Councils and by Commune Chiefs, while there are no popularly elected bodies at the provincial and district levels.

The candidate list counts 1,162 (2,478 including alternates) titular candidates for 123 members of the National Assembly elected for a five year term under a proportional representation system. Only 172 (14.8%) are women and this is comparatively low considering that women hold a 17% share of outgoing National Assembly seats.

² Beginning of the electoral campaign.

The core team explained that several interlocutors have voiced serious concerns about the most recent voter list update, in particular with regards to the high number of deletions. These interlocutors claimed that Commune Council clerks and village chiefs deliberately put the names of supporters of opposition parties on the lists of names to be deleted. Some interlocutors also alleged that citizens below voting age and immigrants without citizenship were added to the voter list. Little evidence on these allegations was given.

Members of the delegation were also concerned by the situation of people evicted from their homes. According to the EU Exploratory Mission findings (ExM), “Apart from deletions of records, another issue is whether persons who were evicted from their homes will be able to vote on Election Day. The exact number of those possibly affected is unknown, however, the ExM was told that some 100.000 persons have thus far been evicted, and another 70.000 to 80.000 are currently under threat of immediate eviction”.

The media

The results for media monitoring indicate strong bias towards the ruling party on all television stations and the majority of radio stations, with the three largest circulation daily newspapers (although with a vanishingly small readership - see below) also indicating heavy bias towards CPP. State broadcast media devote time to all political parties contesting the elections, in programs organised and funded by UNDP, NDI, and NEC. However, in their own state news and special programmes, they dedicate far more time to the activities and achievements of the “government, led by the CPP”. Private television coverage is even more biased. All seven chains are considered to be close to the ruling CPP, as it is in their business interest.

The above picture has to be considered in its geographical context: the media Freedom Index 2007 from "Reporters sans Frontières" placed Cambodia 85th out of 169 countries surveyed (in comparison, Thailand ranked 135, Laos 161, Vietnam 162, China 163 and Burma 164). Given the literacy rates (two thirds of the population is illiterate), only 1- to 9% use newspapers as their source of information. 51% of Cambodians use radio and 37% TV.

The legal framework for media (the 1993 Constitution, the 1995 Press Law and the UNTAC Penal Code) is not entirely satisfactory, or to be more precise, its implementation. Freedom of the expression, the press, publication and assembly are protected in the 1993 Constitution. Furthermore, Cambodia is signatory of the 1966 International Covenant of Civil and Political Rights. The Press Law contains a number of provisions to protect journalists (such as the ban on pre-publication censorship), and also certain prohibitions on inflammatory material and on offending a person's honour and dignity. Defamation was de-penalised in 2006. In practice, however, there has been a tendency to use 1962 UNTAC Penal Code, which contains provisions on disinformation and publication of false information with malicious intent. The penalty can be three years in prison. These provisions continue to be used, as recently in the case of Mr Dam Sith, a newspaper editor and SRP candidate, who was charged in June 2008 with defamation and disinformation for citing Sam Rainsy in an article on 18 April, who had accused the Foreign Minister of having been a

commander of a Khmer Rouge detention centre in the seventies, an allegation for which there is little evidence.

Another incident concerned the closure on 28 May 2008 of a radio station called Angkor Ratha (FM105.25) in Kratie province, shortly before to deployment of the EOM. The station owner, Mr Keo Chan Rotha, claims the station was closed for offering airtime to opposition parties in a region which had never had access to alternative viewpoints before. The Ministry of Information denies this, and explains that the station had violated its license by re-broadcasting foreign radio programmes without prior approval.

A further incident concerns Mr Khim Sambor, a journalist for the opposition-affiliated newspaper *Moneaksekar Khmer*, who was murdered on 11 July 2008, together with his son Khat Sarinpheata. This incident was widely reported in the media, also during the mission of the European Parliament's delegation. Not surprisingly, this incident created an atmosphere of heightened threat in the media community. The Cambodian authorities accepted an offer of the FBI to assist with the investigations.

The issue that focused press and popular attention during our mission was Thailand's reaction to the decision on 8 July of the UNESCO World Heritage Committee to enlist the Preah Vihear temple - an 11th-century Angkor-style temple located along the Thai-Cambodian border - as a world-heritage site, which seemed at one point likely to lead to armed confrontation.

Meeting with the National Electoral Commission (NEC)

The European Parliament's delegation and the Chief Observer were received by Mr. Im Suorsdey, Chairman, National Election Commission and DR. Sin Chum Bo vice-Chairperson of the NEC.

The NEC is composed of the Chairman, the Vice-chairperson and seven Commissioners, all appointed by the National Assembly. It takes decisions by majority vote. NEC Members must give up their political party membership and resign from any party positions. The NEC appoints all other election administration staff. There are 20 provincial election commissions and four municipal election commissions. Further down the line there are 1.621 commune election commissions and 15.255 polling stations.

There have been some doubts about the neutrality of the NEC, not just because it is physically located in the premises of the Ministry of Interior and because it reports to it, but also due to allegations of the opposition parties that the NEC is influenced by the CPP. A number of questions were raised by the Chief Observer and the Chairman of the EP delegation on how some complaints were handled by provincial electoral commissions and about the use of state resources by the CPP. The replies in both cases were rather vague, noting that it was difficult to gather evidence in these cases.

Meeting with NICFEC

The delegation met with Mr Puthea Hang, a representative of one of the two main domestic observer organisations, NICFEC (COMFREL being the other one). These organisations plan to deploy 10,000 observers and 7,000 observers respectively in these elections.

Mr Hang noted that, in comparison with the previous elections in 2003, the number of irregularities they have observed has diminished. He expressed concern, however, as regards the atmosphere of intimidation caused by the murder of the journalist Khim Sambor, as referred to above. Mr Hang also regretted the ongoing atmosphere of impunity in Cambodia.

This assessment coincided with the wording of COMFREL's 7th Monitoring Report on the Situation Prior to the 2008 National Assembly Elections:

“The atmosphere prior to the 2008 elections was characterized by a growing sense of insecurity, ranging from threats to assassinate political party activists, the murder of a Sam Rainsy Party (SRP)-affiliated journalist, to the deployment of Cambodian and Thai military troops to areas around the Preah Vihear Temple. In addition, the atmosphere lacked neutrality owing to a large number of cases in which government officials, authorities, armed forces personnel and the national police supported the ruling party and opposed other political parties. Although the number of cases of murder, intimidation, threats and irregularities in this election has been lower than in previous elections, this still has affected the feelings and thoughts of voters”.

Meeting with UNDP, UNOHCHR, UNIFEM

A total of 23 agencies, funds and programmes of the UN family are active in Cambodia. One of the main areas of co-operation is *Good governance and the promotion and protection of human rights and Local democracy*.

UN agencies have provided training to local level of stakeholders, supported the ID card programme, and offered programmes about gender issues. UNIFEM reported on several cases of harassment of women, candidates and supporters, and explained that there is a very traditional attitude to the role of women.

In these elections there are fewer women candidates, but the number of women in the five first post of the list is higher. One of the reasons is that candidates have to pay a high entry amount of money (EU EOM mentioned 35.000 EUR per candidate) and finance their campaign, which few women can afford.

In reply to the question of Mr Ford “Why is the international community here?” “What are we achieving with our funds?” our interlocutors explain that:

- i) There are many ways to corrupt elections. Experience on how to avoid corruption in elections is needed. Cambodia has not reached international standards on democracy. It is a work in progress but it is still a post-conflict

society. It is probably the last time the international community is going to finance elections in Cambodia but there is a lot of work to be done.

ii) The ruling party in government will aim at deriving legitimacy from the presence of international observers. The CPP is manipulating other parties, and there is a real danger that the country could be moving towards a one-party system, so there is a need for a viable opposition. Cambodians know what happens in their country (corruption, etc...) but the presence of international observers tells people who do not respect democracy that democracy matters. Cambodia needs witnesses.

iii) This electoral campaign has shown less violence and intimidation than previous elections, because the CPP has found other more subtle ways to gain advantage.

The representative of UNOHCHR noted that the complaints procedure is not working and questioned the capability and neutrality of the NEC.

As regards the question of the independence of women to vote, our interlocutors noted that it depends on the level of education: women of the upper class have a greater level of political affiliation, "without political support nobody arrives anywhere" because political control is omnipresent.

Last but not least, our interlocutors referred to capacity building programmes they have envisaged for the new National Assembly after the elections.

Meeting with the Deputy Prime Minister and Minister of Foreign Affairs, Mr Hor Namhong

Two issues dominated the exchange of views with the Foreign Minister: firstly, the situation along the Thai-Cambodian border in the area of the Temple of Preah Vihear, and secondly, the activities of two Members of the European Parliament, who were not part of the official delegation.

As regards the border dispute issue, the Foreign Minister reported on the contacts that had been made with the Thai authorities and on the wish of the Cambodian Government not to let the situation escalate. He referred to the judgment of the International Court of Justice of 1962, according to which the temple had been attributed to Cambodia, although this judgement did not refer to the entire area around the temple, which has remained the source of tension. As a sign of good will, the Minister reported that he would postpone the decision to submit the matter to the UN Security Council until the next round of talks, which were envisaged to take place in Siem Reap on Monday 28 July.

Concerning the second matter, the Minister complained about the activities of two Members of the ALDE Group of the European Parliament, which had apparently participated at a rally of the Sam Rainsy Party (SRP) on 23 July and invited the crowd to "vote for the Sam Rainsy Party in order to eliminate corruption". The Minister regretted that Members of the European Parliament had thus breached the code of conduct on electoral observation, described the matter as interference into internal

affairs of Cambodia and questioned the impartiality of the EU mission. The Chief Observer, Mr Callanan, explained that the two parliamentarians in question were not part of the official delegation of the European Parliament and acted in that rally in a personal political capacity, in any case not on behalf of the European Parliament nor the EU EOM. Mr Callanan reassured the Minister that this mission is completely impartial (see also related correspondence in the annex).

Meeting with Human Rights organisations (ADHOC - Mr Thun Saray- and LICADHO)

ADHOC has been working on cases of land-grabbing and gender violence.

Comparing the present election with previous ones, Mr Thun Saray explained that what has changed in Cambodia in the last years is that now the country is moving to a one-party system: FUNCINPEC has lost political weight and there is no real coalition.

ADHOC is claimed that the National Election Committee's (NEC) procedure, which requires the Provincial Election Commission (PEC) to consolidate election results based on the results report of the Commune Election Commission (CEC), is possibly not in accordance with the Law on the Election of Members of the National Assembly. The latter stipulates that the PEC shall consolidate election results based on the reports of polling and counting stations.

In reply to the question whether he considers that the elections are free and to fair, the ADHOC representative thinks it is difficult to conclude, but outlines the following:

- i) There have been several murders in the last months that probably were politically motivated. Obviously, they had a serious impact on public opinion and this creates an atmosphere of intimidation.
- ii) Stick and carrot methods of clientelism: intimidation by village chiefs, most of them aligned with the CPP, go hand in hand with promises.
- iii) There is no law that allows distinguishing between resources of the state and resources of the party. It is the Party's card that gives access to social security. It is said that the CPP may have spent enormous amounts of money in this electoral campaign.
- iv) The illiteracy level is greater than it was thought. If people do not get the VIN (voter information), they have difficulties to find their name in the lists and to identify their polling station.
- v) He finally questioned the integrity of the NEC.

Meeting with representatives of the main political parties

The delegation met with the 4 political parties that were expected to have the best chances of most being represented in the new National Assembly. It was not possible to meet with the CPP, despite the efforts of the core team to organise such a meeting.

High-level representatives of Sam Rainsy Party (SRP), FUNCINPEC, Norodom Ranariddh Party (NRP) and the Human Rights Party (HRP) presented their analysis of the current political situation prior to elections and their expectations. They all recognised that the situation was much less violent than in previous elections, but the level of psychological intimidation is worse. All agreed that CPP was using state resources for campaigning, but also for intimidating and buying votes, party candidates and observers.

Sam Rainsy Party (SRP)

Before hearing the assessment of the SRP representatives, the Chairman drew their attention to the press statement he issued that same day, in reaction to an article published in an SRP newspaper, which claimed that EP observers had invited voters at a rally to vote for the RSP. The Chairman underlined that the role of this delegation was to observe the electoral process and not to take sides with any political party. The two members in question were not part of the official delegation and acted in a personal political capacity. The representatives of the SRP did not react to this statement. They then referred to the following points to substantiate that this electoral campaign is not clean and fair:

- CPP uses all the resources of the state to stay in power. Civil servants are forced to affiliate to the party; the CPP is buying other parties' electoral observers and has bought or coerced to affiliate to CPP 6 RSP's candidates to the National Assembly.
- The NEC is not independent: the representative of the NEC in the provincial and commune electoral commissions is also the representative of the CPP.
- The NEC has done nothing to restore names deleted in the register review. The voter's register is not accurate: the RSP suspects that 20% of voters are listed incorrectly, because they are immigrants or people below 18 years.
- The transmission of the voter information notes to the voters by village chiefs has also been used to transmit biased information.

The RSP says they have been treated by the government as a state enemy.

NRP

The NRP representatives indicated the same problems of credibility of the NEC and independence of the judicial system and denounced the buying of voters and observers from other political parties. NRP's leader is exiled in Malaysia. NRP's attempt to convince the other parties to form a united opposition found no echo. The electoral law of Cambodia does not facilitate coalitions.

FUNCINPEC

FUNCINPEC's representatives denounced the harassment which they have been confronted with during the electoral campaign. They noted that the NEC has given ID cards to immigrants and people below 18 years. At the same time, victims of land-grabbing will not be able to vote. They invited EP observers to look carefully how the

counting procedure is arranged and how bulletins are transferred from polling stations to provincial electoral commissions.

HRP

Mr. Son Soubert, the son of the former Cambodian statesman Son Sann, who founded the defunct Buddhist Liberal Democratic Party in the early 1990s, explained his party's intents to have internal democracy. He also explained his fears that the CPP's one party-rule is ruining the international community's efforts to consolidate democracy in Cambodia. He referred to the weaknesses of the judicial system and to the problem of corruption. The culture of corruption is wide-spread and already starts at school with the practice of bribing teachers. The CPP has the monopoly of the public resources, it uses state resources as if they were party resources.

Meeting with representatives of the Konrad Adenauer Foundation, the Heinrich Böll Foundation, National Democratic Institute (NDI) and International Republican Institute (IRI)

As mentioned earlier, the National Democratic Institute (NDI) together with local NGOs has conducted the second Voter Registration Audit (VRA) to evaluate the quality of the registration process after NEC had validated the voter list for the upcoming election.

One of the reasons to conduct this updating of the Voters registry was the falling turnout in elections (from 87.5% in 2002 Commune Council Elections, 85% NA 2003 elections; 67.8% 2007 Commune Council Elections; 75% in these NA elections).

The delegation had the opportunity to meet NDI's representatives and received detailed explanations of the methodology. NDI underlined that it would be preferable that NEC would be separated physically and from a budgetary point of view from the Ministry of Interior.

The following points were also raised:

- Citizens have the right to have peaceful elections,
- Given the unequal access to mass media, the absence of clearly defined political party programmes and the levels of literacy, and not least the biased role of village chiefs, it is questionable to which extent an a deliberate and well-informed choice is possible, in particular as regards rural areas.
- On Election Day, things will be fine, but it is what happened before the E-Day that makes difficult to believe that these are free elections (use of judicial system, media, village chiefs, etc).
- CPP is so rich because of the use of "illegitimate" financing sources; its budget could be higher than the state's.

Preparations on Saturday 26 July before election day

As agreed, the EP delegation split into three teams for deployment: Mr. Glyn Ford, Mr Irujo and Mr Gobor travelled to Shianoukville by car. Mrs. Mikko and Mr. Bielan observed polling stations in Phnom Penh while Mr Peterle and Mr Pomes Ruiz were deployed in the near province of Kandal. This deployment plan, which was integrated into the planning of the EU EOM, allowed the delegation to observe the elections in very different areas.

All three teams met with the respective long-term observers of their area with whom they examined the local conditions and specific routings for Election Day.

Election day on 27 July

The general assessment was that election-day was well organised, peaceful and that voting took place in a disciplined way.

On the morning of Election Day, each team observed the opening procedures in a selected polling station. In all cases observed, the polling station staff followed the opening procedures and opened the polling station at 7 a.m, as stipulated in the electoral law.

The teams were well received in all places. Most polling station members seemed to be aware of the role and rights of the international observer teams under the Election Law and received the observer teams correctly in their polling stations.

Polling station staff appeared to be aware of their tasks, which they performed in a generally competent way. However, the Phnom Penh team wondered about the lack of reaction from political party observers in view of a broken seal in one specific polling station. All teams noticed the presence of agents from different political parties but only CPP agents had a copy of the voters' list purchased by their party. National observers were also met during the day, but mainly in Phnom Penh and Kandal and to a lesser extent in Sihanoukville.

Several citizens complained to the EP observers that their names were not in the voting lists, others that somebody else had voted under their names. In one of the pagodas in which several polling stations were located the team was surrounded by several dozens of citizens claiming that their names were deleted from the lists and indicated they had been able to vote on previous elections.

Counting procedures, closing and transfers of results and ballots boxes to CEC were performed in a very orderly way in all polling stations observed. Counting procedures at CEC level were observed by teams in Kandal and in Sihanoukville. The team observing in Phnom Penh was surprised to discover when they arrived to the CEC that adding up of results of the corresponding polling stations was already done, in absence of political parties and observers, on the basis of the information transmitted by NEC's staff.

Monday, 28 July

The team deployed in Sihanoukville returned to Phnom Penh. and all teams met for debriefing with the Chief Observer in the afternoon. Mr Callanan gave a summary of his preliminary statement which basically acknowledged a largely successful election day despite a tense campaign. Members reported on what they had observed. This was followed by a number of individual meetings with various interlocutors for further debriefings.

The European Parliament delegation hosted a cocktail that evening, attended by many international observers, organisations, NGOs, the EU Heads of Mission and other embassies. This contributed to the visibility of the European Parliament and provided a timely opportunity for exchanging views on the process and the situation in the country.

Tuesday 29 July

A number of bilateral meetings took place with various interlocutors in the morning. The Chairman also met with the Chief Observer, who agreed to include some observations made by the delegation of the European Parliament. The preliminary statement was then presented at the Joint Press Conference, which was well attended by international media, but also by representatives of various political groups, including Mr Sam Rainsy.

Conclusions

Some further progress was achieved in comparison with the 2003 elections. Most significantly, the elections took place peacefully and in an orderly manner, which given the recent history of this country, is an essential development. Indeed, the level of violence was clearly below the situation that had been observed in 2003. The general atmosphere observed by this delegation in the three deployment venues was peaceful.

As was outlined in the preliminary statement, however, there were some shortcomings, which are fully endorsed by the Chairman. These elections were procedurally sounder, but were they sufficiently fair by international standards? Not entirely.

There were fewer complaints, although it is difficult to conclude that this was due entirely to a sounder procedural context. Some of our interlocutors attributed this rather to a lack of voter confidence in the proceedings of the electoral administration and their capacity and willingness to handle the complaints correctly. Others attributed this to a lower electoral interest, together with a lower turn-out.

The deployment plan that the European Parliament's delegation chose allowed it to observe polling stations in very different areas, which was very useful. Technically speaking, the general impression was that polling and counting were well organised

and relatively transparent, although one of the teams observed some anomalies as reported before. It was clear from the outset, however, that the problems would not lie with the technicalities and the administration of e-day, but rather the more general context, the role of the ruling Cambodian People's Party, the lack of confidence in the impartiality of the National Electoral Committee (NEC), the culture of clientelism, the practice of electoral gifts, and in a more political and institutional context, the still existing culture of impunity. Cambodia still is a post-conflict society and practices that lead to intimidation are not unusual.

Given its recent history, it is not surprising that security and stability were a big issue in this campaign.

Probably the most significant feature observed by this delegation was the overwhelming presence and dominant position of the ruling CPP party. The use of state resources by the CPP (for instance the use of military vehicles) as reported by the long-term observers was also observed by this delegation and reported orally to the NEC, although with no much effect. The lack of state resources contrast with the ruling party's abundant funds for buildings, cars, campaigning, etc...

This delegation also regretted the fact that the National Election Committee did not agree to take the necessary measures to restore the names of around 50.000 voters, despite the fact that this incorrect deletion had been recognised by the NEC. It would not have changed the results of the election, but it still raised a serious question of principle and fairness. It also questions the credibility and competence of the NEC, which is partly funded by the EU. In this context, the delegation welcomed the audit conducted by the NDI on the voters' registry. This audit was essential in order to understand the problem of voters' deletions. Such audits would seem to be an essential tool for situations of serious contestation of the content of voters' registries in countries where the EU plans to deploy an EU EOM.

The handbook for EUOM mentions the following conditions as essential in a genuine and democratic process:

- *transparency in the electoral process*
- *election administration should act in an effective, impartial, independent and accountable manner,*
- *equal access for candidates and political parties to state resources,*
- *equal access for candidates and political parties to, and balanced coverage by, any state or publicly funded media;*
- *electorate should be informed of its rights through civic and education programmes and*
- *Peaceful atmosphere –free from violence, intimidation or reprisals – for candidates and parties to campaign and for the electorate to vote.*

It is obvious from the above that some of the key international standards were not complied with satisfactorily. Nevertheless, it cannot be ignored that some progress has been achieved. As underlined at the outset, these elections have been procedurally sounder and the atmosphere was less violent than in the past. The European Union and the European Parliament remain committed to assist with the consolidation of

democracy and the state of law in Cambodia and the decision to also observe the 2008 elections was a reflection of that.

The role and visibility of the European Parliament's delegation was again an issue this time. It is of the utmost importance that the credibility and impartiality of European Parliament observation delegations are not put into question. The presence of other Members of the European Parliament at the same time in Phnom Penh, which were not part of the official delegation, and their participation at a rally of one of the opposition parties was noticed with concern by the other parties and could have potentially undermined the credibility of this delegation, if it had not reacted and clarified the matter straight away. Therefore, it is of the essence that these types of situations are avoided during future missions.

Last but not least, it should be underlined that relations with the EU EOM core team, the Commission services and with the Chief Observer, Mr Martin Callanan, were excellent. The assistance received from the core team and the long-term observers on deployment day was also impeccable.

The elections themselves were free and fair, but conducted in a political landscape that was heavily biased in favour of the governing party.