

COPCEL II—Conflict Prevention in Cambodian Elections

In the lead up to three forthcoming Cambodian elections, The Cambodia Development Resource Institute (CDRI) has launched Conflict Prevention in Cambodian Elections (COPCEL Phase II) to provide open and neutral forums for the discussion of election related issues. Its main objective is to prevent conflict, violence and misunderstanding in elections by building trust and encouraging a culture of dialogue through its safe and neutral space which are fundamental for building peace and mature democracy.

COPCEL Phase II, with financial support from United Nations Development Programme (UNDP), will run for three years following its launching conference in Phnom Penh on 14 July 2005 dealing with 2006 senate election, 2007 commune council election and 2008 national election and has been divided into six structures with the aims to reach down to the provincial level through COPCEL Provincial Meetings (COPCELPROM) and to general public through COPCEL Media Meeting (COPCELMED), components expanded from last COPCEL Phase I.

COPCEL Phase II is an important expression of CDRI's commitment to working in partnership with other Cambodian institutions and organizations to deepen and strengthen democratic governance in Cambodia and is an expression of UNDP's continued commitment to improve electoral process and promote democracy for Cambodians through its long term assistance to this programme. Through the COPCEL forum, all stakeholders and elections actors will have an opportunity to raise questions relevant to the conduct of credible, transparent and accountable elections and find out ways to address those issues, improve cooperation and share experience and information.

COPCEL Phase I, a unique Cambodian-initiated and owned mechanism that lasted from August 1999 until September 2003, dealt with the 2002 commune council election and 2003 national election. It convened 50 consecutive monthly meetings with support from the USAID and The Asia Foundation. More than 100 representatives from government, the National Election Committee (NEC), major political parties, election-monitoring NGOs participated the meetings and the minutes of each meeting had been distributed to the king, all members of Senate and National Assembly, Constitutional Council, Prime Minister, deputies prime ministers, all ministers involved in conduct of elections, all provincial governors and deputies, foreign embassies and other international and national civil society organizations. CDRI's independence research and survey in 2003 and consultation in late 2004 and early 2005 with participants of COPCEL phase I confirmed the effectiveness and its constructive roles to significant contri-

bution to improvement of the election process and strongly recommended its renewal.

During the launching conference of COPCEL Phase II on 14 July 2005 in Phnom Penh, all guest speakers and panel speakers as well as participants had expressed strong support for the resumption of COPCEL Phase II.

"COPCEL Phase I had fulfilled its missions to find ways to prevent election-related conflict to promote free and democratic election process in Cambodia. COPCEL also contributed to 2002 commune council election and 2003 national election to proceed successfully. Through monthly consecutive COPCEL Meetings all election-involved stakeholders had showed joint commitment to cooperatively end the conflicts during the election"

*H.E Mr. IM Sousdei,
Chair of National Election Committee*

"COPCEL is a unique Cambodian-initiated and owned mechanism, which aims at preventing conflict, violence and misunderstanding in elections by building trust and encouraging a culture of dialogue".

"COPCEL is important for Cambodia, and important for CDRI, as an expression of its commitment to working with other Cambodian institutions and organisations to deepen democratic governance in Cambodia. I wish to express my respect, on behalf of CDRI, for the stakeholders in the COPCEL process, and their commitment to utilising the process responsibly to work together, building trust and dialogue, for the prevention of conflict in Cambodian elections over the next three years".

*Larry Strange
CDRI's Executive Director*

"COPCEL provides open and neutral forums for the discussion of election-related issues. Election participants can work together in a friendly, open and neutral environment to address their election concerns and find common grounds for settling differences. Trust building is the utmost importance in this process and in elections.

"In Cambodia, where it is very difficult to find spirit of independence and neutrality, COPCEL has provided a true non-partisanship forum that generates trust from and among all the stakeholders. It is a unique Cambodian experience about face-saving facilitation approach where players feel confident to talk about sensitive political issues without fear of losing face for themselves or for the parties they represent"

*OK SEREI Sopheap,
COPCEL Facilitator*

COPCEL II Launch

Closing Remarks by H.E. Prum Sokha, Secretary of State of the Cambodian Ministry of the Interior at the Launching Conference for "Conflict Prevention in the Cambodian Elections" (COPCEL II) at Phnom Penh Hotel on 14 July 2005

This conference has been convened by CDRI with the support of UNDP to launch COPCEL II. It is an honour and a privilege for me to represent the Royal Government of Cambodia at such an important event and to make some closing remarks.

I have personally been involved in all four post-Paris peace agreement elections in Cambodia. These were the election for a constituent assembly in May 1993, the election for the National Assembly five years later in July 1998, the nationwide commune/sangkat council elections in February 2002 and the latest election for the National Assembly in 2003.

Probably the most outstanding feature of these past 12 years is that the electoral process has not merely survived times of great political tension, but that on each occasion it has improved and become more firmly entrenched in the socio-political culture of Cambodia, even extending to the commune, or grassroots, level. The greatest triumph of the elections is the enthusiasm for democracy that Cambodians have shown by their overwhelming registration as voters and their strong participation in the polls, sometimes in spite of possible danger from groups that opposed the elections.

Thus, for example, in the election of members of the National Assembly in 2003, about 6.75 million Cambodians were eligible to register, out of a total population of some 12.25 million. Ninety-four percent¹ of these eligible voters in fact registered². On voting day, 83.22 percent³ of these registered voters cast their votes in 12,826 polling stations.

The Cambodian people now regard properly elected democratic government as an entitlement and a way of life.

Electoral Highlights 1993–2003

It is appropriate at this stage to refer briefly to some of the electoral highlights of the past 12 years, but with special emphasis on the advances made in 2002 and 2003.

1993 UNTAC Elections

The 1993 election was conducted by the United Nations Transitional Authority in Cambodia (UNTAC) as part of the initial peace settlement. The end result was to have three of the four Cambodian factions working together. The fourth faction, the Khmer Rouge, withdrew from the democratic institutions, to its own great loss.

1998 National Assembly Elections

Much of the initiative and motivation for free and fair elections in 1998 also came from the international community as a way of creating peace among the factions

that were engaged in struggle in July 1997. The outcome of this reconciliation election was the coalition government.

Importantly, in 1998 Cambodian election authorities demonstrated that they could conduct elections to a high technical standard.

2002 Commune/Sangkat Council Elections

In February 2002, elections were used to expand democracy to the local level of Cambodian society, and to entrench it. The international community did not enforce or impose decentralisation or the local democratic elections of commune/sangkat councils. This was a Cambodian initiative to further consolidate democracy and promote development. Indeed, in the early stages this initiative was sometimes regarded with suspicion and scepticism by some components of the international community.

The commune/sangkat council elections of 2002 breathed life into an enormous experiment in democratic decentralisation and development. This endeavour still has far to go, but it has started well and will not be stopped.

Election Reform 2002

The Law on the Election of Members of the National Assembly (or LEMNA) was substantially amended in 2002 in preparation for the following year. This reform was intended both to improve the electoral machinery and to reduce costs. It achieved both of these objectives through a substantial review and amendment of all of the previous election regulations, resulting in considerable improvements to the content and processes of the 2003 election. LEMNA and the regulations and procedures can be further simplified and clarified.

2003 National Assembly Elections

The 2003 election for members of the National Assembly⁴ was better than all previous elections. The reasons for this included:

- strong citizen participation in voter registration and voting;
- a more competent legal framework and regulations;
- an effective, efficient and politically independent NEC;
- greater electoral knowledge and experience from the NEC and its electoral officials;
- better election structures and management;
- substantial technical and procedural improvements, including the creation of a permanent register of voters;
- greater economies and financial savings;
- more effective and knowledgeable monitoring and observation;
- widespread respect for the secrecy of the ballot;
- more effective consultation within COPCEL, resulting in better conflict prevention and better regulations;
- a new media strategy aimed at providing equal access for all political stakeholders to state media;⁵
- more open and balanced access to the media by all political parties;
- extraordinary electoral support from NGOs, CSOs and other civic groups;
- reduced violence.

Some of these features warrant special comment.

The New NEC

The creation of a smaller NEC without political affiliations resulted in a considerable enhancement in the performance and status of the NEC as an effective and impartial election authority.

Consultation and Inclusivity

Importantly, the NEC operated in a more transparent and participatory way that contributed substantially to conflict prevention and improvements to the election process. It actively sought to involve political parties, NGOs and international organisations as its partners in the electoral process.

The NEC also encouraged and participated in COPCEL from late 2002 and scheduled regular meetings with political parties, NGOs and media representatives. The NEC provided stakeholders with texts of draft regulations for comment before approving them. In this way, the NEC both improved the quality of its regulations and showed an admirable responsiveness and sensitivity to the electoral concerns of Cambodian society as a whole.

In general, there was also a greater mutual respect between stakeholders. However, the political parties should strive to become more aware of their role and obligations during the campaign period and establish a more open relationship of mutual confidence with the NEC.

Voter Registration

In 2003 the NEC created a permanent voter registry based on the voters list used for the 2002 commune elections. Registration responsibilities were delegated to commune administrations supervised by the NEC. An objective and less discretionary registration process was also established.

As of 2004, there was a permanent registry of voters that entails an annual voter registration and revision of the list. In 2004, more than 290,000 new voters were registered.

The costs of the new registration system⁶ are lower than those of periodic registration. The quality of the process will also improve as the procedure becomes a routine part of commune administration. Initiatives by the NEC to improve the software platform and decentralise computer equipment should also improve the quality of the lists and reduce the costs of technical maintenance.

The registration process and the computerised voter registration list can still be improved. Also, each voter should be notified in advance of the location of his/her voting station and how to find his/her name on the list, which will now be in alphabetical order.

Media

The role of the media emerged as a key indicator of the credibility of the 2003 elections. One of the main improvements of the election was opening substantial media access to parties and voters. This enabled parties to run campaigns more effectively and also enabled voters to be more informed. The overall free media coverage given to all political parties in terms of hours of airtime was one of the highest in Asia. There is no doubt that the campaign benefited from an unprecedented level of debate and open discussion on state and private media

and at the grassroots. Further efforts should be made to support this.

Observers

The presence of observers has a primary impact in promoting an atmosphere of openness and transparency and enhancing public confidence in the election process and its outcome. Some 30,000 national and international election observers were in regular contact with provincial election committees, commune election committees, party officials and NGOs.

Costs

Even with the greatest financial moderation, economy and restraint, elections are costly. This is an inevitable and essential price that must be paid for democracy. However, the reasons for apparently high costs must be constantly reviewed and evaluated, and economies must be developed.

Internationally, some elections are substantially more expensive than others. One very significant and encouraging factor affecting cost appears to be the amount of previous experience with multi-party elections. Significant cost differences exist between routine elections in stable democracies, elections in transitional democracies and elections during special peacekeeping operations.⁷ Cost comparisons are difficult and must be treated with caution, but some observations may be pertinent.

In countries with long multi-party democratic experience, it seems that elections are consistently less costly than in countries where elections are a new undertaking. Electoral costs of approximately \$1 to \$3 per elector tend to be manifest in countries with longer electoral experience.⁸ Cambodia now seems to be joining this latter category.

In most countries that have less multi-party electoral experience, costs tend to be higher,⁹ ranging roughly from \$3.70 to an extreme high of \$11.00. Elections that have taken place as part of peacekeeping operations have the highest cost.¹⁰ For example, the Cambodian elections of 1993 cost around \$45 per elector.

In Cambodia, every election since 1993 has cost substantially less. The cost of the 1998 national election was US\$24.343 million. The cost of the 2002 commune council elections (which were logistically more complex and expensive) was \$15.062 million. The cost of the 2003 national election was \$11.162 (or about \$1.76 per registered voter).¹¹ These reductions in costs have been accompanied by higher standards and quality.

Experience of elections clearly seems to be a significant factor in reducing costs. Cambodian elections can now be expected to stabilise financially and realise the fruits of investing in experience.

Indirect costs are difficult to evaluate. For example, it is estimated that support to NGO activities was nearly equal to the overall NEC election budget.¹² More than 30,000 national and international observers attended, including 1,156 international observers from 26 countries.

International Financial Assistance

No review of any of the four elections would be complete without recognising the important role of the international community in providing technical assistance

and funding. Different countries had different agendas in supporting the Cambodian elections, but the combined effect was a positive one, and the Royal Government is grateful.

It is important to note that in 1998 international electoral donor assistance funded almost 80 percent of the total cost of the Cambodian election. This went down to about 60 percent for the commune/sangkat elections in 2002, and to less than 50 percent for the 2003 national election.

There is a strong incentive for the NEC and the Royal Government to reduce election expenditures generally and to reduce dependence on international assistance for elections.

Overall Assessment

Despite various problems, the four elections were increasingly conducted with internationally recognised technical skill, integrity, impartiality and honesty. Elections in Cambodia now have a degree of reliability, safety, credibility, legitimacy and acceptability that could not have been envisioned a few short years ago.

In the words of the ambassador of Singapore to Cambodia: “[Cambodian] elections are getting progressively better each time. The 2002 commune election was better run than the 1998 one. These [2003 elections] have been the best elections yet”.

The prospects for continued democratisation in Cambodia are excellent.

Conflict Resolution

Elections in Cambodia, as in many other countries, have regulated and channelled differences of opinion and competing political forces. These elections kept the competition for power within voting booths and kept the exercise of power within recognised institutions.

These elections legitimised political differences and competition, and were crucial for the peaceful resolution of national and local conflicts. However, the fundamental precondition for successful conflict resolution of this kind is that the outcome of the election must be seen to reflect the choices of the population. The election outcome must be credible and acceptable. And a credible and acceptable election outcome in turn depends upon credible and acceptable election processes.¹³

In essence, these processes set out specific constraints and provide specific outlets for electoral behaviour. Election processes set the “rules of the game”. These rules impose or facilitate a particular kind of human and social interaction that must be generally understood and commonly accepted by all participants in an election. However, in order to be commonly accepted, these processes must, at a minimum, firstly satisfy basic human needs (including comprehension, equity, equality and consensus) and secondly promote and protect vital human interests (including peace and the proper distribution of political power).

In short, it is essential to ensure election processes in which all the multiple social and political groups can participate to their satisfaction .

It follows that processes that are incomprehensible, inequitable, unequal or otherwise unacceptable, or that

bias or distort (or even appear to bias or distort) the proper outcome of the election, will themselves cause conflict during the election, quite apart from wrongly affecting the result.

Mechanisms, arrangements and provisions for prevention and resolution of conflict over election processes are therefore essential, important and legitimate. COPCEL II, by facilitating these mechanisms, arrangements and provisions, can clearly make an invaluable contribution to democracy, peace and development in Cambodia.

In considering conflict prevention and conflict resolution against a much wider socio-political background, it is perhaps necessary to note that social conflict or disagreement (as distinct from violence or crime) is not inherently wrong or evil. Nor is conflict of this kind necessarily undesirable. Conflict can arise from, or even promote and stimulate, the highest motives, interests and good intentions.

Conflict in society often arises out of unmet human needs and unmet aspirations. However, human needs and aspirations are not static. They grow and change over time, and they will influence and be influenced by social, political and economic circumstances. Thus the human needs and aspirations of yesterday may be quite inappropriate or inadequate for the needs and aspirations of today or tomorrow.

Consequently, from this perspective, social conflict can be viewed as a precondition or catalyst for human progress and development—whether in elections, democratic development, science, medicine or other social activity. In this event, it is productive to identify and satisfy these unmet needs and aspirations, rather than to try to subdue or eliminate them. In other words, conflict prevention should seek to prevent conflict by removing its underlying causes rather than merely dealing with the symptoms of conflict.

Especially in rapidly developing societies, therefore, an ongoing review of socio-political structures and systems is not a matter for distress and alarm, but rather an essential and necessary part of development, growth and change. Socio-political changes of this kind can reduce the distress that causes conflict; correctly reconstruct social interactions that are inadequate or that have collapsed and simultaneously promote a transition to peace and further development. Conflict can be a catalyst for positive change.

This truth of this lesson is abundantly evident in Cambodia, where a succession of changes to the election mechanisms and processes over the past 12 years have increased the quality of each election, reduced dissatisfaction (and violence) and promoted a new culture of participatory democracy and development. COPCEL II will be able to build on this foundation and provide a vital ongoing forum for this kind of constructive debate and discussion.

COPCEL

The Forum for Conflict Prevention for Cambodian Elections, which was established in 1999, played a key role in creating an impartial arena for civil society organisations and the NEC to discuss matters relating to elec-

tions and to prevent conflicts. These meetings gradually increased in importance and continued until just after the National Assembly elections in 2003. Bringing a diverse set of stakeholders together was a significant and positive step.

In general, COPCEL has been indispensable as a neutral venue for open dialogue between the NEC, government representatives and representatives of civil society regarding proposed procedural and other electoral changes and events.

One noteworthy development was that prior to the 2003 elections, the NEC began to present its draft regulations to COPCEL for a response. This encouraged a culture of open discussion and dialogue among key election participants, established more common understanding and agreement on electoral needs and objectives and enhanced the technical quality of the electoral processes. The cumulative effect was significant conflict prevention and resolution.

These meetings underlined the common advantages of inclusion, transparency and collaboration. They also provided a clear illustration that elections and democracy are not the sole or exclusive responsibility of any one institution such as the NEC—however competent it may be. Civil society organisations, NGOs, parties, donors, the state and individuals all have a role and duty to ensure the success of the election and to maintain a democratic culture. There are common overall objectives and certain core values that can and must be shared and supported by all Cambodians, irrespective of party affiliation.

I hope that COPCEL II will play an invaluable role as a vehicle for open dialogue in contributing to the success of the next three elections: for the Senate in 2006, commune councils in 2007 and the National Assembly around 2008.

May I therefore offer my congratulations and support on the launching of COPCEL phase II officially today, 14 July 2005. Please be assured that your efforts also have the wholehearted good will and support of the Royal Government.

Endnotes

1. Around 6.34 million people.

2. Fifty-four percent of registered voters were women.
3. Some 5.277 million people.
4. In reviewing this election, it is appropriate to distinguish between issues that are contained in the election process, and issues that arose after the election had been concluded.
5. In 2003, on both TV and radio, each party had a slot of five minutes' free airtime each day for the duration of the election campaign (30 days). The program was repeated in the morning for a total of four broadcast hours per day. Overall, the state provided 120 hours of free airtime during the campaign.
6. Estimated in 2004 at 3,672 million riels or US\$919,000.
7. *Electoral Management Bodies as Institutions of Governance*, Bureau for Development Policy, UNDP, September 2000.
8. United States, most western European countries; Chile \$1.20, Costa Rica \$1.80, Brazil \$2.30; Benin \$1.60, Botswana \$2.70, Ghana \$0.70 and Senegal \$1.20 in Africa; India \$1 and Pakistan \$0.50 in Asia; and Australia \$3.20.
9. Mexico \$5.90, El Salvador \$4.10 and Paraguay \$3.70 in Latin America; South Africa \$11.00, Lesotho \$6.90, Liberia \$6.10 and Uganda \$3.70 in Africa; and Russia \$7.50. El Salvador dropped to \$3.10 in 1997.
10. Nicaragua in 1990 \$11.80, Angola in 1992 \$22, Mozambique in 1994 \$10.20, Palestine in 1996 \$9.00. Subsequent elections in Nicaragua dropped to \$7.50 in 1996.
11. These savings include one-time purchases and expenditures that were not repeated in 2002 or 2003. For example, in 1998 the EU alone contributed \$7 million for training and stationery. In 2003 the figure was \$661,000. There were also substantial savings through more efficient operations. For example, CECs were appointed five weeks before election day in 2003 and seven months before in 2002 to oversee registration. This saved \$2.5 million.
12. UNDP Report on National Assembly Election in Cambodia, 27 July 2003, p5.
13. Including the electoral formula, voter registration, secret voting, counting of votes, campaigning, media access and safety and security.

(Continued from page 24) Update

Two other major poverty studies have already been reported in previous editions of the CDR. These are the Moving Out of Poverty Study and the Participatory Poverty Assessment (PPA) of the Tonle Sap. In the case of the former, analysis is proceeding well and initial results are being shared with stakeholders. In the case of the PPA, the field-work phase is now being wrapped up after completing the PPA in 23 villages.

The NRE unit of CDRI has been re-invigorated with the arrival of a new Technical Advisor. A number of major initiatives are currently underway:

- Study on NTFP uses and values

- Drawing up a five-year strategic plan of research for NRE
- Developing a proposal for a study on Water Resources, conflicts and Governance
- CDRI and EEPSEA are developing a series of seminars and workshops on issues related to NR economics.
- A study on Land Tenure Database Assessment started -field work completed and draft report submitted to FAO
- Land Titling Baseline Survey (urban phase) is underway.

Important institutional partnerships are being progressed with the University of Sydney, the Royal University of Phnom Penh and the Danish Centre for Forests and Landscape.