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Cambodia's 1998 Elections

The Failure of Democratic Consolidation

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This article examines why Cambodia's transition to democracy faltered in the years that followed the United Nations Transitional Authority in Cambodia period despite the international community's assistance to two "democratic" elections.

Cambodia's parliamentary elections on July 26, 1998, were supposed to consolidate the political gains made since 1991, when the signing of the Paris Peace Accords ended the nation's twelve-year civil war. More than five years earlier, in May 1993, elections organized by the United Nations Transitional Authority in Cambodia (UNTAC) — held at a cost of \$1.5 billion and the lives of seventy-eight people deployed to Cambodia under UNTAC auspices¹ — ushered in a coalition government that had been expected to establish a legal and political framework for the democratic governance of the country. While the election was largely hailed as a success at the time, that coalition unraveled over the next five years. By July 1997, a violent coup had overturned the elected government and the nation once again confronted civil violence and international isolation.

The 1998 elections, like the UN-supervised elections five years earlier, failed to mend Cambodia's deep-seated political divisions. Indeed, the nation now looks much as it did when it emerged from the UNTAC period. The Cambodian People's Party (CPP), with roots in Vietnamese communism, is in control of the civil bureaucracy, security forces, and electronic media; key opposition leaders returned from exile only recently and are participating in a fragile coalition government. The human rights of political activists are far from secure.

The Paris Peace Agreements and the 1993 Elections

Perhaps no country in the twentieth century has suffered more turmoil and unremitting violence than Cambodia. The nation has seen little peace, and no stability, during the past fifty years. Since the end of the Second World War, each of Cambodia's governments has been an abrupt departure from the one that preceded it: in 1953 the French

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colonial regime was replaced by the monarchy of King Norodom Sihanouk; the king was overthrown by his prime minister, Lon Nol, in 1970; the Lon Nol regime was toppled by the Khmer Rouge in 1975; the Maoist Khmer Rouge, led by Pol Pot, were conquered by the invading Vietnamese army in 1978; and in 1991, the Vietnamese-installed regime, after fighting a protracted civil war against the Khmer Rouge as well as against the royalist and nationalist forces encamped along the Thai border, was replaced by the United Nations-sponsored transitional government.

The Vietnamese invasion of December 1978 installed the People's Republic of Kampuchea (PRK), which faced a continuing struggle against the Khmer Rouge. The PRK, which consisted mostly of former Khmer Rouge cadre who had defected to Vietnam to escape the purges launched by Pol Pot shortly after taking power, was led by Heng Samrin and, after 1985, by Hun Sen. Defeated in battle, the Pol Pot-led guerrillas had fled into hiding along the Thai-Cambodia frontier. In 1982, the Khmer Rouge entered into an alliance with the royalist National Front for an independent, neutral, peaceful, and cooperative Cambodia (known by its French acronym, FUNCINPEC), headed by King Sihanouk, and later by his son, Prince Ranariddh. A third alliance member, the republican Khmer People's National Liberation Front (KPNLF), was led by Son Sann, a highly respected former prime minister in Sihanouk's 1960s government. Each of the warring factions secured the backing of its Cold War patrons: the USSR supporting its ally Vietnam, and therefore the PRK; China backing the Khmer Rouge; and the Western countries, as well as the Association of Southeast Asian Nations, assisting FUNCINPEC and the KPNLF.

The Cold War, still raging in the early and mid-1980s, stymied occasional attempts to bring an end to the conflict. The thaw of the late 1980s, however, finally led to a breakthrough. The Vietnamese withdrew their forces in 1989, and the PRK changed its name to the State of Cambodia (SOC), preparing for its new non-Communist image. That same year, the five permanent members of the UN Security Council, along with other interested parties, initiated the Paris Peace Conference on Cambodia.

The 1991 Paris Peace Agreement obligated the United States, Japan, China, and the other signatories of the 1991 Paris Accords to support the struggle for democracy in Cambodia. These agreements required Cambodia to respect human rights as enshrined in the principal international instruments on human rights. The Paris Accords called for Cambodia to follow "a system of liberal democracy on the basis of pluralism." The accords also mandated "periodic and genuine elections . . . with a requirement that electoral procedures provide a full and fair opportunity to organize and participate in the electoral process."²

The agreement established the largest and most costly peacekeeping force in the history of the United Nations: the United Nations Transitional Authority in Cambodia. UNTAC was to supervise the administration of the country until a democratically elected Constituent Assembly formed a new government and ratified a national constitution. With a budget of more than \$2 billion (of which \$1.5 billion was actually spent),³ UNTAC consisted of more than 20,000 foreign personnel, including 15,000 people serving in its military component.

UNTAC's mandate was a broad one. It was given "all powers necessary to ensure implementation" of the comprehensive agreement. In the military area, UNTAC's specific task was to "supervise, monitor, and verify" the cease-fire, the withdrawal of foreign troops, and the cantonment and disarmament of the four warring factions: the SOC, the Khmer Rouge, FUNCINPEC, and the KPNLF.⁴

UNTAC's civil responsibilities, too, were extensive. They included supervising the repatriation of refugees, conducting elections, and implementing programs to protect human rights. UNTAC was also responsible for exercising direct control over administrative bodies in the areas of foreign affairs, national defense, public security, finance, and public information. Additionally, it was to "supervise or control" other, less sensitive public activities. Its fundamental objective, though, was to "ensure a neutral political environment conducive to free and fair elections."

During the May 23–28, 1993, elections, nearly 4 million Cambodians, almost 90 percent of all registered voters, went to the polls. Representatives were elected on a proportional basis, with each of the nation's twenty-one provinces serving as an election district. The UN established 1,400 stationary and mobile polling stations, and personnel from more than forty countries supervised the voting. UNTAC, working with national nongovernmental organizations (NGOs), conducted an extensive civic education campaign to assure citizens that their vote would be secret. To protect the secrecy of the ballot at the village level, counting was conducted at provincial centers where ballots from several villages were commingled to obscure voting patterns in any given locality.

Expectations that the Khmer Rouge would interrupt the voting did not materialize. Intimidation and violence, however, did mar the campaign. The CPP was accused of intimidating candidates and voters, denying opposition parties fair media access, and other forms of harassment. Several opposition activists, primarily FUNCINPEC supporters, were murdered during the campaign. Most of the political violence was attributed to the Khmer Rouge, but a substantial portion of the violence also was found to be the responsibility of the CPP.⁵

To some extent, the violence that flared was the responsibility of all the major contesting parties. FUNCINPEC candidates, for example, also appealed to people's prejudices against the resident Vietnamese population, many of whom had been in the country for generations. As a result, the Vietnamese community was also the target of political violence.

Although twenty parties registered, only four of them won seats in the Constituent Assembly. Of the 120 seats in the assembly, FUNCINPEC obtained 58 (45.5 percent of the total vote); the Cambodian People's Party 51 (38.2 percent); and the Buddhist Liberal Democratic Party (BLDP), the civilian arm of the KPNLF, won 10 (3.7 percent). A much smaller party, Molinaka, won one seat.

The euphoria that accompanied the election, however, soon subsided. His unexpected loss led Hun Sen to reject the results, claiming that the UN had rigged the election against him. Rumors of a possible coup appeared even as the ballots were being counted, and CPP leaders threatened secession in eight eastern provinces bordering on Vietnam. The pending crisis was averted only when King Sihanouk brokered a power-sharing agreement.

A coalition government was formed which, if it did not reflect the election's outcome, at least mirrored the realities of political power. After the election, the CPP remained in control of the civil bureaucracy, police, and other key components of the state apparatus. Therefore, FUNCINPEC needed the CPP's cooperation in order to govern effectively. In addition, Cambodia's Constitution required that the new government be approved by two-thirds of the National Assembly. Clearly, a compromise would be needed to form the government. Consequently, the CPP and FUNCINPEC agreed to share the top government positions. Although FUNCINPEC won a plurality of the parliamentary seats, each of the eighteen government ministries would be headed by

co-ministers, one from each party, or by a minister and a secretary of state from different parties. The government that emerged was quickly termed a government of national reconciliation. At the time, the new government was seen as the product of a successful international intervention.

National reconciliation was needed because long-standing animosities continued to divide the country. Many still viewed the CPP as a “puppet” of the Vietnamese and therefore a threat to Khmer culture. The National Front FUNCINPEC, on the other hand, suffered under several handicaps despite the nation’s respect for the king, and by extension for Prince Ranariddh. Many of the party’s members of Parliament (MPs) were seen as venal opportunists. Resentment lingered because several FUNCINPEC officials were allowed to retain their foreign passports, usually issued by the United States or France, which they obtained during their years in exile. In the minds of many Cambodians, these links with foreign countries cast doubt on the MPs’ commitment to improving the lives of ordinary Cambodians.

As the new government assumed office, UNTAC’s legacy was becoming increasingly clear. The civil war had ended, the Khmer Rouge was politically marginalized, and 375,000 refugees had returned. With the high rate of registration and voter turnout, the election was technically a success. Furthermore, UNTAC had sponsored dozens of new nongovernmental organizations engaged in monitoring human rights, civic education, and social services. In addition, several newspapers were operating free of direct government control.

UNTAC, however, failed to accomplish several important tasks. During the election, in provinces such as Battambang, Siem Reap, and Kompong Thom, UNTAC had been unable to prevent considerable harassment and violence. This included the arrest and intimidation of party activists, the bombing of party offices, and the execution of opposition supporters, a pattern that was to repeat itself five years later. Also, the military forces of the opposing sides had been neither demobilized nor disarmed. While the forces of the former warring factions were incorporated into an army under unified command, troops, in fact, remained loyal to their former political leaders, and divisions were widely known to be aligned with either FUNCINPEC or the CPP.

UNTAC also failed to fulfill its principal mandate to “ensure a neutral political environment.” Throughout the campaign period, and after the election as well, the CPP maintained firm control of the civil bureaucracy, judiciary, police, and much of the military. These instruments of state power were used by the CPP during the election period to retain its hold on government.

The Coalition Unravels

Cambodia made some progress in the early part of its experiment with democracy. The newly seated Constituent Assembly, for instance, transformed itself into a legislative chamber, adopted a new Constitution, and passed much-needed laws spurring foreign investment. The government made improvements in the country’s infrastructure and advances in the areas of education and health care. There were also significant developments in Cambodian civil society, marked by the growth of independent media and the emergence of strong and nongovernmental organizations. A number of these NGOs actively sought to strengthen human rights, improve the legal system, enhance the status of women, and educate the public about democracy.

After the UNTAC period, however, turmoil within the parties clouded the political

landscape. A power struggle within the Cambodian People's Party, for example, was reportedly behind an attempted coup d'état in July 1994. In 1995, the Buddhist Liberal Democratic Party splintered. Hun Sen's CPP backed a new faction of BLDP led by information minister Ieng Mouly.

By 1995, problems had emerged within FUNCINPEC, weakening the party as a coalition partner. Sam Rainsy, for example, who served as finance minister, was widely regarded as one of FUNCINPEC's most capable members. An outspoken critic of the widespread corruption that infected all levels of government, Rainsy was removed from his post and expelled from the party. He later established the Khmer Nation Party (KNP), subsequently renamed the Sam Rainsy Party, an effective competitor in the 1998 elections. Following Sam Rainsy's ouster, Prince Sirivudh, the king's half brother and FUNCINPEC secretary-general, was forced out of the party and pushed into exile in France, accused of plotting to assassinate Hun Sen. With the departure of Rainsy and Sirivudh, two of the party's most competent political operatives were unavailable to help the increasingly beleaguered and outmaneuvered Prince Ranariddh.

During this time, the fragile coalition began to unravel. Animosity between the co-prime ministers led to political stalemate, which prevented the government from undertaking the political and social reforms needed to establish its legitimacy. Independent judicial institutions required by the Constitution — the Constitutional Council and Supreme Council of the Magistracy — were never established. The CPP retained full control of the judiciary, local administration, and the security forces. Endemic corruption persisted as well.

Likewise, newspapers critical of the CPP or the government were closed and their editors imprisoned. Between 1993 and 1997, several journalists were prosecuted, killed, or injured, apparently the result of politically motivated attacks. In addition, opposition political party workers were threatened and harassed.

In March 1997, an apparent assassination attempt on Sam Rainsy at a public rally in front of the National Assembly in Phnom Penh killed at least sixteen people and injured more than one hundred. The attack, widely attributed to Hun Sen's bodyguard detail, was a turning point. To many observers, the political impasse now seemed increasingly likely to be resolved by violence.

The following month, Hun Sen made an attempt to divide the opposition internally by encouraging FUNCINPEC MPs to defect to the CPP. The CPP reportedly used intimidation and bribes to recruit the dozen defectors, but it was not long before most returned to the National Front FUNCINPEC. Nevertheless, the CPP had managed to increase its numbers in Parliament and now had an effective majority. It still fell short, however, of the two-thirds majority necessary to adopt constitutional amendments.⁶

The upcoming 1998 elections were also generating increased tensions. Realizing that FUNCINPEC had little influence over local administration, and that control over local offices in the countryside would be important in the parliamentary elections, Ranariddh sought a new district-level power-sharing agreement. The parties failed to reach an accord, each blaming the other for bargaining in bad faith.

Although required by the Paris Peace Accords, the parties never merged their military forces into a single national army and maintained large armed militias and "body-guard units." Both the CPP and FUNCINPEC competed to recruit defecting Khmer Rouge soldiers to their sides. Independent judicial institutions mandated by the Constitution were not established. Even before the July 1997 coup, many Cambodian citizens questioned their government's commitment to democracy, had lost faith in the

democratic process, and doubted the possibility of meaningful elections. Despite these trends, however, until July 1997 the principles of a multiparty government stood.

July 1997 Coup and Aftermath

On July 5, 1997, second prime minister Hun Sen launched a coup d'état against Cambodia's first prime minister, Prince Ranariddh, overturning the lawful government. For two days forces loyal to Hun Sen routed troops loyal to Prince Ranariddh. After the coup, Hun Sen quickly consolidated his power by disarming and detaining nearly all military, police, and intelligence forces loyal to the prince and dismantling the political infrastructures of parties opposed to the CPP throughout the country. In the days following the coup, dozens of Ranariddh's key supporters and other FUNCINPEC loyalists were killed, including senior interior ministry official Ho Sok, who was executed on the grounds of the ministry. Offices of parties opposed to the CPP were sacked and burned. Meanwhile, Prince Ranariddh fled to France, while many of his party's stalwarts found exile in Bangkok.

In August, Hun Sen consolidated his control when the National Assembly formally deposed the prince as co-prime minister, stripped him of his parliamentary immunity, and named Hun Sen's ally, foreign minister Ung Huot, as the new first prime minister. A military court subsequently charged Ranariddh with smuggling arms and colluding with the outlawed Khmer Rouge guerrilla group.

For months after the coup, fighting between forces of the Cambodian People's Party government and troops loyal to Prince Ranariddh continued along the northwestern border between Cambodia and Thailand. An estimated 60,000 Cambodians fled to refugee camps in Thailand.

Prince Ranariddh and other exiled political leaders formed the Union of Cambodian Democrats (UCD). FUNCINPEC joined the alliance with three other political parties opposed to the current government: the Khmer Nation Party of Sam Rainsy, the BLDP led by Son Sann, and the Khmer Neutral Party, a small party that had no seats in Parliament.

In retrospect, the July coup should not have been too surprising. Other coup attempts had been made between 1993 and 1997. In addition, the previous year had seen the rivalry between Hun Sen and Ranariddh grow increasingly intense and militant. Beginning in August 1996, the two co-prime ministers competed fiercely for the allegiance of the Khmer Rouge defectors. The first to desert was Ieng Sary, Pol Pot's brother-in-law, who was largely regarded as being very near the top of the Khmer Rouge hierarchy. Hun Sen prevailed, offering Ieng Sary and his followers a royal pardon and effective control of Pailin. However, the defections of other Khmer Rouge leaders continued, as did the competition for their support. Hun Sen and Ranariddh dispatched emissaries to lure defectors to their respective sides. To the co-prime ministers, the dissidents potentially offered disciplined and experienced guerrilla fighters and perhaps whatever funds from illegal gem and timber operations had been stashed in Swiss bank accounts.⁷ In November 1996 and February 1997, FUNCINPEC and CPP military units in Battambang clashed. Although the skirmishes were brief, they served as a reminder, if one was needed, that the Royal Cambodian Armed Forces was not truly a national army.

International Response

The international response to Hun Sen's coup lacked coherence. The United States

suspended all but the humanitarian assistance portion of its \$38 million foreign assistance program. Germany followed suit, and Japan, Cambodia's largest donor, suspended aid but quickly resumed it. France continued to provide aid to Cambodia but also stated that credible elections in 1998 were critical. The International Monetary Fund and the World Bank, citing government corruption and Cambodia's failure to comply with a structural adjustment program, rather than referring to the coup, suspended aid and a \$120 million IMF loan package.⁸

The Association of Southeast Asian Nations (ASEAN) condemned the coup and postponed Cambodia's pending membership until after elections. ASEAN — together with an informal diplomatic grouping known as the Friends of Cambodia, which included Australia, China, France, India, Russia, and the United States — urged Hun Sen and the exiled political leaders to come to an agreement on the conditions under which the exiles would return to Cambodia so that the national elections scheduled for 1998 could be “free, fair, and credible.”⁹

In September 1997, the United Nations accreditation committee decided that Cambodia's seat in the General Assembly should remain vacant. By leaving it empty, the UN withheld its recognition of the new government in Phnom Penh, a significant victory for the leaders in exile. The United Nations also played an important role in attempting to arrange for the return of the exiled political leaders by securing from Hun Sen guarantees for their safety and freedom. The UN provided international monitors to help protect returning political leaders.

The UCD in exile received support from the international community, including the U.S.-based National Democratic Institute for International Affairs (NDI) and the International Republican Institute (IRI).¹⁰ This assistance was designed to enable the UCD to stay together long enough to develop a strategy for negotiating its return. Under pressure from the international community, the Hun Sen regime agreed to several of the opposition's demands; if the exiles returned there would be guarantees for their safety, international assistance for new elections, and UN monitors to help ensure the election's fairness.

New elections were eventually scheduled for July 1998. Coaxed back from exile by the international donors in the aftermath of the coup, the opposition agreed to participate in an election in which the playing field was far from level. UN human rights monitors, for example, continued to document numerous instances of violence and intimidation directed against opposition supporters in Cambodia's rural countryside.¹¹ Khmer Nation Party leader Sam Rainsy returned to the country briefly in late November. Leaders and supporters of FUNCINPEC, the BLDP, and the KNP returned in January and February.

Hun Sen threatened Prince Ranariddh with prosecution for smuggling weapons and colluding with the outlawed Khmer Rouge. If convicted, he would have been ineligible to stand for election. Under the terms of a Japanese-brokered agreement, however, the prince was tried in absentia, received a royal pardon, and returned to Cambodia in late March.

In the months before the elections, Sam Rainsy and Prince Ranariddh threatened on several occasions to pull their parties out of the election unless several conditions were met, including a cease-fire in the ongoing fighting in the northwest, fair access to broadcast media, dismantling of pro-government militia in the provinces, reestablishing the National Election Commission (NEC), and convening the Constitutional Council. Nevertheless, even though their demands were never met, they stayed in the race.

The 1998 Elections: A Flawed Climate and Framework

On July 26, 1998, Hun Sen's CPP prevailed at the polls by winning an absolute majority of the parliamentary seats, with some 42 percent of the ballots cast. Together, the two major opposition parties, the National Front FUNCINPEC and the Sam Rainsy Party, received 45 percent (31 percent and 14 percent, respectively). This translated into 64 seats for the CPP, 43 for FUNCINPEC, and 15 for the Sam Rainsy Party. International and domestic election observers praised the process as it unfolded on election day. Nevertheless, the opposition rejected the electoral results, claiming that fraud and "serious irregularities" robbed them of their victory.

Viewed in its entirety, the election process in Cambodia fell far short of democratic norms.¹² As agreed by virtually all international and domestic observers, the voting process itself was generally well administered and the atmosphere on election day was largely peaceful. In the face of serious obstacles, the Cambodian people turned out in high numbers on election day. But while balloting and initial stages of the vote count went relatively well, both the political climate and the institutional framework for the elections were highly flawed.

Political Environment in Pre-election Period

In the months leading up to the 1998 elections, violence and intimidation plagued Cambodia. After the July 1997 coup, dozens of opposition members of Parliament and party leaders fled the country in fear for their lives. Cambodian political parties, election monitoring groups, human rights organizations, and the UN Center for Human Rights documented the systematic and widespread political intimidation and violence that plagued the pre-election environment. The UN documented dozens of politically motivated summary executions, and "disappearances," following the July 1997 coup.¹³ The UN special representative for human rights submitted reports to the Cambodian government, but no action was taken by Cambodian officials to apprehend those responsible for human rights violations.

In the aftermath of the coup, second prime minister Hun Sen and the CPP dismantled the infrastructures of opposition political parties. During the months that the opposition was in exile, Hun Sen and the CPP were able to campaign without competition. When opposition leaders were later allowed to return to Cambodia in the months before the 1998 election, they had to operate within a framework designed and dominated by the CPP. Opposition parties were not given sufficient time to rebuild their party membership networks, and CPP resources dwarfed those of the opposition. Prince Ranariddh attracted large crowds when he campaigned in provincial capitals, but reports of political violence directed against opposition party workers in the rural countryside persisted.

After the July 1997 coup, the CPP took advantage of the opposition's absence to further consolidate its control over the military, security forces, civil administration, and media. The media limited their coverage of opposition candidates throughout the campaign period. News coverage of rallies, speeches, and other campaign events was heavily biased toward the ruling party. Moreover, limited access to broadcast media impeded the ability of opposition parties to reach potential voters and gave the CPP a substantial advantage. Each of the thirty-nine registered political parties was allowed one five-minute slot per day. This diluted the media access of the two major opposition parties, FUNCINPEC and the Sam Rainsy Party, which received no more time than the parties that had no prior history and little demonstrable public support.

Institutional Framework

The legal and institutional framework lacked the credibility necessary for democratic elections. The process of enacting the election law and regulations and of establishing the National Election Commission and Constitutional Council effectively ensured ruling party control of election administration and dispute resolution. Those institutions had little credibility with much of the public and the international community when they addressed the election disputes that later arose.

Furthermore, the opposition had no opportunity to participate in the development of the election law or the appointment of the bodies to oversee the elections and resolve disputes. While opposition members of Parliament and other political leaders were still in exile, the Cambodian People's Party controlled the National Assembly and enacted the election law and appointed the NEC members.

The way in which the members of the National Election Commission were selected raised serious questions about its independence and ultimately its credibility. Under the new election law, the eleven-member NEC was to include representatives from each of the parties represented in the National Assembly and from the NGO sector. But party seats were given to ruling party-backed factions of opposition parties. In addition, NGO leaders questioned the impartiality of the NGO representative.

The Constitutional Council, which was supposed to function as the final arbiter of constitutional and election-related disputes, was not properly constituted. CPP-appointed members controlled the Constitutional Council, and the council failed to meet in the pre-election period to address serious and fundamental election-related disputes.

As previously noted, the Cambodian Constitution requires the support of two-thirds of the members of Parliament to form a government. Thus, the party receiving a plurality or even a majority had to obtain the support of one or more of the other parties. The CPP, then, had to form a government with FUNCINPEC or the Sam Rainsy Party, and Ranariddh was asked by Hun Sen to participate in the new government. The prince refused for several months, precipitating a constitutional crisis.

The combined opposition received substantially more votes than the CPP. If FUNCINPEC and the Sam Rainsy Party had merged before the elections they would have garnered a plurality and had the right to designate the new prime minister. Moreover, because the new government needed a two-thirds vote of confidence from the recently elected National Assembly members, the opposition had the power to deny the CPP the ability to form a government in accordance with the Constitution. Neither event occurred. The opposition, effectively unable to collaborate on a strategy, seemingly was politically paralyzed.

Problems in the Post-Election Period

After the elections, the National Front FUNCINPEC and the Sam Rainsy Party submitted approximately 800 formal complaints to the NEC. They alleged, among other things, problems with the vote count, including the fact that many party agents were intimidated and denied access to the count. In response, the NEC, between July 30 and August 4, conducted a recount in eight of the country's fifteen hundred communes. On August 5 an NEC spokesperson claimed that the alleged problems were not substantiated and announced that the commission was ceasing all operations. The NEC also refused to provide official rejection notices to the complainants. This, in turn, jeopardized the parties' ability to take some complaints to the Constitutional Council.

The Constitutional Council refused to accept complaints about intimidation of opposition party agents, alleged electoral fraud, and the formula by which seats were allocated. It stated that these complaints were either formally rejected by the NEC or not filed before the deadline. The council's refusal to consider these complaints, coupled with the NEC's failure to provide the required rejection notices, foreclosed any meaningful opportunity for appeal.

On the day following the election, a controversy involving the formula for allocating National Assembly seats erupted. Versions of the electoral regulations published on May 6 and May 25 clearly indicated that one particular formula would be used. These regulations were not marked as drafts and were widely circulated to party representatives. After a meeting of the NEC on May 29, another version of the regulations, carrying that date, was circulated in early June. It subsequently became clear from NEC records and from the accounts of individual commissioners that the NEC neither discussed nor properly adopted a new formula, but the new regulations included the change. No particular effort, such as a letter to parties or a press statement, was made to highlight this significant alteration, and evidently no one from the opposition parties, domestic monitoring groups, international observer organizations, and the diplomatic community was aware that a change had been made. The new formula gave the CPP five additional seats, compared with what the ruling party would have received under the previous formula. This was sufficient to provide the CPP with a majority, 64 seats in the new 122-seat National Assembly.

There was evidence that NEC advisers, in adopting the new formula, were merely trying to correct what they believed to be a technical mistake. The opposition's other allegations of fraud in the balloting and counting did not appear to be significant enough in their totality to have affected the overall outcome of the election. But since the NEC and the Constitutional Council were seen as lacking independence, their responses to the opposition's complaints were viewed with suspicion by the press, Cambodian NGOs, the Cambodian public, and the international community.

Violence and Intimidation after the Elections

Instability and violence resumed after the elections. Grenade attacks on Hun Sen's compound, the violent suppression of street demonstrations, and the killing and disappearance of opposition figures formed the backdrop to the pending negotiations on the formation of the government. Chaos threatened to take hold as ruling and opposition party leaders jockeyed for position in advance of discussions about whether, and on what terms, FUNCINPEC would join the government.

On September 8, the government issued the first of two orders that prohibited about 300 people, including all the new opposition members of Parliament, all outgoing opposition MPs, and several FUNCINPEC senior civil servants, from leaving the country. The ban was justified as a means of keeping suspects allegedly involved in grenade attacks and demonstrations in the country. The UN Human Rights Center condemned this travel ban as a violation of the Cambodian Constitution, the fundamental right to freedom of travel, and an express commitment of the Cambodian government to the UN secretary-general.

The post-election chaos, initiated by demands for an investigation of election-related complaints, might well have been avoided if there had been credible and functioning institutions to administer the grievance process. But the institutions charged with responsibility to resolve disputes largely failed to effectively address the opposition's concerns.

Domestic and International Observers

Domestic and international election observer groups performed an important role during the election period. Their judgment on the election would be influential in determining whether the elections would be considered legitimate by the international community, thereby allowing foreign aid to resume, permitting the vacant UN General Assembly seat to be filled, and reopening membership in ASEAN. Three national election monitoring groups — the Coalition on Free and Fair Elections (COFFEL), the Committee on Free and Fair Elections (COMFREL), and the Neutral and Impartial Committee for Free Elections (NICFEC) — carried out ambitious and effective programs to educate voters and to monitor the balloting and counting processes. Local groups were essential in monitoring and reporting on the pre-election violence, intimidation, and institutional proceedings. Domestic monitors were present at most of the nation's 12,000 pollingstations and fewer counting stations throughout the country. COFFEL, COMFREL, and NICFEC issued thoughtful and balanced statements before and after election day.

COMFREL's president, Thun Saray, stated two days before polling that, because of the intimidation and violence that took place in the aftermath of the coup, the election could not be considered "free and fair." Nevertheless, he believed that the election results should be accepted if procedures on polling day were "reasonably credible." The domestic observers agreed that polling and counting days were generally well conducted. All three groups, however, also called on the NEC to conduct thorough, impartial investigations into opposition party complaints and, in fact, offered to assist the NEC with such efforts. They condemned the post-election violence and called on all political actors to solve their differences peacefully.¹⁴

The most prominent international monitoring groups were the Joint International Observer Group (JIOG), organized by the UN and European Union (EU), and the delegation fielded jointly by the National Democratic Institute for International Affairs and the International Republican Institute. JIOG was the larger of the two, consisting of approximately five hundred observers representing thirty-four observer missions, including the EU, ASEAN, and bilateral delegations. NDI and IRI established a monitoring presence in the country four months before the election and fielded a delegation for election week of about sixty representatives, including staff members, from the United States and seven other nations.

Although Cambodian press accounts emphasized perceived differences between the two groups of observers, their final statements on the election were not far apart, nor did they differ substantially from the statements made by domestic observers.¹⁵ Both groups noted that the pre-election period was violent; but JIOG concluded that "what could be observed by us on polling and counting day was a process that was free and fair to an extent that it enables it to reflect, in a credible way, the will of the Cambodian people."¹⁶ An NDI-IRI pre-election delegation issued a statement on July 14 calling the election process "fundamentally flawed" due to pervasive intimidation and violence.

The "preliminary" NDI-IRI post-election statement, issued on July 28, two days after the polling, commented that the voting process was "generally well administered," observed that the atmosphere on election day was largely "peaceful," and applauded the Cambodian people for turning out in such high numbers on election day. At the same time, NDI and IRI reiterated their serious concerns regarding "violence, extensive intimidation, unfair media access, and ruling party control of the administrative

machinery that characterized the pre-election period” and cautioned that a final assessment of the entire election process would have to await the final tabulation of results, the processing of complaints, and the formation of the next government based on the results of the elections.¹⁷

To some extent, the observer groups raised more question than they resolved. How could it be determined, for example, whether the July 1997 coup and its violent aftermath affected voting behavior? Should any elections that do not meet international standards, because of pre-election violence, for instance, be considered unacceptable by the international community? Political reality in large measure probably accounts for the international monitors’ view of their role. An election was about to be held under conditions that were obviously flawed. But the opposition had agreed to participate, albeit under international pressure.

The reaction of the U.S. government to the elections was cautious. U.S. secretary of state Madeline Albright urged ASEAN to keep pressuring the Cambodian government for further reforms. She said, “The democratic process must continue until the day comes when Cambodians can participate in the life of their country without fear . . . until they have a government that uses power to uplift their . . . country instead of abusing it on behalf of a privileged few.”¹⁸

Negotiations for a Coalition Government

Much of the international community pressured Prince Ranariddh to return to negotiate the National Front FUNCINPEC’s participation in the Cambodian government. On November 12, at the insistence of King Sihanouk, Ranariddh returned to Phnom Penh to try to resolve the impasse that had prevented the formation of a government based on the results of the July elections. FUNCINPEC and the Cambodian People’s Party quickly agreed to form a coalition government and to establish a new upper house of Parliament and senate. Ranariddh would become president of the National Assembly, and CPP stalwart Chea Sim would become head of the new senate, which would also make him head of state in the absence of the king. The parties agreed on co-deputy prime ministers, one from CPP and one from FUNCINPEC, and dividing government ministries. The important ministries of interior and defense would also have co-ministers. The parties also split the nine parliamentary committees, four each for FUNCINPEC and CPP and one for the Sam Rainsy Party.

In light of the agreement to form a government, Cambodia was expected to reclaim its seat at the UN and to be admitted to ASEAN.

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Cambodia’s coalition government, put into place following the United Nations Transitional Authority in Cambodia–conducted elections of 1993, failed the test of time. Despite massive aid from the international community — \$1.5 billion for UNTAC and pledges of \$1.3 billion in post-election assistance over the next five years — the democratic impetus the elections provided could not be sustained. The elections succeeded in marginalizing the Khmer Rouge, but the animosity between the coalition partners of the new government persisted. Immediately following the 1993 elections, neither of the coalition partners could rule alone. FUNCINPEC lacked the critical sup-

port of the civil bureaucracy, police, courts, and much of the military, which remained under CPP control. The CPP, on the other hand, lacked international legitimacy and, having received only 38 percent of the total vote, also lacked a substantial segment of domestic public support.

Initially, this mutual reliance was sufficient to hold the coalition intact. The institutions that could have supported the new democratic dispensation, however, failed to take root. The National Assembly, for instance, never developed the capacity to act as an independent check on the executive branch; the press, on the whole, remained highly partisan, and opposition newspapers were subject to harassment and intimidation; civil society made substantial gains, but had neither sufficient time nor resources to develop and mobilize domestic political constituencies for reform. Moreover, Hun Sen correctly sensed that the international community, already fatigued by years of assistance — first to the refugees who fled after the Vietnamese invasion and then to the new government — longed for stability rather than democracy. Lacking international and domestic constraints, the looming prospect of defeat at the polls led Hun Sen to violently overthrow his coalition partner.

The 1998 elections merely affirmed the post-coup status quo. Despite the obstacles that had been put in their path, the opposition had mounted a vigorous campaign and made a respectable showing. It is impossible to know how much better the political opposition might have done had the playing field been level. The pre-election period was short and violent, though perhaps less violent than during the 1993 UNTAC elections. But unlike the 1993 elections, there were no UN peacekeepers to inform voters that their ballots were secret and their safety assured. In the post-coup environment, the scales were heavily weighted in favor of the CPP, and the elections were therefore fundamentally flawed regardless of how well the polls were administered on election day.

In retrospect, there are a few lessons that might be drawn from the Cambodian tragedy. First, the UNTAC period — the eighteen months between March 1992 and September 1993 — was too short to establish the framework for a lasting democracy. After thirty years of civil war, the trauma of Khmer Rouge rule, and Vietnamese occupation, a more sustained effort was needed. The 1993 elections left the power relationships between the major parties unchanged despite the CPP's electoral defeat. UNTAC failed to demobilize the military forces of FUNCINPEC and the CPP and did not establish a "neutral political environment" before the election. After the election, efforts to neutralize and professionalize the civil bureaucracy, courts, and police might have helped to redress the imbalance, but such efforts were precluded by UNTAC's premature departure. UNTAC, with its wide-ranging mandate and relative acceptability by all the parties, was in the best position to undertake these post-election activities.

Second, when, by the spring of 1997, it was clear that a political impasse existed and the situation was deteriorating rapidly, the international community should have taken firmer steps — by threatening sanctions or aid cutoffs or even by reconvening the Paris Peace conference — to ensure that the Paris Peace Accords were observed. The international donors, however, appeared to believe that placing pressure on Hun Sen would be inherently destabilizing. In the context of Cambodia's highly polarized society, however, the opposite was true. Only a more democratic Cambodia, where each of the parties felt that they could fairly and peacefully compete for power, could lead to a measure of stability. It was only after the grenade attack on Sam Rainsy's demonstration in April 1997 that the international community became more assertive in its calls for reform, and by then it was too late.

Third, the 1998 elections should have been delayed until the conditions for meaningful democratic elections had been met. The political opposition had neither the time nor organizational resources to compete fairly in the 1998 elections. As mentioned earlier, they were forced to contest the election before being able to repair the damage done to their organizations by the 1997 coup. Furthermore, their workers were harassed and intimidated and access to government-controlled electronic media was severely restricted.

Elections have not brought democracy or stability to Cambodia. Much more is clearly needed in the areas of institutional development, establishing the rule of law, and changing the political culture to one in which all contending parties recognize that they are subject to lawful and democratically adopted constraints. The Cambodian people, too, must internalize the norms of political tolerance and compromise necessary for a democratic polity. Nevertheless, elections remain an essential feature of democracy. No meaningful, sustainable political reconciliation will take place until all the parties agree to a framework for the peaceful and fair transfer of power based on the will of the Cambodian people. ❀

Notes

1. There are several thorough accounts of the UNTAC period and the 1993 elections. See, for example, Michael Doyle, *UN Peacekeeping in Cambodia: UNTAC's Civil Mandate* (Boulder, Colo.: Lynne Rienner Publishers, 1995); Trevor Findlay, *Cambodia: The Legacy and Lessons of UNTAC* (Oxford: Oxford University Press, 1995); Frederick Z. Brown, "Cambodia's Rocky Venture in Democracy," in Krishna Kumar, ed., *Postconflict Elections, Democratization, and International Assistance* (Boulder, Colo.: Lynne Rienner Publishers, 1998); James A. Schear, "Riding the Tiger: The United Nations and Cambodia's Struggle for Peace," in William J. Durch, ed., *UN Peacekeeping, American Policy, and the Uncivil Wars of the 1990s* (New York: St. Martin's Press, 1996), 135–191.
2. UN document A/46/608, S/23177, Annex 5, October 30, 1991, 8–47. The UN documents may also be found in the Appendix of Findlay, *Cambodia*, 171–207.
3. Schear, "Riding the Tiger," 176–177.
4. On UNTAC's mandate, see *ibid.*, 142–143.
5. See Findlay, *Cambodia*, 81.
6. See *Chapter VII, Article 90* of the Constitution of the Kingdom of Cambodia (adopted September 24, 1993), supplied by the embassy of the Kingdom of Cambodia in the United States.
7. See "NEC Investigates Allegations of Fraud," *Phnom Penh Post* 7, no. 16 (July 31–August 6, 1998): 1.
8. Doyle, *UN Peacekeeping in Cambodia*, 82.
9. David W. Ashley, "The Failure of Conflict Resolution in Cambodia," in *Cambodia and the International Community* (New York: Asia Society, 1998, 64).
10. NDI and IRI issued two reports during this period. See *Restoring Democracy in Cambodia: The Difficult Road Ahead* (Washington, D.C.: NDI-IRI, August 29, 1997); *The Continuing Crisis in Cambodia: Obstacles to Democratic Elections* (Washington, D.C.: NDI-IRI, January 30, 1998).
11. See "Cambodia: Fair Elections Not Possible," *Human Rights Watch Report* 10, no. 4 (June 1998).
12. The norms largely accepted by the international community can be found in Guy S. Goodwin-Gill, *Free and Fair Elections: International Law and Practice* (Geneva: Inter-Parliamentary Union, 1994); Carl W. Dundas, *Dimensions of Free and Fair Elections: Frameworks, Integrity, Transparency, Attributes, Monitoring* (London: Commonwealth Secretariat, 1994); UN Centre for Human Rights, *Human Rights and*

Elections: A Handbook on the Legal, Technical, and Human Rights Aspects of Elections (New York and Geneva: United Nations, 1994).

13. See *Memorandum to the Royal Government of Cambodia*, submitted by the special representative of the United Nations secretary-general for human rights in Cambodia (Phnom Penh: UN Centre for Human Rights, May 13, 1998).
14. See Kay Johnson, "Group Says That Poll Could Be Credible — Not Fair," *Cambodia Daily* 13, issue 43 (Sunday, July 26, 1998): 1, 9.
15. See, for example, Matthew Granger, "International Observers Taking a Tougher Public Stance in Days before Polling," *Phnom Penh Post*, July 24–30, 1998, 10. The article argues that JIOG toughened its pre-election day statement in response to NDI-IRI criticisms that past JIOG statements had ignored the effects of Hun Sen's July 1997 coup. See also Matthew Granger, "Former Ambassador Says His Observers Will Balance US Opinion," *Phnom Penh Post*, July 24–30, 1998, 4.
16. Jeff Smith, "JIOG Says Poll, Tally, 'Free, Fair,'" *Cambodia Daily*, July 28, 1998, 1, 11.
17. See *Preliminary Statement of the IRI-NDI Delegation to the July 16, 1998, Elections in Cambodia*, press statement available from NDI and IRI offices in Washington, D.C.
18. Madeline Albright, quoted in "Albright Urges ASEAN to Press Cambodia," *Cambodia Daily*, July 29, 1998, 8.