

カンボジア王国
プロジェクト形成調査
「選挙支援」報告書

平成15年8月
(2003年)

国際協力事業団
アジア第一部

地 - イ

JR

03-20



投票所の外側



投票所内部
後列はカンボジア
国内の選挙監視員



投票所内部
投票中の様子

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第1章 調査概要

1 - 1 調査背景及び目的

(1) 本調査の目的

2003年7月27日に実施された1998年以来第3回目の総選挙において、カンボジア王国(以下、「カンボジア」と記す)政府は、国際社会に選挙監視の協力を依頼したところ、我が国は外務省主導にて日本政府選挙監視団を派遣(団長1名、民間6名、外務省4名、JICA2名、の合計13名(本邦)、現地13名の総計26名)するに至った。

本調査の目的は、外務省の要請に応じ、日本政府選挙監視団と同行し同調査団員として選挙監視活動を行い、自由で公正な選挙の実施の確認を行うこと、及びJICAは2003年10月以降の独立行政法人化を控え、新法人において「復興」という新たな使命が加わり、この分野に関する知見・経験をこれまで以上に蓄積し、今後の事業に生かしていくことが望まれている観点から、平和構築分野、そのなかでも、ガバナンスにおける今後の支援に対する提言を行うことである。

(2) 本調査の背景

カンボジアは、1990年初期から過去10年の間に平和の定着に向けて大きく前進を遂げ、1993年、1998年に引き続き、今回第3回目の総選挙の実施に至った。

1991年のパリ和平協定から国連カンボジア暫定統治機構(UNTAC)の撤退までの期間には、1993年5月に第1回総選挙が実施され、9月に新憲法が公布された。しかしながら、新内閣は総選挙で第一党となったフンシンペック党、第二党カンボジア人民党(CPP)、少数党のソン・サン派3政党による総与党体制の連立政権体制下、いずれも憲法改正などに必要な議席数3分の2に満たないこともあって、フンシンペック党及びCPP両党の対立、主要政治家などの追放、テロ、第三政党ソン・サン派の分裂などの政変が度重なり、政治不安定に陥った経緯がある。

1998年7月に実施された第2回総選挙においては、CPPが過半数を占め、フン・セン首相による一人首相体制となった。引き続きCPPとフンシンペック党の連立政権でありながらも、二院制への移行などの大規模な改革の効果により、この期間のカンボジアの政情・治安は不安定要素が引き続き存在しつつも比較的平穏であった。

今回の総選挙は、2002年に実施されたコミュン選挙に引き続き、カンボジア人によって実施される初めての総選挙であり、欧州連合(EU)をはじめとした国際社会は選挙監視団を派遣し、カンボジアの選挙プロセスが自由かつ公平に遂行されることを監視するものである。

1 - 2 団員構成・調査日程

(1) 団員構成

	氏名	担当分野	所属先
1	山根 雄一	協力計画	国際協力事業団アジア第一部インドシナ課 研修員
2	倉岡 由紀	選挙支援	国際協力事業団企画評価部環境女性課 ジュニア専門員

(2) 調査日程

調査期間：2003年7月24日（木）～7月31日（木）

日順	月日	曜日	行程	宿泊地
1	7月24日	木	11:00 成田発 15:30 バンコク着 16:30 バンコク発 17:45 プノンペン着	プノンペン
2	7月25日	金	8:00 JICA カンボジア事務所表敬・ブリーフィング 13:00 アジア財団訪問 14:30 在カンボジア日本国大使館ブリーフィング	プノンペン
3	7月26日	土	9:00 在カンボジア日本国大使館にて選挙キャンペーン 監視活動中間報告 14:00 各担当地域への移動、各地域の治安状況を視察、 Province 及び コミュン (Commune) の選挙委員会 訪問、投票所などの状況確認	各州 (山根：タケオ州、 倉岡：コンボントム州)
4	7月27日	日	終日：投票日の選挙監視	各州(同上)
5	7月28日	月	終日：開票作業の監視	各州(同上)
6	7月29日	火	午前：開票結果や異議申し立て等の確認 午後：プノンペンに移動 14:30 最終報告会、解団式	プノンペン
7	7月30日	水	18:50 プノンペン発 19:55 バンコク着 23:10 バンコク発	-
8	7月31日	木	7:30 成田着	

*倉岡団員は、開票作業監視、異議申し立て状況確認後、7月28日中にプノンペンに移動。

1 - 3 調査の結果

(1) 総論

本調査は、日本政府選挙監視団の活動として主にカンボジアの首都周辺の2つの州(コンボントム州・タケオ州)で実施された。調査団員の行った各州における選挙監視活動の主な内容は以下のとおりである。

選挙前日（7月26日）

投票に係る脅迫や票の売買など、選挙前日の政党による選挙キャンペーン活動が実施されていないかの確認

選挙投票日（7月27日）

選挙の運営及び管理の監視

開票日（7月28日）

開票プロセスにおける不正の有無の確認

本調査は、担当地域の各州の中心都市、その近郊、及び地方の選挙投票所平均15か所にて監視を行った。日本政府選挙監視団の監視の結果、総論として、日本政府監視団が監視を行った地域においては、選挙前、投票、開票のプロセスにおける、選挙結果全体の信頼性に影響を与えるような、深刻な暴力活動、脅迫、不正な行為は見当たらなかった。また、投票者複数に無作為方式で今回の選挙について質問したところ、おおむね前回の選挙よりも改善され、自由であったとの報告が大多数からなされた¹。

（2）カンボジアにおける選挙制度の把握・問題点

選挙支援の主要分野における、主な見解は以下のとおりである。

1）選挙組織及び選挙運営に関して

国家選挙委員会の下、選挙管理事務所の体制及び選挙運営は各コミュンレベルまで訓練されていた。選挙運営に関しては、都市部と地方部においてパフォーマンスの質に若干の差は見られたが、全体として問題なく選挙が運営されていたという印象を受けた。

2）選挙人登録及び選挙教育

調査団員の活動地域及び日本政府選挙監視団員が選挙監視を行った地域では、選挙当日に、選挙リストに登録されていないとの理由から投票できなかったケースが報告された。この件に関しては、選挙登録リストの不備、又は選挙登録申請等の選挙事前準備において情報が広く共有されていない地域が数か所あり、その結果、今回の選挙に参加できなかったのではないかとと思われる。

3）その他

過去の選挙支援から今回の第3回目の総選挙に至るまでに行われた選挙運営の技術協力等の結果、カンボジア政府主導で選挙運営を実施していくことは可能と考えられる。今後の更なる民主化の定着といった意味では、選挙人登録及び選挙教育等の課題に取り組むことが肝要と思われる。

¹ 付属資料1の出口調査結果を参照のこと。

また、これらの課題は、選挙に特化した課題としてとらえるよりもむしろ、低い識字率や行政サービスの欠如等、カンボジアにおける都市部と地方部の格差是正などの課題として、ガバナンス強化の観点から、地方行政強化等を通じて支援の可能性を検討することが重要と思われる。

第2章 カンボジア日本政府選挙監視団

2 - 1 概要

(1) カンボジア王国国会議員選挙

7月27日に実施されたカンボジア王国国会議員選挙は、1998年9月24日に招集された国会の5年間の任期満了に先立ち、新国会議員を選出するために実施された。今回の総選挙は、国連の関与（1993年及び1998年）撤退後のカンボジアで第3回目の国会議員選挙であり、前年の地方選挙に続き、自らで実施する2回目の選挙である。また、クメール・ルージュの完全崩壊（1999年）後、初の国会議員選挙でもある。

今回の選挙においては、秘密投票によって州及び都市における比例代表制によって123名の国会議員が選出され、政党・立候補者登録には23政党が登録し、約634万人の有権者が全国1万2,826か所の投票所で投票を行った。

選挙全般の管理は、国家選挙監視委員会（NEC：5名、ウム・スオスディ委員長）によって実施された。選挙運営体制は、国家選挙委員会の下に、各州（特別市）の州選挙管理委員会（PEC）、各コミューンのコミューン選挙管理委員会（CEC）及び各投票所の投票所委員会（PSC）が設置されている。

今回の総選挙に係る選挙監視支援活動に関しては、NECによると、242名の国際選挙監視員及び2万2,000名の国内監視員による監視活動が行われた。我が国は、約226万米ドルを国家選挙管理委員会（投票用具及び票の運搬のため）に、及び草の根無償資金としてNGOに約13万6,000米ドルを拠出した。

(2) 選挙支援とは

公正な選挙・投票は、国民・市民が社会の意思決定過程に参加するための具体的な手段のひとつであり、当該国の民主化が進むための必須条件とされている。選挙監視の活動は、こうした選挙・投票の公正な執行を確保するために行われる監視、又は管理の活動である。

1) 選挙監視の活動の具体的内容

選挙監視支援は、選挙実施に際して、自由公正な実施が確保されているかどうかを第三者の立場から監視・検証・認定し、その監視結果を公表することで当該選挙が民意を正しく反映した正当なものであると内外から信任を得られるよう支援することである。選挙・投票の監視の主な業務は、各投票所、開票所において監視員が投票、集計作業に立ち会い、報告することである。

選挙監視の実施にあたっては、当該国の国内法と主権を尊重し、選挙プロセスには介入せず、選挙実施国民とその文化に敬意を払うことが重要である。また、監視員の存在

自体は、選挙当局者にとっては万が一、不正行為が行われる際の抑止力となることから、民主的体制に移行する国における選挙監視支援の意義は大きい。

2) 選挙支援におけるドナーの取り組み

国際社会による選挙支援は、植民地の独立や専制体制からの政治体制の移行のなかで、当該国の民主化促進を目的とし、主に選挙運営、選挙監視、及び市民社会の強化などを通じて行われている。1990年代に入り、国際社会における選挙支援は国連機関、米州機構などの地域組織、国際 NGO 団体、及び二国間援助機関による技術協力など様々な形態によって実施されている。

我が国による選挙支援は、インドネシアやカンボジアをはじめとする外務省を通じた日本政府選挙監視団派遣、インターバンドをはじめとする草の根支援、及びカンボジア、インドネシア、ペルーを対象に JICA の研修（民主化支援）及び専門家派遣などの技術協力が実施されている。

(3) 日本政府選挙監視団

外務省が主導する日本政府選挙監視団は1)の日程で派遣され、団員構成は2)のとおりである。

1) 派遣日程

日順	月 日	曜日	行 程	宿泊地
1	7月20日	日	11:00 成田発 15:30 バンコク着 16:30 バンコク発 17:45 プノンペン着	プノンペン
2	7月21日	月	結団式 在カンボジア日本国大使館によるブリーフィング・危機対策説明	プノンペン
3	7月22日	火	配置地域への展開 選挙監視活動開始	各 州
4	7月23日	水	選挙キャンペーン監視活動	各 州
5	7月24日	木	選挙キャンペーン監視活動	各 州
6	7月25日	金	選挙キャンペーン監視活動	プノンペン
7	7月26日	土	9:00 在カンボジア日本国大使館にて中間報告、配置地域への移動、投票所などの状況確認	各 州
8	7月27日	日	投票日の選挙監視	各 州
9	7月28日	月	開票作業の監視	各 州
10	7月29日	火	午前：開票結果や異議申し立て等の確認 午後：プノンペンへ移動 14:30 最終報告会、解団式	プノンペン
11	7月30日	水	18:50 プノンペン発 19:55 バンコク着 23:10 バンコク発	-
12	7月31日	木	7:30 成田着	

2) 団員構成

	氏名	備考
1	今川 幸雄	団長（元大使）、関東学園大学法学部教授
2	岡本 貴美子	外務省大臣官房国際報道官室 外務事務官
3	黒木 大輔	外務省アジア大洋州局南東アジア第一課 課長補佐
4	鳥越 志信	外務省アジア大洋州局南東アジア第一課
5	荻野 明之	外務省アジア大洋州局南東アジア第一課
6	池田 博次	在カンボジア日本国大使館
7	花園 千波	在カンボジア日本国大使館 在外専門調査員
8	大田 賢	在カンボジア日本国大使館
9	水沢 文	在カンボジア日本国大使館 調査員
10	惟住 智明	在カンボジア日本国大使館
11	力石 寿朗	JICA カンボジア事務所 所長
12	田中 勲	JICA カンボジア事務所 所員
13	合澤 栄美	JICA カンボジア事務所 協力隊調整員
14	倉岡 由紀	JICA 企画評価部環境女性課 ジュニア専門員
15	山根 雄一	JICA アジア第一部インドシナ課 研修員
16	東 佳史	公募（本邦）
17	犬塚 利恵	公募（本邦）
18	上杉 勇司	公募（本邦）
19	坂野 一生	公募（本邦）
20	帯刀 豊	公募（本邦）
21	藤原 幸恵	公募（本邦）
22	朝倉 政子	公募（カンボジア）
23	手林 佳正	公募（カンボジア）
24	長林 明宏	公募（カンボジア）
25	山崎 幸恵	公募（カンボジア）
26	米倉 雪子	公募（カンボジア）

団長 1 名、外務省 4 名、在カンボジア日本国大使館 5 名、JICA 5 名（本邦 2 名、現地事務所 3 名）、公募 11 名（本邦 6 名、現地 5 名）合計 26 名。

3) 展開地域

展開地域は以下の 9 州で、各地域に 2 ～ 3 名が配置された。

選挙キャンペーン期間中（7 月 21 日～7 月 25 日）は、一部の地域については近隣の 2 州の 2 チームが合同して移動し、同 2 州の選挙前の状況を監視する。キャンペーン終了後から投票・開票日（7 月 26 日～7 月 29 日）までは各州 1 チームで州都内の投票所・開票所を中心に監視する。なお、投票・開票日には、各州の選挙管理委員会から 1 名が我が国の各監視チームに同行した。

展開州	配置人員
ブノンペン市	今川団長 ^{*1} 、黒木 ^{*1} 、犬塚 ^{*1} 、荻野、花園、水沢、山崎
カンダール州	大田、藤原
コンボンスプー州	田中、朝倉
^{*2} タケオ州、 カンポット州、ケップ市	山根、上杉 惟住、東、米倉
コンポンチャム州	岡本、帯刀、長林
コンポントム州	力石、倉岡
シェムリアップ州	池田、合澤、手林
バタンバン州	鳥越、坂野

^{*1} 今川団長、犬塚団員、黒木団員は適宜展開州を視察し、監視状況を確認。

^{*2} 地域は選挙キャンペーン中は合同で、選挙投票・開票時はタケオ州、カンポット州・ケップ市の2班に分かれて監視活動を行った。

(4) 活動内容

日本政府選挙監視団は、以下の活動を現地にて行った。

1) 選挙キャンペーン中

PEC、CEC の訪問

- ・治安状況及び発生事件の確認
- ・監視を望む地域・投票所の聴取
- ・各党の集会・行進の登録状況確認
- ・関係者連絡先の最終確認

各投票所の視察

- ・地理の把握
 - ・投票日に監視する投票所の絞り込み
 - ・選挙備品支給状況の確認
- 各党のキャンペーン状況
- ・選挙法等に反する違法行為の有無
- カンボジア人・国内監視要員への聞き取り調査
- ・選挙プロセスの正当性への評価
 - ・担当地域内外での不正行為についての情報の有無
- 他国の選挙監視団との情報交換
- ・現状分析・評価（治安・政治情勢等）
 - ・投票日展開場所

本部への定時報告

- ・定時報告チェックリストに従い、状況を報告。

2) 投票・開票時

以下のチェックリストに基づき、確認を行った。

チェックリスト

位 置
1. 投票所は指定された場所に設置されていたか？
立会人と環境
2. 投票所のスタッフ（全5名）は全員いたか？
3. 政党代理人は立ち会っていたか？
4. 国内監視要員は立ち会っていたか？
5. 他の国際監視要員は立ち会っていたか？
6. 投票所内に許可なく立ち入っている人がいたか？
7. 投票所内で何らかの騒ぎや混乱を起こす人はいたか？
8. 投票所内外で違法な政治的行為が報告、又は観察されたか？
9. 投票所の安全区域内に許可されていない者が武器を持ち込むことがあったか？
10. 投票所内外で脅迫行為が報告、又は観察されたか？
11. 政党代理人や国内監視要員が何らかの不正を訴えることがあったか？
投票所の開場
12. 投票所は時間どおりに（午前7時、又は15分以内の誤差で）開場されたか？
13. 投票所の委員長は、投票箱を封印する前に、投票箱が空であることを立会人全員に見せたか？
14. 所定の開場手続きに従って開場されたか？
投 票
15. 投票所は NEC が指示した手順や規程に従って管理されていたか？
16. 投票に不可欠な物品（選挙人名簿、投票用紙、投票箱、再投票防止塗布インク、仕切りが付いた投票ブース、各種報告様式等）で欠けているものはあったか？
17. 有権者登録票や証明書は、選挙人名簿により照合・確認されていたか？
18. 当該投票所で有効な登録票を所持するものが投票を拒否されていたか？
19. 有効な登録票を所持しない者が投票を許可されていたか？
20. 選挙人に投票用紙が2枚配布されることがあったか？
21. 秘密選挙を確保するための所定の措置が法に従ってとられていたか？
22. 視覚障害者、身体障害者、識字能力のない者は規程に従って介助を受けていたか？
23. 投票前に投票者は指の再投票防止用インクの痕跡の有無を正しく検査されていたか？
24. 各投票者は、所定の規程に従って再投票防止用インクを正しく塗布していたか？
25. 投票所は午後3時に閉場されたか？
26. 投票所閉場時刻に並んでいる投票者はいたか？
27. 列に並んでいた人は投票を許されていたか？
28. 午後3時前に列に並んでいなかった人が投票を許されていたか？

開 票
29．開票は投票所で行われたか？
30．許可されていない者が開票所内に立ち会っていたか？
31．開票開始時に投票箱は封印されていたか？
32．投開票所の委員長は、開票開始前に投票用紙の合計数を立会人に報告したか？
33．投票箱の中にあった投票用紙の合計枚数は、選挙人名簿の投票者数と一致していたか？
34．投開票所の委員長は所定の規程に従って有効票と無効票を正しく判定していたか？
35．投票用紙は各政党別に正しく集計・記録されていたか？
36．投開票所の委員長は正しく開票記録用紙を作成していたか？
37．政党代理人や国内監視要員は、開票手続きを観察して各政党別に記録していたか？
38．開票結果は開票終了後に開票所の外に掲示されたか？
39．開票結果と投票用紙は、同日中に CEC（コミュニケーション選挙管理委員会）に運送されたか？
40．開票手続きが暴力行為や脅迫によって阻害されたか？
投開票手続きの全体評価 訪問した投開票所の投開票手続き
41．優（Very Good）：不正や事件は全く観察ないし報告されなかった。
42．良（Good）：いくつかの不正や事件が観察ないし報告されたが、選挙全体の公正さに重大な影響を与えるものではなかった。
43．平均的（Average）：たくさんの不正や事件が観察ないし報告されたが、選挙全体の公正さに重大な影響を与えるものではなかった。
44．問題あり（Poor）：選挙全体の公正さに重大な影響を与えるような不正や事件が観察ないし報告された。
45．非常に問題（Very Poor）：選挙結果を無意味にするほどの重大な影響を与える不正や事件が観察ないし報告された。

さらに、投票所出口において、以下の質問を不特定多数に行った。

自分の好きな政党に自分の考えで投票できましたか？

選挙期間中、暴力・脅迫・票の買収等に直面しましたか？

1998年の総選挙及び2002年のコミュニケーション選挙と比較して、今回の2003年の選挙の方が良いと思いましたか？ 良いと言えない場合の理由は何ですか？

2 - 2 日本政府選挙監視団活動結果

2003年7月27日に発表されたカンボジア総選挙の暫定開票結果によると、フン・セン首相率いる与党第一党のカンボジア人民党（CPP）が最多47%の票を獲得、野党サム・ランシー党が22%、CPPと連立を組んでいた民族統一戦線が21%を獲得した。CPPの獲得議席数は70強で、内閣の承認に必要な下院の3分の2には届かない見通しとなった。

選挙の投票及び開票のプロセスを監視した時点で、日本政府選挙監視団は、今回の総選挙の監視結果として、「日本政府監視団が監視した地域・期間においては、選挙結果全体の信頼性に影響を与えるような、深刻な暴力活動、脅迫、不正な行為は見当たらなかった。また、監視団は監視した地域において投票者に今回選挙について質問したところ、おおむね前回選挙よりも改善され、自由であったとの返答が大多数を占めた。日本政府監視団としては、今回選挙がカンボジアの民主化の一層の深化への道を開くものと考え」と発表した。

第3章 カンボジアにおける平和構築の経緯と現状

3 - 1 カンボジアの和平過程²

(1) パリ和平協定

カンボジアは、1970年3月のロン・ノルによるクーデター発生までは国王で国家元首であったノロドム・シアヌーク殿下の下で中立政策の下に平和を保ってきたが、クーデター以降はアメリカ合衆国に支援されたロン・ノル政権、中華人民共和国に支援されたポル・ポト政権、ベトナムに支援されたヘン・サムリン政権と武力による政権交代が続き、20年近くにわたって内戦状態にあった。こうしたなか、1987年12月にフランスで民主カンブチア連立政権の長であるシアヌーク殿下とヘン・サムリン政権のフン・セン首相が初めて和平の話し合いを行った。

1998年からは国際的な枠組みのなかで話し合いが行われ、1991年10月に「カンボジア紛争の包括的な政治解決に関する協定」(パリ協定)がカンボジア最高国民評議会を含む19か国代表によって署名された。

パリ協定により、カンボジアにおいて暫定的な期間(1年半)の統治機構として平和維持活動(PKO)が開始された。主体は国連カンボジア暫定統治機構(UNTAC)であり、総勢2万2,000名による大規模なものであった。

(2) 新政府の樹立(第1回目の総選挙)

UNTACの下で1993年5月に制憲議会議員選挙が施行された。クメール・ルージュは選挙実施に露骨な反対をしており、選挙自体をボイコットしたが、選挙は全般的に良好な雰囲気ながら、クメール・ルージュによる脅迫や妨害もなく、90%以上の高投票率で実施された。

選挙の結果、計120議席のうち、フンシンベック党が58議席、カンボジア人民党(CPP)が51議席、仏教自民党が10議席、その他が1議席を獲得し、120名による制憲議会が成立した。

その後、制憲議会はパリ協定を踏まえた、民主主義と立憲君主制に基づく新しいカンボジア王国憲法を起草採択し、1993年9月24日に公布された。同日、カンボジア最高国民評議会議長のシアヌーク殿下は再即位し、制憲議会はそのまま、国民議会に移行した。国王は同日、フンシンベック党のノロドム・ラナリットを第一首相に、人民党のフン・センを第二首相に任命した。UNTACは同日付で任務を終了した。カンボジアはこの時点において国連の暫定統治を脱して再独立し、経済再建の面でも復旧から復興の段階に入った。

² 『カンボジア国別援助研究会報告書』(抜粋)、p.33～39、JICA国際総合研修所、2001年10月

(3) クメール・ルージュの非合法化

クメール・ルージュは新政府成立後も各地で破壊活動を続け、1994年に入るとクメール・ルージュの支配地をめぐって王国政府軍と攻防を繰り返した。クメール・ルージュは外国人を拉致・殺害するなどし、国際的な非難を浴びるようになり、情勢の悪化を憂慮したシアヌーク国王の仲介によって政府側とクメール・ルージュとの間で会合がもたれたが効果はなく、結局同年6月にクメール・ルージュは非合法化され、山中に追いやられた。

一方で政府側では、ラナリット第一首相、フン・セン第二首相は発足後2年は順調な協調関係にあったが、次回総選挙(1998年)が近づくとつれて対立抗争が激しくなり、1997年に入ると、6月、第一首相警護隊と第二首相側近の警護隊との間で武力衝突が発生した。翌7月にはプノンペンとその郊外でフン・セン第二首相が軍を投入してラナリット第一首相の軍に激しい攻撃をかけるという軍事衝突が発生し、ラナリット第一首相は首相の座を追われた。

ラナリットはフン・センがクーデターを起こしたと宣言するも、フン・センによるラナリットの政治力及び軍事力剥奪がクーデターでなかったことはシアヌーク国王が認めている。

(4) 大規模な政治改革の実施(第2回総選挙)

1997年にこのような政治情勢の激変に直面するも、1998年7月にカンボジア人自身による自由かつ公正な総選挙を施行することに成功した。選挙の結果、従来は第二党であったCPPが122議席中64議席を獲得して第一党になり、フンシンベック党は43議席を獲得し、第二党となった。フンシンベック党から分かれたサム・ランシー党が15議席を得て第三党となった。投票及び開票が自由かつ公正に行われたことは、国内及び国際選挙監視グループ〔国連によって調整され、欧州連合(EU)の主席監視員を長とし、500名の国際監視員によって構成された国際合同監視団、1,200名のカンボジア人監視員によって構成されたカンボジア自由公正選挙監視団を含む〕により全面的に確認された。

フンシンベック党及びサム・ランシー党は選挙結果を認めようとせず、外国への呼びかけにより、カンボジアの内政問題を再び国際化しようと試みたが成功しなかった。フンシンベック党及びサム・ランシー党による選挙結果の受諾拒否による新たな紛争の発生をおそれたシアヌーク国王は、11月選挙の勝者・敗者との間を仲介し、11月30日フン・セン1人を首相として再び、CPPとフンシンベック党の連立新政府が発足し、政情は安定化に向かった。

新政府発足後、シアヌーク国王は政治調整力の重みを増し、もともと政治に強いリーダーシップを発揮してきたフン・セン首相の政治力は国王の信頼を得て更に確固たるものとなった。ラナリットは国民議会議長となり、取りあえずフン・セン首相との確執は解消された。サム・ランシー党の国政への影響力はほとんど消滅した。

クメール・ルージュは1995年以来政府側への投降が続出していたが、1998年12月には強硬

派のキュウ・サンバン、ノンチアとその一味が投降した。既に第二の実力者であったイエン・サリは1996年8月に投降しており、ソン・サンは1997年7月ごろ、仲間内の権力闘争に破れて肅清され、最大実力者のポル・ポトも1998年4月に死亡しており、残る唯一のタカ派指導者のタ・モクも逮捕拘禁された。このため、クメール・ルージュは事実上消滅し、王国政府の支配が全土に及ぶようになった。

3 - 2 平和構築に係る近年の国際的な支援活動³

1998年及び1999年において、外国援助の総額は共に4億米ドル台で推移しており、これは、国内総生産（GDP）の約14～15%、1人当たりの年間援助受取額は44米ドル（途上国で66番目）に達する。内戦で疲弊した国土の復興のために、農村開発（14.13%）、開発行政（12.83%）、運輸交通インフラ（11.88%）分野への投入が多い。地理的には、首都プノンペンから南部カンポット州に至る回廊地帯に援助が比較的集中しており、他方、ベトナムに近い東部のモンドルキリ州及びクラチエ州にはほとんど援助は投入されていない。北西の旧ポル・ポト派支配地域においては、除隊兵士の社会復帰促進をめざした農村開発などが進められている。

これまでの援助の特徴としては、内戦で破壊されたインフラ等の再建が急務であったことと、カンボジア政府の受入れ能力の問題などにかんがみ、我が国の援助をはじめとして、施設・機材やこれに付随するサービスを直接提供する援助が主流であったが、近年特に、カンボジア政府の行政能力向上を中心としたガバナンス強化のための支援など、カンボジアの自立的発展に資する援助への取り組みがこれまで以上に重視されてきている。

2000年5月のパリにおける支援国会合（CG会合）では、「ガバナンスと経済改革」がテーマとなったが、これは、1998年、第2回の国政選挙を曲がりなりにも成功させ、平和と安定について自信を取り戻しつつあるカンボジア政府が経済的自立に向けて本格的な取り組みへの意気込みを示しつつあることと機を一にしている。カンボジア政府の能力構築や経済社会諸制度の整備の必要性は、これらを支える人材育成の必要性とともに、1991年の和平合意成立のころから久しく指摘されてきたが、最近になってようやく、これらの問題群、すなわちガバナンスに関する諸課題に対して、カンボジア政府もこれを支援する国際社会も、総じて問題意識を共有するようになってきた。ただし、そのためのアプローチはドナーによって多様であり、例えば、世界銀行のように、公的セクターや経済部門の非効率や不公正の実態を調査して、まず状況の把握に重点を置くものもあれば、フランスのように、刑法及び刑事訴訟法に関する法案をフランスの法制に依拠してフランス語で起草し、カンボジア政府にその採用を迫るようなものもある。そのなかで、国連開発計画（UNDP）による地域復興のためのプロジェクト（Cambodian Area Rehabilitation and

³ 事業戦略調査研究『平和構築』（抜粋）、JICA国際総合研修所、2001年4月

Regeneration Project : CARERE)などは、地域住民に極めて近いレベルから社会制度の再構築を図ろうとするものであり、カンボジア政府はもとより、多くのドナーにとっても参考とすべき見本となっている。

今後の援助課題のなかで、平和構築の関連で最も注目を集めているもののひとつが、軍属の動員解除である。これは、世界銀行が調整役となって、向こう3か年で3万人の動員解除と社会復帰を行うものである。既に1万5,000人を対象にプロジェクトが開始されている。この課題への取り組みの成否は、今後のカンボジア社会の平和と安定に大きな影響を与えることになる。また、地雷の問題については、カンボジア地雷対策センター(CMAC)に対する地雷除去活動の支援のほか、地雷埋設の可能性の高い危険地域を特定するための地図の作製や、被災者に対する救護・社会復帰支援活動などが行われている。

3 - 3 平和構築に対する我が国の援助⁴

我が国の援助は、二国間援助のうち圧倒的なシェアを占める。2000年の支出純額では、二国間援助全体が2億4,200万米ドルであるのに対し、我が国の援助は1億600万米ドルと4割を超える⁵。また、政策面でも、1992年来、カンボジア復興閣僚会議やカンボジア復興国際委員会、支援国会合や遺跡救済国際会議などにおいて常に主導的役割を果たしてきている。

協力の分野に関しては、運輸交通、水、電気通信などのインフラの復旧・整備に対する支援が多い。また、ASEAN諸国と協同して行っている「農村開発プロジェクト(いわゆる三角協力)」や草の根無償資金協力による各地のWID(開発と女性)センター支援など、地域住民との直接のかかわりを重視した協力も行われてきている。

さらに、CMACやNGOに対する各種の支援や、民法及び民事訴訟法の法整備支援なども行っている。特に、この法整備支援は、カンボジアの体制が極めて脆弱であるなど非常に困難な状況のなかでの活動ではあるが、単に法案を策定することのみを目標とせず、策定された法案がカンボジアの社会において根付いていくために、同国の社会の実態に合った法案及び解説書等の策定を企画し、可能な限り同国人の主体性を引き出すかたちで作業が進められようとしている。

我が国援助の地理的展開に関しては、援助要員の安全確保の観点から厳しい制約が課されてきていた。1999年8月、活動可能地域のかなり大幅な緩和がなされたが、依然として、首都及び近郊の7州並びにごく一部の地方都市等のみとされているため、今後予想される都市部と地方部における貧富差拡大への対応として、より一層、地方部へ配慮した支援が望まれる。

⁴ 事業戦略調査研究『平和構築』(抜粋)、JICA国際総合研修所、2001年4月

⁵ “Development cooperation report 2001” May2002, CDC, Cambodia

第4章 今後の選挙支援のあり方について

4-1 対カンボジア民主化支援

当該地域は、歴史的背景、経済発展の段階、社会、宗教、民族が多種多様であることから、選挙等の制度についても、これらの多様性が大きな影響を与えているといえる。

また、植民地化及び紛争を過去に経験しているカンボジアにおいては、1993年、1998年に引き続き、今回が第3回目の総選挙であり、カンボジア人の手によって初めて実施される総選挙であった。選挙運営自体に格段目立った問題は指摘されなかったものの、選挙登録の未整備、村長の介入など、より民主的な選挙の実施にあたって今後も継続して取り組むべき課題は、本調査団のみならず欧州連合（EU）選挙監視団をはじめとする他の選挙監視団からも指摘された。

このような状況の下、カンボジア同様に民主化に移行する国々の選挙制度及びそれらにおける課題点を参考に、今後のカンボジアへの選挙支援を含め平和構築支援に関して、以下のとおり提言を行う。

（1）選挙制度に関して

本調査団において不備が多く指摘されたのは、選挙登録の未登録のために投票ができないケースが見受けられたことである。選挙人名簿からの名義漏れなどにより投票ができなかったケースが多く、多くの投票所で見られた。国家選挙監視委員会（NEC）によると、選挙登録リストの名前漏れの確認等が不十分であったこと、また、宗教者を含め、そもそも選挙登録を行っていない人も少数ながらいることが指摘された。

また、過去に起こった内戦の結果、カンボジアの年齢層にはばらつきがあり、現在、成人に達していない年齢層が多くを占め、今後選挙権取得者が急激に増加することが予想されることや、経済発展とともに今後地方から都市への人口移動が予測されることもあり、この点に対応した選挙登録システムの改善は、より公正な選挙の実施のために重要な課題といえる。

今後の取り組みの一案として、選挙登録から名義が抹消された場合や名簿に不備があった場合でも、一定の手続きの下に投票が可能となるシステムを確立するために、細やかな対応が必要である。そのためには、地方行政が主体となって住民登録を末端までいきわたるよう整備するとともに、選挙の際に自動的に選挙人リストとして活用するなど、多目的な用途を考慮しつつ改善していくことが肝要に思われる。

（2）市民教育に関して

民主的な選挙の促進がめざすところは、政治プロセスへの参加を通じ、国民の意思を国政に反映することであることから、民主的な体制、ここでいえば、選挙制度の構築のみでなく、カ

ンボジアの民主化の向上に向けて、ガバナンス分野全般の強化が必要である。法整備が行われ、基本的人権の尊重や政治的自由の保障等が制度的に確保されたのち、民主制度に対する市民の信頼感が高まり、ルールとして定着するためにも、特に国家権力のバランスの改善、政府の意識・能力の向上、利害調整メカニズムの構築、市民社会の強化などといった、民主的な制度を形式にとどまることなく実質的なものに改善し、これら制度を機能させるシステムづくりが引き続きカンボジアの課題と思われる。

監視の際に指摘された村長の関与などは、村長の地位を利用した既得権益化や公正な選挙の妨害をはじめとする過去の体制の負の遺産であることから、これらの改善（グッド・ガバナンスの推進）や、教育水準の向上によって市民が民主的な手続きの意義に対する理解を深めることで解消されることが期待される。したがって、カンボジアのように、都市部と地方部における格差が存在する国においては、立法府への支援や行政支援と併せて、ターゲットを絞った市民教育などの充実も、更なる民主化への理解を深めるためには重要な支援分野と考えられる。また、国民の基本的人権として保護されるべき権利及びサービスを常に供給できる政府体制を維持するには、行政システム、特に安定した財源の確保があってこそ可能であるため、行政支援のなかでも、財政及び地方分権への支援も併せて重要と考えられる。

4 - 2 今後 JICA が実施する選挙支援に対する提言

選挙支援は、ガバナンス支援の重点分野である民主化支援とひとつとしてとらえられ、JICAの平和構築支援の枠組みのなかでも取り上げられている。最近の傾向として、パキスタンやインドネシアでの専門家派遣を通じた技術協力や、ペルーの国別特設集団研修等、JICAの選挙支援に対する取り組みは広がってきている。今回の日本政府選挙監視団への本邦及び現地事務所からの参加を通じ、今後の選挙支援に対して以下のとおり提言を行いたい。

(1) 日本の選挙監視ミッションへの積極的参加

日本政府の選挙監視団への JICA の参加は、特に復興後の選挙におけるオールジャパンの民主化支援への取り組みとして有意義である。また、本部の平和構築支援担当事務局と地域部及び現地 JICA 在外事務所の連携による取り組みは、平和構築分野における内部の連携業務の経験を積む良い機会であり、人材育成の観点からも、選挙監視団への参加を通じ、選挙支援に関する知識を構築できるといった面で専門性を磨くための機会であると思われる。

(2) 短期間で実施できる民主化支援

JICA では、専門家派遣等を活用した選挙管理委員会などへの 1 年程度の技術協力が既に実施されており、今後も引き続き技術協力及び民主化支援研修セミナーを重点的に行っていくこと

に比較優位性がみられると思われる。しかしながら、紛争後の国における選挙支援の際には、国連機関、又は地域連合等の主導の下で選挙支援が実施されるので、当該国政府の要請に応じて日本政府が選挙監視団を派遣する際は、これら国連機関、又は地域連合等と今後も協力していくことにより、早い段階からのガバナンス支援取り組みが期待できる。また、選挙監視活動を通じ現地の状況を把握できることから、復興後の中長期的ガバナンス支援の構想を早い段階から描くことも期待できる。

(参考) 選挙支援分野における JICA の協力実績

案件名	時期	スキーム
国家選挙管理委員会顧問	1998年6月 (2.5か月)	個別専門家派遣事業
選挙支援	1997年10月 (1.0か月)	国別特設研修(10名)

付 属 資 料

- 1 . プロジェクト形成調査団員監視活動結果
- 2 . Law on Election of Members of the National Assembly
- 3 . Manual
- 4 . Observation Manual for Polling and Counting
- 5 . 内務省及び選挙監視 NGO ・ 国際長期選挙監視団による報告書（大使館より配布）
- 6 . 各国における選挙監視団派遣状況

1. プロジェクト形成調査団員監視活動結果

【選挙監視業務日誌】(1)

2003年7月26日

担当地域：タケオ州

監視員氏名：山根・上杉

1. 本日の活動内容

- (1) 投票所の準備状況の監視
- (2) 選挙キャンペーン状況の確認
- (3) 投票状況監視の計画策定
- (4) 投票所の準備状況の確認

2. 監視した投票所及び周辺の状況

- (1) 訪問した投票所においては、準備の遅れているところもあったが、おおむね準備状況は良好。
- (2) 治安状況は特に問題なし。

3. 国際・国内監視員・住民等からの情報

特筆すべき点は特になし。

4. その他気づきの点

投票所において、選挙管理委員に対していくつかの質問を行ったが、十分手続きを理解している様子であった。

以上

【選挙監視業務日誌】(2)

2003年7月26日

担当地域：コンポントム州

監視員氏名：力石・倉岡

1．本日の活動内容

- (1) 州選挙管理委員会(PEC)代表を訪問し、監視地区に関する打合せ、治安状況及び発生事件等に関する情報収集を行った。
- (2) PECスタッフの案内の下、地理の把握・選挙準備状況の確認のため、投票所の視察を行った。
- (3) 選挙前日のキャンペーンの有無の確認のため、コンポントム州の町全体の視察を行った。

2．監視した投票所及び周辺の状況

視察を行った投票所及びその周辺は平穏であった。また、投票所の配置などの前準備は午後早い段階で完了していた。

3．監視した各党のキャンペーンの様子

選挙前日の政党によるキャンペーンは禁止されているため、不法にキャンペーンが実施されているかどうかの視察を行ったが、キャンペーン活動は見当たらなかった。

4．国際・国内監視員・住民等からの情報

特記する事項なし。

5．その他気づきの点

なし

以上

【選挙監視業務日誌】(3)

2003年7月27日

担当地域：タケオ州

監視員氏名：山根・上杉

1．本日の活動内容

トムコック地域において投票状況の選挙監視活動を計18か所の投票所で実施。アングタッサム投票所においては、投票開始・終了時においても選挙監視活動を行った。

2．監視した投票所及び周辺の状況

(1)監視活動で訪問した投票所においては、治安が著しく悪化しているところは全くなかった。

地域全般の治安状況も良好。

(2)1か所のみ、村長が投票所に長居したために若干の混乱があった模様。

3．国際・国内監視員・住民等からの情報

選挙管理委員からは大きな問題は報告されなかった。ただし、各政党からは個別にクレームが寄せられるケースが何件もあったため、コミュン選挙管理委員会へ伝達するよう助言した。

住民に対して事前に用意した設問について質問したところ、すべての投票者が「公正・自由であった」と回答し、1998年・2003年からの変化については、ほとんどの投票者が「改善された」と回答した。その理由としては、手続き等に係る情報が改善された点をあげていた。

4．その他気づきの点

早朝に投票者が集中するため、いくつかの投票所で「投票所内に4人以内」という規則が守られていないケースが見受けられた。

以 上

【選挙監視業務日誌】(4)

2003年7月27日

担当地域：コンポントム州

監視員氏名：力石・倉岡

1．本日の活動内容

コンポントム州中心のコンポントムコミュニティの投票所を中心に、都市部、郊外及び地方の投票所を合わせて15か所訪問した。監視を行ったすべての投票所の環境は平穏であった。

コンポントムコミュニティでは、投票所の開場及び閉場に立ち会い、選挙運営の準備と投票箱の運搬までの一連のプロセスを監視した。開場の際に、投票スクリーン近くの窓が開いていて、秘密投票の確保が難しく思われたので、選挙監視員に一部の窓を閉めることを提案した場面もあったが、全体的に選挙運営は大変良く行われていた印象をもった。

地方では、学校のほかに集会場や寺院等が選挙投票所になっていた。配置及び運営は都市部同様にしっかりと行われていた。ここで気づいた点としてあげられるのは、地方の投票所においては住民に対する選挙監視員やスタッフの指導及び介入を必要とした場面が都市部より多かった点である（投票の際の登録番号を把握していなかった等）。これは、地方における識字率の低さに起因するよう思われた。

そのほかに、投票所における必要以上の人数の同時入室、投票所前の行列の乱れなどが見られた投票所も若干あったが、選挙投票自体には影響はないように思われた。

2．監視した投票所及び周辺の状況

PEC 長官 (Mr.Preng Savuth) から、以下3点が州の投票所の一部 (選挙監視を行った政党エージェント) から事務所へ報告があったと説明があった。

- (1) 政党のポスターが投票所に張ってあった投票所があった。
- (2) 警察の配置が投票所に近すぎて、投票の際プレッシャーとなった。
- (3) 村長が投票後に投票所の中に長居し、他の投票者にとってプレッシャーとなった。

3．国際・国内監視員・住民等からの情報

同州で監視を行った欧州連合 (EU) の選挙監視チームの感想は、当班の感想と同じであった。

以上

【選挙監視業務日誌】(5)

2003年7月28日

担当地域：タケオ州

監視員氏名：山根・上杉

1．本日の活動内容

アングタッサム開票所を中心に開票作業の監視を行った（ほか3か所を巡回）。

2．監視した投票所及び周辺の状況

昨日と同様極めて平穏。各開票所には警備員が規程どおり配置されており、問題は少なかったが以下の問題が発生した。

10時20分ごろタケオ州のフンシンベック党候補者がIDカードを持たずに開票所内に入り込み、開票作業に対するクレームを行った。同行の党员と思われる人物が許可なく開票所内でカメラ撮影を行った（IDカード不所持）。フンシンベック党候補者はその後、開票所内から退出し、規程の様式に基づいて異議申し立てを行い、それを踏まえてコミューン選挙管理委員会にて開票作業の手順を一部変更した。

3．国際・国内監視員・住民等からの情報

国際監視員との情報交換においても、深刻な不正や事件は生じていなかったとのことだった。

4．その他気づきの点

農村部においては、特に混乱の様子は見受けられなかった。開票時の手続きを習熟していないチームがいくつかあり、かなりの時間を要しているケースが見受けられた。また、無効票に係る判断がチームによって異なるケースも一部見受けられた（ただし、政治的な意図は見受けられない）。

以上

【選挙監視業務日誌】(6)

2003年7月28日

担当地域：コンポントム州

監視員氏名：力石・倉岡

1．本日の活動内容

コンポントムコミュニケーションの開票所(No.029)で開票作業を始終監視した。開票所の環境は平穏であった。朝7時に開票作業を開始し、10時45分に完了した。

投票箱の封印の破損、票の不足はなく、全体票1,436票中13票が無効となった。無効票の内容は、記入なし、複数投票、メッセージの記入などのほか、個人の署名が明記されていたものがあった。無効票の判断の際には、政党エージェント及び現地選挙監視団体の代表も参加して、選挙監視員によって問題なく判断が下された。

同開票所における投票結果は、有効投票数1,423のうち カンボジア人民党814票、 サム・レソシー党、 436票、 フンシソベック 124票、 諸派49票だった。

2．監視した投票所及び周辺の状況

コンポントムコミュニケーションの開票作業はかなり早く終了したが、コンポントム州全体の作業の完了時間には差があり、多くの開票所は午後遅くまで時間を要した。午後にPEC事務所を訪問した際には、開票作業で特記すべき問題は報告されていないとのことだった。

投票率は約80% (登録数30万588人中投票数23万9,563人) とのことだった。

3．国際・国内監視員・住民等からの情報

EUの監視団が監視した開票所(カンボンクラバウコミュニケーション)の作業もまた、問題なく完了したとのことだった。

以 上

出口調査結果

1. 調査方法

コンポントム州、タケオ州のうち、視察を行った投票所から無作為方式で以下の3つの質問を投票所の出口で行った。回答者の総数は68名。

問い	質問事項
1	自分の支持する政党へ投票しましたか。
2	選挙期間中、暴力、脅迫、票の買収などに直面しましたか。もし直面した場合、以下のどれですか。 ア．暴力、イ．脅迫、ウ．票の買収、エ．その他
3	1998年の総選挙及び2002年のコミュン選挙と比較して、今回の2003年選挙の方が良いですか。もし、良いといえない場合の理由は以下のどれに該当しますか。 ア．暴力、イ．脅迫、ウ．票の買収、エ．その他

2. 調査の結果は以下のとおりである。

(コンポントム州)(男性20名、女性30名)

問い	はい	いいえ	理 由
1	50	0	
2	0	50	
3	49	1	投票までの待ち時間が前回より長かったから。

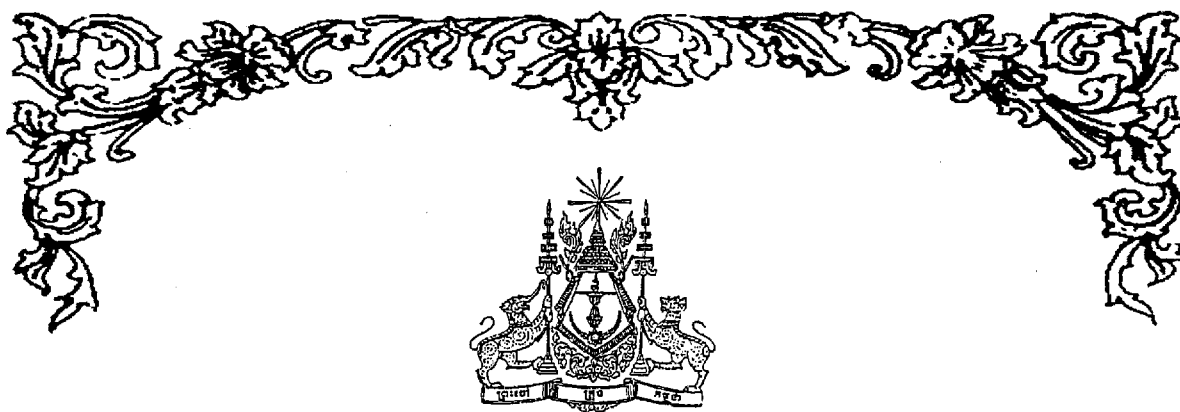
(タケオ州)(男性7名、女性8名)

問い	はい	いいえ	理 由
1	15	0	
2	0	15	
3	11	4	

3. 分 析

総論として、監視した地域・期間においては暴力、脅迫、票の買収などの違法行為は見られず、自由かつ公正なプロセスの下で選挙が実施されていた。監視した投票所の状況を参考にすると、今回の選挙運営・管理には問題点が見られず、投票所での待ち時間に関しては特に問題はなかったと思われる。

以 上



Kingdom of Cambodia
Nation Religion King

Law on Election of Members of the National Assembly

TAF Unofficial Translation
Date: April 24, 2003

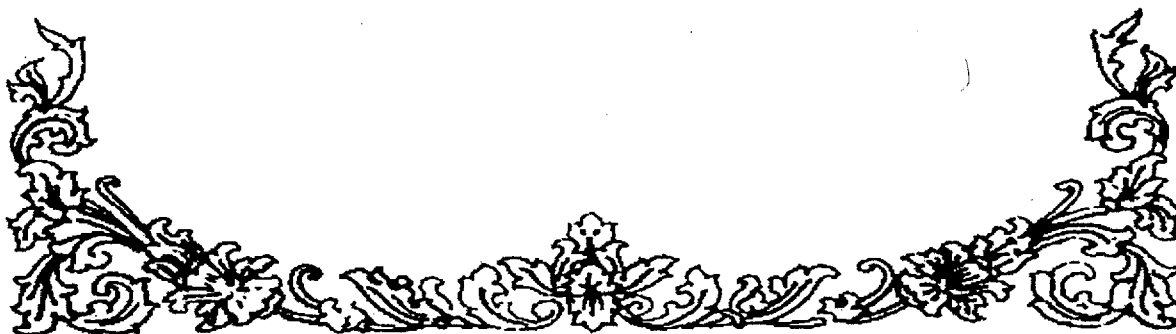


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Law on Election of Members of the National Assembly

ROYAL KRAM (ORDER)

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NS-RKM-1297-06

We,

Preah Bat Samdech Preah Norodom Sihanouk,
King of the King of Cambodia

+++++

- -Acknowledged the 1993 Constitution of the Kingdom of Cambodia;
- -Acknowledged the Royal Kret (Royal Decree), dated November 1, 1993 on the Appointment of the Royal Government of Cambodia;
- -Acknowledged the Royal Kram (Royal Order) 02/NS-94, dated July 20, 1994 on the Organization and Functioning of the Council of Ministers;
- -Acknowledged the Royal Kret (Royal Decree) NS-RKT-1094-83, dated October 24, 1994 on the Modification of Membership of the Royal Government of Cambodia;

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(Unofficial Translation by the Asia Foundation)

- -Acknowledged the Royal Kret (Royal Decree) NS-RKT-1094-90, dated October 31, 1994 on the Modification of Membership of the Royal Government of Cambodia;
- -Acknowledged the Royal Kret (Royal Decree) CHS-RKT-0897-147, dated August 7, 1997 on the Modification of Membership of the Royal Government of Cambodia;
- -Acknowledged the Royal Kram (Royal Order) NS-RKT-0196-08, dated January 24, 1996 on the Creation of the Ministry of the Interior;
- -Acknowledged the Royal Kram (Royal Order) NS-RKT-1197-07, dated October 28, 1997 on the Creation of Political Parties;
- -At the request of the First Prime Minister and Samdech Second Prime Minister and the Interior Co-Ministers,

PROMULGATE

The Law on Election of Members of the National Assembly, which was adopted by the National Assembly on December 19, 1997 during the 8th Session, First Legislature, the content of which is as Follows:

Article One

Articles 13, 15-18, 20, 22, 26, 29, 32-38, 40-42, 45-69, 84, 85, 88, 91, 92, 97, 98, 105, 111, 112, 115-118, 122-130, 132, 134-137 of the Law on Election of Members of the National Assembly, which was promulgated by the Royal Kram (Royal Order) NS-RKM-1297-06, dated 26 December 1997, have been amended as follows:

ROYAL KRAM (ORDER)

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NS-RKM/0902/017

We,

Preah Bat Samdech Preah Norodom Sihanouk,
King of the King of Cambodia

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- Acknowledged the Constitution of the Kingdom of Cambodia;
- Acknowledged the Royal Kret (Royal Decree) NS/RKT/I 198/72, dated November 30, 1998 on the Appointment of the Royal Government of Cambodia;
- Acknowledged the Royal Kram (Royal Order) 02/NS/94, dated July 20, 1994 on the Promulgation of the Law on the Organization and Functioning of the Council of Ministers;
- Acknowledged the Royal Kram (Royal Order) NS-RKM/0196/08, dated January 24, 1996 on the Promulgation of the Law on the Creation of the Ministry of the Interior;
- At the request of Samdech Prime Minister of the Royal Government of Cambodia and of the Interior Co-Ministers,

PROMULGATE

The Law on Amendments to the Law on Election of Members of the National Assembly, which was adopted by the National Assembly on August 21, 2002 during the 8th Plenary Session, Second Legislature for which the Senate had not enough time to review its substantive content pursuant to the provisions of Article 113 (new) of the Constitution, and for which it has been declared constitutional by the Constitutional Council by its Decision 047/002/2002, dated September 6, 2002.

The content of the law is as follows:

Law on Election of Members of the National Assembly of the Kingdom of Cambodia

Chapter 1 - General Provisions

Article 1

The purpose of this law is to establish the electoral organs, procedures, and the conduct of election of members of the National Assembly of the Kingdom of Cambodia.

Article 2

The election of members of the National Assembly shall be conducted in accordance with the principles of multi-party, liberal democracy.

Article 3

The election of members of the National Assembly shall be conducted every five years, on Sunday of the 8th week before the expiration of legislature of the National Assembly, except for the following circumstances:

A force majeure, in which case the polling day shall be postponed.

Dissolution of the National Assembly before the due expiration of its mandate, in which case the election shall be held in sixty (60) days of its dissolution.

Extension of the legislative term of the National Assembly pursuant to paragraph 5, Article 78 of the Constitution.

Article 4

The administration of the election of members of the National Assembly shall be under the jurisdiction of the National Election Committee as defined in Chapter 3 of this law.

Chapter 2 - Electoral System and Determination of Seats

Article 5

The members of the National Assembly shall be elected by a general, universal, free, fair, equal, direct, and secret election by means of secret balloting.

The electoral system shall be proportional representation, with provincial-municipal electoral districts.

Article 6

The National Assembly shall have at least one hundred and twenty (120) seats.

Article 7

On the third year of every legislative term, the Council of Ministers shall form a Commission for the Determination of National Assembly Seats to modify the number of seats and allocate them to each province-municipality.

The Commission shall be composed of:

A representative from each political party currently holding seats in the National Assembly;

Two Representatives of the Ministry of the Interior;

The Director of the National Institute of Statistics.

The Commission is headed by a Chairman and assisted by a Vice-Chairman, who shall be elected by an absolute majority of members of the Commission.

Taking account of demographic, geographic, social and economic factors, the Commission shall report and recommend to the Royal Government whether to increase the seats or not.

The Royal Government shall draft a law concerning the determination of the number of seats to be passed by the National Assembly.

Where there is no modification adopted, the number of seats of the last legislative term shall stay the same.

Article 8

The number of seats of the National Assembly and the number of seats allocated to each province-municipality shall be published at least one year before the polling day.

Article 9

The new number of seats of the National Assembly shall be computed according to the following formula, disregarding the remainders:

$\frac{P_p}{N_p} = Q$	<p>Where:</p> <ul style="list-style-type: none"> - P_p represents the number of Cambodian citizens during the last election of members of the National Assembly. - N_p represents the current number of seats in the National Assembly. - Q represents the electoral quota, disregarding the remainder
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$\frac{P_A}{Q} = N_A$	<p>Where:</p> <ul style="list-style-type: none"> - P_A represents the current number of Cambodian citizens. - N_A represents the new number of seats in the National Assembly, disregarding the remainder.
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The number of seats allocated to each province-municipality shall be computed according to the following formula:

$\frac{P}{Q} = N$	<p>Where:</p> <ul style="list-style-type: none"> - P represents the number of Cambodian citizens in the province or municipality. - Q represents the electoral quota obtained above. - N represents the new number of seats in the province or municipality, disregarding the remainder.
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Article 10:

The province or municipality, for which the number of citizens is less than the electoral quota, shall be allocated one seat.

As for the remaining seats to be allocated after the allocation in accordance with the above formula, the Commission for the Determination of Seats may recommend to allocate them to any province or municipality, taking account of geographical, social, and economic considerations.

Chapter 3 – Administration of the Elections

Article 11

The election of members of the National Assembly shall be administered by the National Election Committee (hereinafter referred to as the NEC). The NEC shall have the Provincial-Municipal Election Commissions (hereinafter referred to as the PEC), the Commune Election Commissions (hereinafter referred to as the CEC), and the commissions of the polling stations (hereinafter referred to as the CPS) to carry out its works.

Article 12

The NEC shall be an independent and neutral body in the carrying out of its duties.

The members of the NEC and of other Election Commissions at all levels shall be neutral and impartial in the implementation of their electoral duties.

Article 13 (new)

The NEC shall be composed of:

- A Cambodian dignitary, as Chairman.
- A Cambodian dignitary, as Vice-Chairman,
- Three Cambodian dignitaries, as Members;

The Chairman, Vice-Chairman and members of the NEC shall be selected from among dignitaries who are experienced in politics and in professional life, and have good reputation.

The Chairman, Vice-Chairman, and members of the NEC, at the request of the Council of Ministers and with the consent of an absolute majority of the National Assembly, shall be appointed by a Royal Decree at least seven (7) months prior to the polling day.

Before holding office, the Chairman, Vice-Chairman, and members of the NEC shall take an oath of office.

The Interior Minister shall submit the names of the proposed members of the NEC to Council of Ministers at least nine (9) months prior to the polling day.

The NEC shall have the right to recruit staff necessary to carry out the election processes and shall be assisted by a Secretariat.

Article 14

In the event of dissolution of the National Assembly before the end of its mandate, the NEC shall organize the election

to choose new members of the National Assembly within sixty (60) days of the dissolution.

Article 15 (new)

After being appointed to the NEC, the Chairman, Vice-Chairman and members of the NEC, who are a member of a political party or/and a management of a non-governmental organization, civil society, association, and trade union; or/and a government official, shall definitively resign from the party and/or from the management of the non-governmental organization, civil society, association, and trade union, and/ or shall apply to take substantial leave to work outside their original service until the expiration of their mandates on the NEC.

The Chairman, Vice-Chairman and members of the PEC and the CEC, who are a member of a political party or/and a government official, after being appointed to the PEC and to the CEC, shall temporarily resign from the party and/ or shall apply to take substantial leave to work outside their original service until the expiration of their mandates on the Commissions.

The Chairman or Vice-Chairman or members the NEC, the PEC, and of the CEC shall lose its membership in one of the following cases:

- When he or she dies;
- When he or she resigns in writing;
- When he or she loses his or her professional qualification certified by a competent institution;
- When he or she commits in contravention of the rules of procedure spelled out by the NEC.

The decision to expel any member from the NEC shall be the competence of the National Assembly.

The decision to expel any member from the PEC and the CEC shall be the competence of the NEC.

The concerned member shall be convicted and punishable by a criminal or misdemeanor punishment. In the event the Chairman or Vice-Chairman or member of the NEC loses its membership, the Interior Minister shall propose the new member to the Council of Ministers in ten (10) days. This time limit might be extended to thirty (30) days when there is no need to conduct an election immediately.

The Council of Ministers, at the request of the Interior Minister, shall submit the proposed member of the NEC to the National Assembly in five (5) days. This time limit might be extended to fifteen (15) days when there is no need to conduct an election immediately.

The newly appointed Chairman or Vice-Chairman or member of the NEC shall take the vacant place on the Committee immediately.

In the event the Chairman or Vice-Chairman or member of the PEC and of the CEC loses its membership, the NEC shall appoint a member pursuant to the provisions outlined in paragraph 1, Article 18 (new), and paragraph 1, Article 20 (new) of this law.

Article 16 (new)

The NEC shall be responsible for planning, organizing and conducting national elections. The NEC shall have full powers to exercise its competence. The rights, powers, duties, and responsibilities regarding planning, organizing, conducting and controlling the elections include:

Take all necessary measures to ensure that the elections are free and fair.

Prepare work plans, the budget and materials and equipment for the election and publicize electoral schedules.

Appoint the PECs, the CECs, and the commissions for the polling stations.

Spell out regulations, the rules of procedure and guidelines for the conduct of elections under the laws in effect.

Propose and enforce measures to maintain security, and the law and order during the election period.

Supervise the works of the Election Commissions at all levels.

Establish jurisdiction of each polling office.

Issue decisions determining the locations of voter registration stations and polling stations

Produce and allocate materials and equipment for the elections.

Select and appoint officials to help review the lists of voters and register the voters pursuant to the laws in effect, and the regulations.

Prepare the lists of voters and the register of voters.

Review and approve the validity of the lists of voters.

Accept and decide on the party's filing for running candidates and the party's candidacy in the election to the National Assembly.

Supervise and coordinate the conduct of election campaigns.

Organize and conduct the polling, vote counting, computation of election results and their proclamation.

Hold back the right to vote on a temporary basis or to grant it again. Register the political party's filing for running candidates or strike it off the lists of candidates. Strike the names of candidates off the party lists or recognize them again.

1. Control the incomes and expenses incurred by candidates and their political party during the election campaigns.
2. Take measure and provide coordination to ensure equal access to the public media.

3. Provide information on the progress of electoral processes to political parties and candidates and accept recommendations or requests regarding such processes.

4. Ensure exchange of information and permanent coordination on the election processes between the NEC, the Election Commissions of all levels with political parties, candidates, and other persons involved.

Produce electoral publications.

Promote public understanding of the elections by means of voter education and public information and by other means.

Prepare manuals and schedules for training electoral officials.

Approve and issue identification cards to party agents, and to national and international observers.

See that the conduct of elections is in accordance with the laws, regulations and the rules of procedures.

Resolve the electoral complaints or objections through holding public hearings, except those that fall under the court jurisdictions.

Prevent and control electoral irregularities.

Establish a commission for the destruction of used ballots according to each mandate after they have been safely stored for at least four (4) years from the polling day and such destruction shall be participated by representatives of political parties holding seat(s) in the National Assembly.

Implement other tasks permitted or required by laws and regulations.

Article 17 (new)

The working modalities of the NEC shall be determined by its internal rules of procedure and regulations pursuant to the provisions of this law. If the NEC Chairman is absent from office, authority shall be delegated in writing in accordance with its hierarchical line of authority. The meeting of the NEC will not be valid unless two-thirds of its members attend such meeting. If such quorum cannot be achieved, then another meeting will be convened on the next day, the quorum of which shall exceed half of the NEC members. The adoption of NEC decisions will be valid unless an absolute majority of its members give their consent.

Article 18 (new)

PEC membership shall be appointed by the NEC from among the general population, civil servants and/or officials of the province or municipality who have the right to vote, except for the members of the armed forces and national police, court officials, religious priests, provincial governor and deputy governor(s), district manager and deputy manager, members of the Commune Council; and chief, deputy chief and members of village.

PEC membership shall be composed of a Chairman, a Vice-Chairman, and three to five members. The PEC shall have a secretariat to assist it

Between the elections, the NEC shall designate one or two officials of the secretariat to maintain the continuity of electoral works in the province or municipality.

Article 19

The PEC shall have the following duties and responsibilities:

1. To perform duties permitted or required by the laws, regulations and other statutory norms.
2. To perform other duties and exercise rights assigned and vested in it by the NEC.

Article 20 (new)

CEC membership, at the request of the PEC, shall be appointed by the NEC from among the general population, civil servants and/or officials of the districts and communes who have the right to vote, except for the members of the armed forces and national police, court officials, religious priests, district manager and deputy manager, members of the Commune Council; and chief, deputy chief and members of village.

CEC membership shall consist of a Chairman, a Vice-Chairman and three members.

Article 21

The CEC shall have the following duties and responsibilities:

1. To perform duties permitted or required by the laws, regulations and other statutory norms.
2. To perform other duties and exercise rights assigned and vested in it by the NEC.

Article 22 (new)

Membership of the Commission of the Polling Station (the CPS) shall be appointed by the NEC at the request of the PEC from among the general population, civil servants and/or officials of the districts and communes who have the right to vote, except for the members of the armed forces and national police, court officials, religious priests, district manager and deputy manager, members of the Commune Council, officials serving the administrative affairs of the commune; and chief, deputy chief and members of village. Membership of the CPS shall consist of a Chairman, a Vice-Chairman and two members as the NEC might direct in accordance with its actual needs.

Article 23

The CPS shall have the following duties and responsibilities:

1. To perform duties permitted or required by the laws, regulations and other statutory norms.
2. To perform other duties and exercise rights assigned and vested in it by the NEC.

Article 24

The NEC may delegate its authority or powers to the PEC, the CEC, the CPS, and to the electoral officials or agents in order to conduct the election.

Article 25

Candidates for the election to the National Assembly or members of the executive committee of the political party

shall not be a member of the NEC or of other Electoral Commissions.

Article 26 (new)

Each political party registered for the election may send two of its agents, a legitimate and a substitute, from among those who have the right to vote to participate and watch the polls at each polling office.

The party legitimate agent is allowed to enter the polling office and the vote-count office.

The substitute of the party agent is allowed to replace the party agent when he or she is absent.

Each political party may change its party agent.

Article 27

The National and international non-governmental organizations, other international organizations and foreign countries may send their representatives to participate in the election as an election observer.

Article 28

The representatives of political parties running candidates in the election, of the national and international non-governmental organizations, and of other international and foreign countries, who observe the electoral processes, shall get official recognition from the NEC.

Article 29 (new)

The authorities at all levels, who are responsible for maintaining security, the law and order, and other assignments, at the request of the NEC and of other Electoral Commissions, shall cooperate with the NEC or with other Electoral Commissions of all levels in order to maintain security and the law and order during the election period, the election campaigns, the polls and the vote-counts.

Article 30

The NEC Chairman shall have the same rank and privileges as a Deputy Prime Minister. The NEC Vice-Chairman shall have the same rank and privileges as a Minister, and its members shall have the same rank and privileges as a Secretary of State. Its Secretary General shall have the same rank and privileges as a Director General of a Ministry.

Article 31

The members of other electoral commissions of all levels and staff of the general secretariat and secretariats shall receive remuneration as determined by the NEC.

Article 32 (new)

The CEC shall fulfill its function until the final proclamation of the election results.

The PEC shall perform its function until the 60th days after the final proclamation of the results of the election of members of the National Assembly.

The Chairman, Vice-Chairman and members of the NEC shall continue their function until new appointments are made.

If it fails to appoint membership of the NEC pursuant to paragraph 3, Article 13 (new) of this law, its existing membership shall continue their works and competence regarding the organization of the election of members of the National Assembly and other elections as required by the laws.

Chapter 4 - Registration of Political Parties and Lists of Candidates

Article 33 (new)

Any Cambodian citizen, who has the right to and is willing to stand as a candidate in the election of members of the National Assembly, shall meet the following requirements:

1. He or she shall be a Cambodian national by birth.
2. He or she shall be at least 25 years old on the polling day.
3. He or she shall have the right to vote and have his or her name enrolled on the list of voters.
4. He or she shall have a residence in the Kingdom of Cambodia.
5. He or she shall have his or her name placed on the party list.

Article 34 (new)

The following persons shall not have the right to stand as a candidate in the election of members of the National Assembly:

1. A civil servant, court official, member the armed forces and national police, who are in office, and a religious priest; or
2. A person who is convicted of a felony or misdemeanor punishment by the courts and who has not yet been rehabilitated; or
3. A person condemned to be deprived of the right to vote; or
4. An insane person or person under a legal guardianship certified as such by a competent institution; or
5. A person who has been temporarily deprived of the right to vote or has his or her name struck off the list of voters by the NEC; or
6. A member of the NEC and of any other Election Commission; or
7. A member of the Supreme Council for Magistracy; or
8. A member of the Constitutional Council.

Article 35 (new)

Any civil servant, court official, member of the armed forces and of the national police, member of the Constitutional Council, member of the Supreme Council for Magistracy and religious priest, who wishes to stand as a candidate in the election to the National Assembly, shall resign from his or her function or renounce his monkhood at least seven (7) days prior to the date of election campaigns.

If elected, any such person shall apply to the relevant Ministry or institution to be released from duties for the duration of his or her legislative mandate. While he or she is holding his or her legislative mandate, he or she shall retain his promotion rights and maintain his or her seniority of service for retirement purposes.

At the end of his or her legislative mandate, he or she shall be entitled to return to his or her previous position, but his or her function shall be determined by the Ministry or other body concerned.

Article 36 (new)

The modalities for implementing the provisions of Articles 33 (new) and 34 (new) of this law shall be determined by NEC regulations and the rules of procedure.

Article 37 (new)

The commencement of registration of political parties for running candidates in the election shall be ninety (90) days before the polling day.

To officially register for running candidates in the election, a political party shall file its application to the NEC in a form formulated by it, in seventy (70) days before the polling day, and shall provide the following documents:

1. A copy of the certificate of registration of the political party issued by the Ministry of the Interior.
2. The name of the political party in full together with its acronym and logo.
3. The address of the headquarters of the political party.
4. A list of all candidates throughout the country. The list shall include a number of candidates equal to at least one third of the seats in the National Assembly and number of alternate candidates equal to that of the number of the candidates.
5. The name of each electoral district the party is willing to run candidates and the list for that electoral district. The list for each electoral district shall have the same number of candidates as that of seats for that district and shall conform to the format formulated by the NEC. There shall be at least three alternate candidates for any electoral district that has only one or two seats.
6. A statement of the party bank account at any bank in Cambodia recognized by the National Bank of Cambodia, in which the party keeps its monies, including contributions from whatever sources.
7. A copy of the party Constitution and other documents proving the party formation.
8. A statement of the party's commitment to participate in, and to accept the results of, an election that has been conducted freely and fairly, as well as to participate in complying with the Law on Election of Members of the National Assembly, the Code of Conduct, and the Law on Political Parties.
9. A list of members of the Party Executive Committee, or Party Permanent Committee or other equivalent party organ.
10. A receipt of a deposit of fifteen million (15,000,000) Riels with the National Treasury by the party. This deposit shall be returned to the party concerned if it receives at east 3% of valid votes or it wins at least one seat in the National Assembly.

In the event of dissolution of the National Assembly before the end of its mandate, the registration of political parties for running candidates in the election shall be accomplished in ten (10) days of the dissolution.

Article 38 (new)

The list of candidates for each electoral district shall contain:

1. Names of candidates in order of preference placed by the political party.
2. The voter registration certification issued by the authorities of the commune in which the candidate has his or her name enrolled on the list of voters.
3. A declaration by each candidate accepting his or her nomination by the political party to stand for the election in the said electoral district.

Article 39

Each candidate shall have his or her name placed on the party list of one electoral district only. Any candidate who has his or her name placed on more than one party list shall be declared by the NEC to have lost his or her right to be a candidate in the election, even if he or she seeks to be a candidate of another political party.

Article 40 (new)

The NEC shall rule on a party's filing for running candidates in the election in seven (7) days from the date of receipt of its application.

In the event of dissolution of the National Assembly before the end of its mandate, the NEC shall rule on such filing immediately.

If the NEC accepts the party's filing for running candidates in the election, it shall issue a certificate of registration to the party concerned.

If the party does not meet one of the requirements outlined in Articles 33 (new), 34 (new), 35 (new), 36 (new), 37 (new), and 38 (new) of this law, the NEC shall notify the party concerned accordingly so that it can take appropriate steps.

The party concerned shall substantially meet the said criteria in five (5) days from the date of receipt of the notification.

In the event of dissolution of the National Assembly before the end of its mandate, the party concerned shall be required to meet the said criteria before the closing of the filing for running candidates by political parties.

If the party still fails to meet the requirements at the expiration of this period, the NEC shall consider the party as having dropped its filing for running candidates in the election.

Article 41 (new)

If a candidate or a party list is rejected pursuant to the provisions of Articles 33 (new), or 34 (new), or 35 (new), or 39 (new) of the Law on Election of Members of the National Assembly, the NEC shall:

- Complete a Rejection Form, indicating the reasons for the rejection of the candidate or the party list, and the date of rejection.
- Provide a copy of the Rejection Form to the candidate and the party concerned.
- Inform the candidate and party concerned that, pursuant to Article 42 (new) of this law, he or she or he or her

party may appeal in writing to the Constitutional Council in five (5) days from the date of notification of the rejection.

In the event of dissolution of the National Assembly before the end of its mandate, the candidate or the party concerned may appeal in writing to the Constitutional Council immediately.

Send a copy of the Rejection Form to the Constitutional Council for information and retain a copy for its file.

Article 42 (new)

If a candidate or a party list is rejected by the NEC, the candidate or the party concerned may appeal in writing to the Constitutional Council in five (5) days from the date of notification of the rejection.

In the event of dissolution of the National Assembly before the end of its mandate, the candidate or the party concerned may appeal in writing to the Constitutional Council immediately.

The Constitutional Council shall rule on such complaint in ten (10) days from the date of receipt of the complaint.

In the event of dissolution of the National Assembly before the end of its mandate, the Constitutional Council shall rule on such complaint immediately.

Article 43

A hearing or a part thereof conducted by the Constitutional Council to rule on the appeal shall be public.

The Constitutional Council shall post for public announcement the date, place and time of the hearing.

Article 44

After the end of the period of filing for running candidates in the election by the political parties and/or after all complaints and objections have been completely resolved, the NEC shall post for public announcement the list of all parties that have filed for running candidates in the election, and the party lists of all parties in each electoral district as determined in its regulations and the rules of procedures.

Chapter 5 – Polling Offices

Article 45 (new)

The NEC shall establish one or many polling offices for each commune pursuant to its regulations and the rules of procedure.

Each polling office shall be designated for a definite area. The polling office and the definite area for which the polling office is designated shall be located within the boundaries of the said commune.

Article 46 (new)

A) Each polling office shall consist of at most 700 registered voters.

Each polling office shall consist of the whole village, and shall provide opportunity for all household members in that village to cast ballots at that polling office.

If a polling office consists of more than 700 registered voters, the NEC may integrate the names of exceeding voters into the list of voters of the nearest polling office in the same commune.

B) The NEC may choose one compound or building for the establishment of two or many polling offices if it does affect the regularity in the administration and conduct of election.

Many polling offices that are located in the same compound or building shall be separated from one another.

Each polling office that is located in the same compound or building shall be administered separately in accordance with the regulations and the rules of procedure determined by the NEC.

Article 47 (new)

The names and locations of all polling offices, once determined, shall be posted for public announcement. The parties that have filed for running candidates in the election, may request for a photocopy of the list of names and locations of all polling offices by paying charges. Such charges shall not exceed the production cost.

The NEC shall submit a copy of the list of names and locations of all polling offices in each electoral district to the Constitutional Council.

Chapter 6 – Voter Registration and List of Voters

Article 48 (new)

The NEC shall ensure the list of voters for each polling office that has been established pursuant to the provisions outlined in Articles 45 (new) and 46 (new) of this law.

The list of voters for each polling office shall be recorded in a register of voters and shall be kept permanently in each commune pursuant to the regulations and the rules of procedure spelled out by the NEC.

The NEC shall validate the lists of voters and publicize them at least ninety (90) days prior to the polling day.

In the event of dissolution of the National Assembly prior to the end of its mandate, the valid lists of voters for the last election shall be used and shall be publicized at least fifty (50) days prior to the polling day.

Article 49 (new)

The register of voters shall be kept permanently in each commune, and an official photocopy of it shall be kept at the NEC. The period for reviewing the lists of voters, for voter registration and for validating such lists shall start from October 1 till December 31 of the year.

In the event of dissolution of the National Assembly during the period of reviewing the lists of voters and voter

registration or due to a force majeure or insecurity, the NEC may decide such period otherwise.

Article 50 (new)

To have the right to vote, a Cambodian citizen shall have his or name enrolled on the list of voters and shall have other documents proving his or her identity during the polls. In order to have his or her name placed on the list of voters, each citizen shall meet the following requirements:

He or she shall be a Cambodian nationality.

He or she shall be at least 18 years old on the polling day.

He or she shall have residence in the commune in which he or she votes.

He or she shall not be convicted to a prison term.

He or she shall not be an insane or remain under a guardianship certified by a competent institution.

The NEC shall issue regulations and the rules of procedure to actually apply the provisions outlined in paragraph 1 of this Article.

Article 51 (new)

Each candidate for the election and his or her spouse and children may cast their votes in the electoral district in which he or she seeks election.

The candidate--who has his or her name placed on a party list and the party itself has been recognized for running candidates in the election by the NEC--and his or her spouse and children, who have been registered for voting in any other electoral district other than the one in which he or she seeks election, may request the NEC to have his or her name, or the names of his or her spouse and children if they give their consent, placed on the list of voters of any polling office in the electoral district in which he or she seeks election.

The NEC shall direct to have the name of the candidate and the names of his or her spouse and children struck off the list of voters of the commune for which they were previously registered, and shall have such names placed on the list of voters of the polling office in the electoral district in which the candidate seeks election.

Article 52 (new)

Every Cambodian citizen shall be registered under one name and for one polling office only.

Any Cambodian citizen who has more than one residence in the Kingdom of Cambodia shall choose only one residence for being registered for the election.

Article 53 (new)

In order to review the lists of voters and to register the voters on the lists of voters and in the register of voter for each commune, the NEC shall delegate its authority to the Commune Councils to fulfill such duties as its representatives.

In order to fulfill the aforementioned duties, each Commune Council shall designate the clerk of the commune to review

the lists of voters and to register the voters on the lists of voters and in the register of voters for the commune.

The Commune Council shall direct its clerk to properly apply the electoral laws; and the regulations and rules of procedure spelled out by the NEC.

The Commune Council shall direct one of the Council members for any commune that has five (5) members; two of the Council members for any commune that has more than seven (7) members; to see and be responsible, on a permanent basis, for the works accomplished by the clerk during the period of reviewing the lists of voters and of registration of the voters on the lists of voters and in the register of voters. The members of the Commune Council, who work on a permanent basis like this, shall not receive any additional remuneration.

The NEC shall consult with the Ministry of the Interior on the delegation of authority to each Commune Council in accordance with the ability and resources of each commune, and shall build the ability and provide proper means, materials and budget to the Commune Council and to the clerk of the commune to accomplish their responsibilities.

Article 54 (new)

A) In order to register to vote, a Cambodian citizen shall appear at his or her commune or at any other place in the commune in which he or she lives at the time determined by the NEC.

When the citizen appears in person at that place he or she shall:

Show his or her identity card to the clerk of the commune.

Have the right to vote pursuant to Article 50 (new) of this law.

Not yet have his or her name enrolled on the list of voters of any other communes or at any other place in his or her commune.

In case a citizen dies, or has been temporarily deprived of the right to vote, or has his or her name struck off the list of voters, or has changed his or her residence to another commune, the clerk of the commune shall record his or her name on a separate list and during the period of reviewing the lists of voters and voter registration as outlined in Article 49 (new) of this law, the clerk of the commune shall cross his or her name off the list of voters and off the register of voters of the commune.

Any citizen whose name was not previously registered on the list of voters because he or she has just reached the voting age or because he or she has just changed his or her residence, the clerk of the commune shall record his or her name on a separate list and during the period of reviewing the lists of voters and voter registration, the citizen shall meet requirements for voter registration as outlined in paragraphs 1 and 2 of this article.

In case of need, the Commune Council may direct a mobile registration office in accordance with the regulations and the rules of procedure of the NEC.

B) In order to prove his or her identity, each Cambodian citizen shall show one of the following documents or evidences:

A passport of the Kingdom of Cambodia;

An identity card provided by the Royal Government of Cambodia with a photo;

A family book.

An applicant for voter registration may identify his or her identity through a guarantee provided by two eligible voters in that commune made before the Chairperson of the Commune Council or before the Vice-Chairperson if the Chairperson is absent by certifying that the applicant for registration is actually a person as he or she has asserted, and then show such certification to the clerk of the commune for the purpose of meeting voter registration requirements.

C) In order to prove that he or she is actually a Cambodian citizen, a citizen of either sex shall show one of the following instruments:

A passport of the Kingdom of Cambodia;

An identity card of Cambodian citizenship provided under a sub-decree No 36, dated 26 July 1996, on the identity card of Cambodian citizenship.

A card of the civil servant or of the Royal Cambodian Armed Forces or of the National Police of the Kingdom of Cambodia;

A card of a priesthood

Any evidence proving that the applicant's name was enrolled on the list of voters for the last election, and in the register of voters of the commune.

A birth certificate proving a Cambodian citizenship;

An instrument delivered by the Royal Government of Cambodia certifying that he or she is a Cambodian citizen;

Other certified letter or instrument or court warrant proving that applicant's mother or father is a Cambodian citizen, and any instrument showing that the applicant is actually the son or daughter of that mother or father;

An official instrument proving that the applicant was born in Cambodia and his or her alien mother or father was also born and lawfully lived in Cambodia, and an official instrument showing that the applicant is actually the son or daughter of that father and mother.

D) In order to prove that he or she is at least 18 years old on the polling day, a Cambodian citizen shall show one of the following instruments or evidences:

Any instrument as specified by Articles 54 (new) (b) and (c) of this law, which specifies the applicant's age or date of birth; or a guarantee by two eligible voters in the commune made before the Chairperson of the Commune Council asserting that the applicant is actually 18 years old on the polling day of the election to the National Assembly.

E) In order to prove that he or she is actually having a residence in any commune, a Cambodian citizen shall show one of the following instruments:

Any instrument as specified by Articles 54 (new) (b), (c) and (d) of this law, which specifies that the applicant is

actually having a residence in that commune; or a certification made by the commune authorities proving that the applicant is actually having a residence in that commune.

F) If the citizen substantially meets the requirements outlined in Article 54 (new) (b), (c), (d) and (e) of this law, the clerk of the commune shall:

Register his or her name on the list of voters,
Register his or her name in the register of voters,
Provide him or her a receipt certifying his or her registration,
Tell him or her the polling office where he or she shall cast ballot.

For any citizen whose name was recorded already in the register of voters, the clerk of the commune shall simply examine evidence proving applicant's voter registration and if the applicant does not remain under one of the conditions outlined in paragraph 3 of Article 54 (new) (a) of this law, the clerk of the commune shall update the applicant's name on the list of voters.

Article 55 (new)

During the period of reviewing the lists of voters and voter registration, it is forbidden to take any kind of firearms, or explosives, or other hazardous substances into the commune office, or into the place for reviewing the lists of voters and voter registration, except when a person causes an improper hindrance for which the Chairperson of the Commune Council may request intervention from the competent authorities.

The NEC shall ensure that the processes of reviewing the lists of voters and of voter registration will be conducted safely without fear or intimidation.

Article 56 (new)

The clerk of the commune, with the advice of the member or members of the Commune Council permanently responsible for overseeing him or her during the said period, may reject the application for registration by any person when he or she has substantial evidence proving that the applicant fails to meet requirements outlined in Article 50 (new), Article 54 (new) (a), (b), (c), (d) and (e) of this law. In the event the clerk of the commune rejects the application for registration by any person, the clerk shall:

Fill in a Rejection Form, indicating the reasons and the date of rejection.

Provide the person concerned with a copy of the Rejection Form.

Inform the person concerned that, pursuant to Article 57 (new) of this law, he or she or his or her representative may appeal against the rejection to his or her Commune Council not later than three (3) days from the date of notification of the rejection.

Send a copy of the Rejection Form to the NEC through the secretariat of the PEC for information and retain a copy for its file.

Article 57 (new)

Any person, whose application for voter registration is rejected by the clerk of the commune, or his or her

representative, may appeal in writing to his or her Commune Council not later than three (3) days from the date of notification of the rejection.

Article 58 (new)

The Commune Council shall rule on the appeal by an absolute majority of its members in three (3) days from the date of receipt of the appeal.

Article 59 (new)

If the Commune Council holds the appeal justifiable, it shall direct the clerk of the commune to register the person concerned in accordance with the provisions outlined in Article 54 (new)/(f) of this law.

If the Commune Council rules out the appeal, it shall:

- Complete a Rejection Form, indicating the reasons and the date of rejection.
- Provide the person concerned with a copy of the Rejection Form.
- Inform the person concerned that, pursuant to Article 60 (new) of this law, he or she or his or her representative may appeal in writing against the rejection to the NEC in five (5) days from the date of receipt of the notification of the rejection.
- Send a copy of the Rejection Form to the NEC through the secretariat of the PEC for information and retain a copy for its file.

Article 60 (new)

Any person, whose complaint is rejected by the Commune Council, or his or her representative, may appeal in writing to the NEC not later than five (5) days from the date of receipt of the notification of the rejection.

Article 61 (new)

The NEC shall rule on the complaint in a public hearing in five (5) days from the date of receipt of the complaint.

If the NEC agrees with the complaint, it shall issue an order instructing the Commune Council to direct the clerk of the commune to register the person concerned in accordance with the provisions outlined in Article 54 (new)/(f) of this law.

If the NEC rules out the complaint, it shall:

- Complete a Rejection Form, indicating the reasons and the date of rejection.
- Provide the person concerned with a copy of the Rejection Form.
- Inform the person concerned that, pursuant to Article 62 (new) of this law, he or she or his or her representative may appeal in writing against such ruling to the Constitutional Council in five (5) days from the date of receipt of the notification of the rejection.
- Send a copy of the Rejection Form to the Constitutional Council for information and retain a copy for its file.

Article 62 (new)

Any person, whose application for voter registration is rejected by the NEC, or his or her representative, may appeal in writing to the Constitutional Council in five (5)

days from the date of receipt of the notification of the rejection.

The Constitutional Council shall rule on the complaint in a public hearing in ten (10) days from the date of receipt of the complaint.

Whether the Constitutional Council agrees or disagrees with the complaint, it shall:

Issue a decision ordering the NEC to register the complaining person or to reject his or her application, as the case may be.

Send a copy of its ruling to the person concerned or to his or her representative.

If the Constitutional Council directs the complaining person to be registered, the NEC shall instruct the commune council to register the person concerned in accordance with the provisions outlined in Article 54 (new)/(f) of this law, and send a copy of the amended list of voters to the Constitutional Council.

Article 63 (new)

The NEC, as soon as possible after the end of period of reviewing the lists of voters and voter registration, and after the end of the resolution of all complaints or objections, shall post the preliminary lists of voters for public announcement at the commune office and at any other place in the commune as the NEC might direct.

All political parties that have been properly registered pursuant to the Law on Political Parties may request for a photocopy of the lists of voters by paying charges. Such charges shall not exceed the production cost.

Article 64 (new)

Any person may, within 5 days of the posting of the preliminary lists of voters, complain in writing to his or her Commune Council about the omission of his or her name from the list of voters, or may object to the registration or the retention of the name of another person on the list of voters, in regard to whom he or she has evidence that:

- That person does not substantially meet requirements outlined in Articles 50 (new) and 54 (new) of this law.
- That person has his or her name enrolled in more than one place.
- That person came to register and thereby receiving a receipt certifying his or her registration, but his or her name does not appear on the list of voters and in the register of voter.
- That person has his or her name placed on the list of voters, but his or her name and related data inserted on the list of voters are unclear.

The person who brings a complaint shall provide any other evidence to the Commune Council.

The person who brings an objection shall provide additional information if requested by the Commune Council.

Article 65 (new)

The Commune Council shall rule on the complaint or objection in a public hearing in three (3) days from the date of receipt of the complaint or objection.

If the Commune Council holds the complaint or objection justifiable, it shall direct the clerk of the commune to register the person concerned on the lists of voters or to cross the name of the other person off the lists of voters.

If the person who brings the complaint or objection or the person to whom the objection was brought is not satisfied with the ruling made by the Commune Council, that person or his or her representative, may appeal in writing to the NEC not later than five (5) days from the date of receipt of the notification from the Commune Council.

The NEC shall rule on the complaint or objection in a public hearing in five (5) days from the date of receipt of the complaint or objection.

If the NEC holds the complaint or objection justifiable, it shall direct the Commune Council to register the person concerned on the list of voters in accordance with the provisions outlined in Article 54 (new)/(f) of this law, or to strike the name of the other person off the list of voters and the register of voters.

If the person who brings the complaint or objection is not satisfied with the ruling made by the NEC, that person, or his or her representative, may appeal in writing to the Constitutional Council not later than five (5) days from the date of receipt of the notification from the NEC

Article 66 (new)

The Constitutional Council shall rule on the complaint or objection in a public hearing in ten (10) days from the date of receipt of the complaint or objection.

If the Commune Council holds the complaint or objection justifiable, it shall:

Issue a decision ordering the NEC to register the name of the person who brought the complaint or objection or to strike off the name of the person to whom an objection was brought.

Send a copy of its ruling to the person who brought the complaint or objection and a copy to the person to whom an objection was brought.

If the ruling made by the Constitutional Council requires the registration of the person who complains or of the other person, the NEC shall instruct the commune council to register the person concerned in accordance with the provisions outlined in Article 54 (new)/(f) of this law, and send a copy of the amended list of voters to the Constitutional Council.

Article 67 (new)

When all complaints or objections have been completely resolved, the NEC shall have the official lists of voters in each year referred to the commune office for storing there as an official instrument.

Any Cambodian citizen, who has the right to vote in the commune, may request to see his or her name on the list of voters.

All political parties that have been properly registered pursuant to the Law on Political Parties may request for a photocopy of the official lists of voters by paying charges. Such charges shall not exceed the production cost.

Article 68 (new)

The NEC shall post for public announcement the official lists of voters at each polling office in the commune, at CEC office, and at PEC office at a date as the NEC might direct.

Article 69 (new)

All political parties, or the national and international non-governmental organizations, and other international organizations and foreign countries may send their representatives to participate as an election observer during the period of reviewing the lists of voters and voter registration in each year.

Any such representatives must be accredited by the NEC.

Chapter 7 – Election Campaigns

Article 70

The election campaigns shall be a process by which political parties and candidates for the election convey their political platforms to the voters.

Article 71

Every political party and candidate shall avoid using threats, intimidation or violence against the citizens, other political parties or candidates.

Political parties and candidates shall not incite their supporters or voters to use threats, intimidation or violence against other parties or candidates.

Article 72

The election campaign period shall last thirty (30) days and all activities of the electoral campaigns shall be finished twenty-four (24) hours before the polling day.

Article 73

During the election campaign period and on the polling day all political parties and candidates, members and supporters of political parties shall comply with the provisions and principles set forth in the Law on Election of Members of the National Assembly and with the Code of Conduct, regulations and the rules of procedure spelled out by the NEC, and shall respect the principles of Human Rights and democracy enshrined in the Constitution of the Kingdom of Cambodia.

Article 74

All media, including newspapers, radios and televisions of the state and privates, shall make their services available to the NEC at no cost for the purpose of publicizing the electoral work and conducting voter education.

Article 75

The NEC shall direct proper measures to publicize political messages at the request of a political party that has been registered for running candidates in the election, based on equal and orderly access to the media.

Article 76

In exercising their right to publicize, political parties and candidates shall refrain from using violence, abuse, or contemptuous remarks, causing fear, confusion and a loss of confidence in the secrecy of the ballot.

Article 77

Public theaters, stadiums, parks and halls shall be made available to all candidates or political parties that have been registered for running candidates in the election and offered to rent them for election campaigns, based on equal and orderly access to those facilities.

Article 78

During the election campaigns, political parties or candidates, who wish to rent public theaters, stadiums, parks or halls pursuant to Article 77 of this law, shall submit a request to the manager(s) of these facilities at least three (3) days before the scheduled meeting takes place, and a copy of this request must be sent to the relevant CEC. The managers of the facility shall respond to such request within twenty-four (24) hours of receipt of the request.

Article 79

Political parties or candidates may conduct their campaign in any private areas or halls with the consent of the owners, but political parties or candidates must inform the relevant CEC.

Article 80

A political party and candidates shall not interfere with or obstruct the activities of other political parties or candidates.

Article 81

All expenses for election campaigns incurred by a political party or a candidate shall be borne by that political party or candidate.

Article 82

Every political party that has been registered for running candidates in the election shall have an account book showing sources of income and expenses for election campaigns. The NEC may examine such account book, if necessary.

Article 83

All contributions received by a political party shall be credited into a bank account and all expenses incurred in conducting election campaigns shall be debited from the same account.

Chapter 8 – Polling, Counting of Votes and Computation of Election Results

Article 84 (new)

All Polling offices shall be established in accordance with Articles 45 (new) and 46 (new) of this law.

Article 85 (new)

Polling shall last for one day. Voting shall start at 7 a. m. in the morning and end at 3 p.m. in the afternoon except otherwise directed by the NEC.

However, if all registered voters in a polling office have cast their ballots before 3 p. m. , the Commission for the polling office may decide to close the polls before 3 p. m.

The Chairperson of the polling office shall declare to close the polling at 3 p. m.

Any person, who is willing to vote, shall not be allowed to enter the inner perimeter of the polling office after 3 p. m.

Any eligible voter, who remains within the polling office or within the inner perimeter of the polling office at 3 p. m. , shall have the right to vote and shall be allowed to vote.

Article 86

The National Election Committee shall publicize the lists of names and locations of all polling offices and shall post them for public announcement at each polling office at least 30 days before the polling day.

Article 87

Registered political parties shall have the right to obtain a photocopy of the lists of names and locations of all polling offices by paying charges. Such charges shall not exceed the production cost.

Article 88 (new)

The NEC shall, one day before the polling day, provide each polling office with an appropriate quantity of the following polling materials:

- 1- lists of voters,
- 2- unused ballots,
- 3- ballot boxes,
- 4- polling booths,
- 5- a secret seal for ballots
- 6- indelible ink,
- 7- padlocks and keys,
- 8- minute forms and vote tally forms.
- 9- ballpoint pens,
- 10- preprinted envelopes.
- 11- plastic bags,
- 12- other materials and equipment as required.

Article 89

One day before the polling day, the Chairman of the polling office shall call a meeting to verify the presence of its members, examine the polling office, and check polling materials and equipment.

If any member is absent, such member shall be replaced by a new member appointed pursuant to the regulations and the rules of procedure.

The Chairman of the polling office shall take action to ensure that the polling office will have enough materials, equipment, and furniture necessary for the conduct of election.

The Commission of the polling office shall examine the safety situation at the polling office and shall direct safety measures if needed.

Article 90

On the polling day, members of the polling office shall present themselves at the polling office at least one hour before the polling starts, in order to make appropriate preparations.

The Chairman of the polling office shall verify the credentials of the party agents and of the electoral observers before allowing them to enter the polling office.

Article 91(new)

Before the polling starts, the Chairman of the polling office shall open the ballot box in the presence of its members, the party agents and observers to make sure that they are empty, and then shall lock the ballot box, place numbered seals on it and record the seal number in the minute form, check and count the number of unused ballots that have been actually received, and open the envelope containing the secret seal for affixing on the back of each ballot paper.

Article 92 (new)

Each voter must vote at any polling office where his or her name is on the list of voters for that polling office, and shall have any instrument or evidence proving his or her identity.

Article 93

Members of the polling office shall have the right to cast their ballots first, followed by the political party agents and the national observers whose names are on the list of voters of that polling office.

Article 94

Each voter shall have the right to cast only one vote, one time only, in person.

Each voter shall vote by placing a mark on the ballot paper against the political party of his or her choice, without making any change or addition. The manner of voting shall be determined in detail by the NEC.

Article 95

Voting shall be secret.

An attempt to discover or to reveal the manner in which a person has voted shall be prohibited.

Article 96

In order to maintain the law and order in the polling booth, every person must abide by the electoral regulations of the National Election Committee.

Article 97 (new)

Any handicapped voter who is unable to vote by himself or herself shall have the right to seek the assistance from an adult person or from the Chairman of the polling office.

Article 98 (new)

Any person who has only substantial evidence proving his or her identity, but his or her name is not on the list of voters shall not be allowed to vote.

Article 99

Only the voters who must cast their ballots are allowed to enter the polling office, except the person authorized by the NEC.

Article 100

Entering the security perimeter of a polling office with a weapon or any type of explosives, and except by special permission of the NEC Chairman, entering in military uniform, shall be prohibited.

The area of each polling office shall be 2000 squared meters, and the security perimeter shall be set at 200 meters around the polling office, except otherwise decided by the NEC.

Article 101

If a party agent finds that the polling is irregular, he or she may object or complain to the Chairman of the polling office.

The modalities for bringing objection or complaint shall be determined by regulations and the rules of procedure.

The CPS shall settle the complaint or objection.

The decision of the polling office will not be valid unless it is made within its jurisdiction and if the polling is regular.

If the party agent persists on objecting or complaining, the polling office shall record such objection or complaint in a minute form, which shall be co-signed by the objecting or complaining person.

Article 102

After the announcement of the closing of the polling, the polling office shall record the number of voters who have cast their votes and number of unused ballots, and shall arrange for the counting of the ballots at the polling office in accordance with the regulations and the rules of procedure.

The NEC shall provide particular guidelines for any polling office that is unable to count the votes at that polling office, because of force majeure or insecurity.

National and international observers and party agents may participate as a witness in the vote counts.

Article 103

The polling office shall be responsible for counting the ballots. Before opening the ballot box the Chairman of the polling office shall invite members of the polling office, party agents, and electoral observers to check the sealed paper and padlock and then open the ballot box in their presence.

Article 104

The polling office shall count the ballots in the ballot box and shall check this number against the number of voters who have cast their votes and have been marked on the list of voters.

If the number of voters who have cast their votes and marked on the list of voters differs with the number of ballots in the box, the Chairman of the polling office shall arrange for a recount.

If these numbers still differ, the Chairman of the polling office shall record this difference on a minute.

Then the Chairperson of the polling office shall direct to count the ballots in accordance with the regulations and the rules of procedure.

Article 105 (new)

Any ballot paper provided by the polling office, which has a mark against only one political party, shall be deemed valid.

Any ballot paper shall be deemed invalid if:

1. it is not an official ballot paper, or
2. it is not marked, or marked but the CPS is unable to determine for which political party it is marked for; or
3. it bears a mark by which the voter can be identified; or
4. it is torn or damaged.
5. it does not contain a secret seal on its back.

The invalid ballots as outlined in (2), (3), (4) and (5) above shall be determined by NEC regulations and rules of procedure.

Article 106

After the vote count has been finished, the polling office shall prepare a report about the vote count in two copies, one of which shall be sent to the CEC by being enclosed with the list of voters, valid, invalid, and unused ballots, the objection or complaint if any, and other documents; and another copy shall be posted at the polling office.

All valid, invalid and unused ballots, the objection or complaint, and other documents shall be kept in separate envelopes distributed by the NEC.

The vote-count report shall be signed by the Chairman and members of the polling office. Party agents may sign the vote-count report as a witness.

Article 107

The polling and vote-count reports shall be delivered and received in accordance with the regulations and the rules of procedure.

Article 108

Party agents, national and international observers may participate as a witness in the delivery or receipt of the polling and vote-count reports.

Article 109

The CEC shall collect all reports and documents from all polling offices and refer them directly to the PEC.

Article 110

The PEC shall collect all polling and vote-count reports from the CECs and prepare a consolidated report of the vote results in its province or municipality. This report shall be made in three copies, one of which shall be sent to the NEC by being enclosed with the lists of voters, valid, invalid and unused ballots, the objection or complaint if any, and other documents; a copy shall be posted at the PEC office, and keep a copy for its file.

Article 111(new)

If there is a complaint against the election results or against serious irregularities, the PEC shall rule on such complaint immediately in a public hearing, and shall refer its ruling to the NEC by being enclosed with the consolidated polling and vote-count reports.

If the complaining person is not satisfied with the ruling made by the PEC, that person or his or her representative shall appeal against such ruling immediately to the NEC.

The NEC shall consider and decide whether to validate the election results or to organize a new election.

A new (subsequent) election shall be organized within eight (8) days of the decision.

Article 112 (new)

The NEC shall collect all election results, examine them, and make a decision on their validity.

If there have been no serious irregularities, the NEC shall announce its recognition of the election results.

If there have been serious irregularities that affect the election results, the NEC shall deny the election results at that polling office or offices and shall inform political parties accordingly. In such a case, a new election at that polling office or offices shall be organized within eight (8) days of the decision.

Article 113

After examining and deciding on the election results through public hearings, the NEC shall publicize the preliminary results of the election of members of the National Assembly.

A copy of the preliminary election results shall be sent to the king, and another copy to the Constitutional Council. All political parties that have been properly registered for running candidates in the election may request for a copy of the preliminary election results.

Article 114

Within seventy-two (72) hours of the announcement of the preliminary election results, all political parties that have been registered for running candidates in the election may file a complaint against all or part of the election results directly either to the NEC or to the Constitutional Council by indicating irregularities caused by the commissions, or members of the commissions, the date and place of the irregularities, the names and addresses of witnesses, and other documents or evidence.

Article 115 (new)

The NEC shall rule on the complaint within forty-eight (48) hours of receipt.

If the NEC finds the complaint unacceptable, it shall:

Complete a Rejection Form, indicating the reasons and the date of rejection.

Provide a copy of the Rejection Form to the person concerned and/or the political party.

Inform the person concerned and/or the political party that, pursuant to Article 117 (new) of this law, he or she or the political party may appeal in writing against the rejection to

the Constitutional Council within seventy-two (72) hours of the notification of the rejection.

Send a copy of the Rejection Form to the Constitutional Council for information and retain a copy for its file.

Article 116 (new)

If the NEC finds that the complaint has a reasonable ground, it shall hold a public hearing to decide such complaint. In this case the NEC shall post for public announcement the date and place of the hearing, and inform the complaining person and/or the political party, and the Constitutional Council.

The complaining person and/or the political party, and members of the election commissions and/or of the relevant election commissions shall appear at the hearing.

If the NEC holds the complaint justifiable, it shall:

Reject the election results at that polling office or offices and organize a new election at that polling office or offices within eight (8) days of the decision.

Complete an Approval Form, indicating the reasons and the date of approval.

Provide a copy of the Approval Form to the complaining person and/or the political party.

Send a copy of the Approval Form to the Constitutional Council for information and retain a copy for its file.

If the NEC rejects the complaint, it shall:

Complete a Rejection Form, indicating the reasons and the date of rejection.

Provide a copy of the Rejection Form to the complaining person and/or the political party.

Inform the person concerned and/or the political party that, pursuant to Article 117 (new) of this law, he or she or the political party may appeal in writing against the rejection to the Constitutional Council within seventy-two (72) hours of the notification of the rejection.

Send a copy of the Rejection Form to the Constitutional Council for information, and retain a copy for its file.

Article 117 (new)

Any person and/or political party whose complaint is rejected by the NEC may appeal in writing against the rejection to the Constitutional Council within seventy-two (72) hours of the notification of the rejection.

The Constitutional Council shall rule on the complaint in a public hearing within ten (10) days to twenty (20) days of receipt of the complaint.

The decision made by the Constitutional Council shall be final.

If the Constitutional Council finds the complaint unacceptable, it shall:

Complete a Rejection Form, indicating the reasons and the date of rejection.

Provide a copy of the Rejection Form to the complaining person and/or the political party.

Publicize its decision and retain a copy for its file.

If the Constitutional Council finds that the complaint has a reasonable ground, it shall hold a public hearing to decide such complaint within ten (10) days to twenty (20) days of receipt of the complaint.

A-In this case the Constitutional Council shall:
 Complete an Approval Form, indicating the reasons and the date of approval.
 Provide a copy of the Approval Form to the complaining person and/or the political party.
 Issue a decision instructing the NEC to reject the election results at that polling office or offices, and to organize a new election at that polling office or offices within eight (8) days of the decision.
 Publicize its decision and retain a copy for its file.

B-If the Constitutional Council rejects the complaint, it shall:
 Complete a Rejection Form, indicating the reasons and the date of rejection.
 Provide a copy of the Rejection Form to the complaining person and/or the political party, and a copy to the NEC.
 Publicize its decision and retain a copy for its file.

Article 118 (new)

A) After having resolved all complaints or objections and received all election results, including the results of a new election if any, the NEC shall officially proclaim the election results and shall determine and allocate the seats in each electoral district to each political party, based on the number of valid votes each party received.

The allocation of seats to each party list in the province or municipality shall be carried out in accordance with the list proportional representation with a highest average for allocating the remaining seats, and based on the number of seats allocated to each province or municipality, and shall follow the following steps:

Step 1

Determine the electoral quota in order for a party list to gain a seat by dividing the total valid votes in the province or municipality by the number of seats allocated to that province or municipality under the following formula, and shall be applied differently according to each province or municipality.

$Qt = \frac{Vv}{Ss}$	<p>Where: Qt = The electoral quota, irrespective of the rest; Vv = Total valid votes received by all party lists in each province or municipality. Ss = Number of seats allocated to each province or municipality.</p>
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Step 2

Preliminary determination of seat(s) obtained by each party list in the said province or municipality.

The following formula shall be applied differently for each political party that has been registered for running candidates in each province or municipality.

$Ns = \frac{Vv}{Qt}$	<p>Where: Ns = The number of seat(s) each party list received, irrespective of the rest, and before any necessary assessment is made in step 3. Vv = The total number of valid votes each party list received in the province or municipality; Qt = The electoral quota determined in Step 1.</p>
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After the apportionment of seats in Step 2 to each party list is achieved, and if there is no seat(s) left for further apportionment, then the number of seats each party list received shall be determined at this step.

In case where Step 2 is completed and there is one or many seat(s) left, the remaining seats are then apportioned by applying a formula in Step 3.

Step 3

The remaining seats are apportioned to each party list by a highest average. The following formula shall be applied differently for each political party that has been registered for running candidates in each province or municipality.

$Ha = \frac{Vv}{Ns + 1}$	<p>Where: Ha = The highest average, Vv = The total number of valid votes each party list received; Ns = The number of seat(s) each party list received in step 2.</p>
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If there is only one seat left, that seat shall be apportioned to any party list receiving the highest average.

If there are more than one seat left, the formula in Step 3 must apply, and one seat must be apportioned to any party list receiving the highest average. Then this formula must apply again by augmenting Ns to (Ns + 1) for any list receiving at least one seat during the first application of this formula. Therefore a seat must be apportioned to any party list receiving the highest average during the second application of this formula. If there are still more seats left, repeat the same computation successively until there is no seat left.

B) All elected candidates shall be taken from each elected party list in order of preference as outlined by Article 38 (new) of this law.

C) If an elected candidate on a party list dies, resigns or loses membership in the National Assembly, the next candidate on the same party list shall be declared elected for the party concerned.

D) If a party list does not have enough candidates due to the reasons outlined in (c) of this article, the NEC shall request the party concerned in writing to provide more candidates within fourteen (14) days from the date of receipt of the request.

The modalities by which an additional candidate or candidates are received, considered and adopted shall be carried out pursuant to the provisions outlined in Articles 33 (new), 34 (new), 35 (new), 36 (new), 38 (new), 41 (new), 42 (new), and 43 (new) of this law.

If the party concerned fails to meet such request on due time or is unable to fill in the vacant seat(s), it shall be declared by the NEC as having waived its seat(s) in the National Assembly.

E) In case a party list receives one or many seats in the National Assembly, but the party concerned declares waiving its seats in the National Assembly, or has its candidacy struck off the list of political parties registered for running candidates in the election, pursuant to the provisions of the Law on Political Parties, the party list or the candidates on such a list, that have been declared elected, are no longer valid and qualified.

In such a case, the NEC shall apportion the vacant seats to other party lists receiving seats in the same province or municipality, except the list waiving its seats, in seven (7) days in accordance with the following steps:

Step 1

Determine the electoral quota in order for a party list to gain a seat by apply the following formula:

$Q_i = \frac{V_v}{S_i}$	<p>Where:</p> <p>Q_i = The electoral quota, irrespective of the rest;</p> <p>V_v = The total valid votes received by all party lists deducted the number of valid votes received by the list waiving the seats in the province or municipality.</p> <p>S_i = The total number of vacant seats in the province or municipality.</p>
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Step 2

Preliminary determination of seat(s) obtained by each party list by applying the following formula:

$N_i = \frac{V_v}{Q_i}$	<p>Where:</p> <p>N_i = The number of seat(s) each party list received in the province or municipality, and before any necessary assessment is made in step 3.</p> <p>V_v = The total number of valid votes each party list received in the province or municipality.</p> <p>Q_i = The electoral quota determined in Step 1.</p>
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After the apportionment of seats in Step 2 to each list in the province or municipality is achieved, except any list waiving such seat(s) in the province or municipality, and if there is no seat(s) left for further apportionment, then the number of seats each party list received shall be determined at this step.

After Step 2 is completed, and there is one or many seat(s) left, the remaining seats are then apportioned by applying a formula in Step 3.

Step 3

The remaining seats are apportioned to each party list by a highest average in accordance with the following formula:

$H'a = \frac{V_v}{N_i + 1}$	<p>Where:</p> <p>H'a = The highest average</p> <p>V_v = The total number of valid votes each party list received in the province or municipality;</p> <p>N_i = The number of seat(s) each party list received in step 2.</p>
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The modalities as outlined in (A) paragraphs 9 and 10 of this article shall be applied for the computation in Step 3 and for any further computation.

F) If after the computation in accordance with the formula mentioned above, two or many party lists have the same highest average making it unable to allocate the remaining seat to any of them, that seat shall be allocated to any party list receiving most valid votes. If the party lists still received the same valid votes, the remaining seat shall be allocated by drawing lots spelled out by the regulations and the rules of procedures of the NEC.

G) If a party list receives one or many additional seats, but the list does not have enough number of candidates to fill in the seats, the procedure outlined in (D) of this article shall apply.

H) Based on the election results as outlined in (A) of this article, the NEC may proclaim successively the election results in each province or municipality.

I) Before proclaiming the official election results, the NEC shall report to the representatives of all political parties that have been registered for running candidates in the election about the number of all published ballot papers, the number of used ballots, and that of the reaming ballots.

Article 119

The period allowed for lodging and resolving complaints as stipulated in Chapter 4, Chapter 6, and Chapter 8 of this law shall not include Saturdays, Sundays and official holidays.

Chapter 9 – Replacement of Members of the National Assembly

Article 120

In the event of death, resignation, or loss of membership in the National Assembly of an elected candidate that occurs at least six (6) months before the end of the legislative term, a political party concerned may propose an appointment of a replacement by choosing another candidate whose name appears next to the former on the same list without holding a by-election.

A candidate who resigns from his political party shall automatically lose his or her membership in the National Assembly. If such resignation occurs at least six (6) months before the end of the legislative term, the political party concerned may propose an appointment of a replacement. The replacement shall be made in accordance with the provisions outlined in paragraph 1, Article 120 of this law.

Chapter 10 - Budget

Article 121

There shall be established, pursuant to the financial laws in effect, a special account of the National Treasury, known as the Trust Fund Account for Election, for the benefit of the NEC in the conduct of election of Members of the National Assembly.

These electoral funds obtained from contributions from the Royal Government, foreign governments, international organizations, charitable donations of individuals and other non-governmental organizations, as well as any other legal revenues, shall be integrated into the national budget to be credited to this special bank account.

Some kinds of foreign financing for electoral purposes may be made without passing through the National Treasury.

Chapter 11 - Penalties

Article 122 (new)

Regardless of any possible criminal penalty, a clerk, or an official, or a member of the Commune Council, who has committed any of the following violations, shall be punishable up to the expulsion from the service pursuant to the Law on Commune Administration and the Law on Common Statute for the Civil Servants of the Kingdom of Cambodia:

He or she has issued a receipt certifying a registration of a citizen, but refuses to register that citizen's name on the list of voter and in the register of voter.

He or she has intentionally registered a person who is under the voting age, or who does not substantially meet voting requirements.

He or she knowingly registers and issues a registration card to a person who has been deprived of the right to vote.

He or she prevents a citizen who aged 18 years old from registering.

Article 123 (new)

Whoever has committed in contravention of the provisions outlined in Article 33 (new) or Article 34 (new) of this law, his or her candidacy in the election shall be rejected.

Article 124 (new)

Regardless of any possible criminal penalty, whoever or a political party, that has committed any of the following offenses, shall have his or her name struck off the list of voters, his or her candidacy or that of his or her party cancelled by the NEC and/or shall be fined from five million (5,000,000) Riels to twenty-five million (25,000,000) Riels:

- Uses force or violence or intimidation against any eligible citizen in order to deter him from registering on the list of voters and in the register of voters.
- Incites his or her supporters or voters to commit offenses, threats, or violence against another candidate or political party;
- Uses duress, threats, or coercion to obtain a promise to vote for a candidate or a political party he or she desires;
- Uses force or violence to prevent eligible voters from voting or standing as a candidate;
- Prevents candidates and supporters of a political party from conducting the election campaign as it has been scheduled.
- Uses force, violence, threats, or insults so as to intimidate and confuse the voters, or to undermine the credibility of the election or the secrecy of the voting;
- Disrupts the polling process;
- Disrupts the vote-count process;
- Disturbs the polling;
- Offers incentives, in kind or in cash, in order to buy votes.

Article 125 (new)

Regardless of any possible criminal penalty, any member of the NEC, the PEC, the CEC, and of the polling office, who has falsified or fabricated any electoral documents or ballot papers, or used any other means to falsify the election results, shall be fined from ten million (10,000,000) Riels to twenty-five million (25,000,000) Riels, and/or shall have his or her name struck off the list of voters for five (5) years. .

Article 126 (new)

Any agent or member or staff of the NEC or of the Election Commissions of all levels, who has committed in violation of the provisions outlined in paragraph 2, Article 12 of this law, shall be fined from ten million (10,000,000) Riels to fifty million (50,000,000) Riels and/or shall be expelled from electoral jobs forever.

Article 127 (new)

Whoever has committed in contravention of the provisions of Article 55 (new) or Article 100 of this law shall face a warning. If he or she fails to comply with the warning, he or she shall be arrested and have his or her weapon confiscated for 48 hours by the competent authorities, and shall be fined from ten million (10,000,000) Riels to fifty million (50,000,000) Riels.

If the violator is a civil servant or a member of the armed forces or of the national police, the NEC shall:

- Request the head of the relevant institution to impose administrative sanctions on him or her ranging from

suspension without pay to expulsion from employment depending on the seriousness of the violation.

- Cross his or her name off the list of voters.

If the violator is an agent or a member, or staff of the NEC, or of the PEC and the CEC, the NEC shall, in addition to administrative sanctions provided for in paragraph 1 of this article, immediately expel and bar him or her from further employment with the NEC, or with the Election Commissions of all levels for 10 years, starting from the current election.

Article 128 (new)

Any government official or responsible officer, who has committed in contravention of the provisions of Article 29 (new) of this law shall have his or name struck off the list of voters for a period of 5 years by the NEC, and the NEC shall request the head of the relevant institution to impose administrative sanctions on him or her ranging from suspension without pay to expulsion from the service.

Article 129 (new)

Whoever directs, induces or deceives the voters to vote for any political party by directing them or by using any other means during the polling, shall be fined from five million (5,000,000) Riels to ten million (10,000,000) Riels, or/and shall have his or her name struck off the list of voters for five years.

If the offender is an agent or a member, or staff of the NEC or of the Election Commissions of all levels, the NEC shall immediately expel and bar him or her from further employment with the Election Commissions of all levels for ten (10) years, starting from the current election.

If the offender is a candidate for the election, his or her candidacy shall be canceled, in addition to the penalties outlined in paragraph 1 of this article.

Article 130 (new)

Regardless of any possible criminal penalties, whoever causes the ballot box to be opened, the sealed or safety device to be broken, or torn, or detached, or causes the loss of, steals, or destroys a ballot box containing ballot papers, shall be fined from ten million (10,000,000) Riels to twenty-five million (25,000,000) Riels, and/or shall have his or her name struck off the list of voters for five (5) years.

If the offender is an agent or a member, or staff of the NEC or of the Election Commissions of all levels, the NEC shall expel and bar him or her from further employment with the NEC, or with the Election Commissions of all levels for ten (10) years, starting from the current election.

If the offender is a candidate for the election, his or her candidacy shall be canceled, in addition to the penalties outlined in paragraph 1 of this article.

Article 131

Regardless of any possible criminal penalty, whoever or the political party that has committed in contravention of the provisions of Article 73 or Article 76 of this law, shall be fined from five million (5,000,000) Riels to ten million (10,000,000) Riels, and/or shall have his or voter

registration card confiscated for five years, or his or her name struck off the list of voters.

Article 132 (new)

Whoever has committed in contravention of the provisions of Article 77 or paragraph 2 of Article 78 of the Law on Election of Members of the National Assembly shall be warned.

In the event of failure to comply with the warning, the NEC shall have his or her name struck off the list of voters for five years, and shall request the head of the relevant institution to impose administrative sanctions on him or her ranging from suspension without pay to expulsion from employment, and/or shall be fined from one million (1,000,000) Riels to two million (2,000,000) Riels.

Article 133

Whoever has committed in contravention of the provisions of Article 72 of this law shall be warned.

In the event of failure to comply with the warning, his or her voter registration card shall be confiscated for five years, his or her candidacy or the candidacy of his or her political party shall be cancelled and/or shall be fined from five million (5,000,000) Riels to ten million (10,000,000) Riels.

Chapter 12 – Transitional Provisions

Article 134 (new)

For purpose of the election of members of the National Assembly for the third legislative term, after this law comes into effect, in order to review the lists of voters and to register the voters pursuant to the provisions of this law, the lists of voters used during the last elections of the Commune Councils conducted on February 3, 2002 shall be taken as a basis

Article 135 (new)

After this law comes into effect, the polling offices that have been established for elections of the Commune Councils conducted on February 3, 2002 shall be used as polling offices for the election of members of the National Assembly for the third legislative term, that will be conducted on Sunday the 27th of July 2003.

In the event of modification or establishment of new polling offices by the NEC, it shall comply with the provisions outlined in Article 45 (new) and Article 46 (new) (a) and (b) of this law and shall publicize such modified or newly established polling offices at least thirty (30) days prior to the polling day.

Article 136 (new)

A) For purpose of the election of members of the National Assembly for the third legislative term, in order to review the lists of voters and to register the voters, any citizen whose name was not on the list of voters for the last election or who has changed his or her residence, that citizen shall appear in person at the commune office or at any other place in the commune in which he or she lives at a date

determined by the NEC in order to fill in a Voter Registration Form pursuant to the provisions of this law.

The NEC may modify the period for reviewing the lists of voters and voter registration as outlined in paragraph 1 of Article 49 (new) of this law and shall send staff and take necessary measures to help each Commune Council and the clerk of the commune review the lists of voters and register the voters for the election of the members of the National Assembly for the third mandate.

B) For purpose of the election of members of the National Assembly for the third legislative term, after this law comes into effect, the citizens shall, in addition to the instruments or evidence as outlined in paragraph 1, Article 50 (new) and Article 54 (new) (a), (b), (c), (d) and (e) of this law, be allowed to use the existing voter registration cards or substitute certificate as an evidence for voter registration and for casting ballots as the NEC might direct.

During the period of reviewing the lists of voters and voter registration through updating the lists of voters used during the last elections of the Commune Councils conducted on February 3, 2002, any person shall have the right to object to the holding of voter registration card or substitute certificate by, or to the retention of the name of another person on the list of voters, in regard to whom he or she has evidence that the other person does not substantially meet requirements outlined in Articles 50 (new) and Article 54 (new) (a), (b), (c), (d) and (e) of this law.

The objection shall be brought in accordance with the provisions of Article 64 (new), Article 65 (new), and Article 66 (new) of this law.

Article 137 (new)

For purpose of the election of members of the National Assembly on Sunday the 27th of July 2003, the counting of the votes as outlined in Articles 102, Articles 103, Article 104 and Article 106 of the Law on Election of Members of the National Assembly shall be carried out at CEC office of the Kingdom of Cambodia, or at any other safe place as the NEC might direct. The NEC shall spell out detailed regulations and the rules of procedure for transporting the ballot boxes and counting the votes in order to ensure that the vote-counts will be conducted in a transparent way with safety and without intimidation or threat of violence and in order to ensure a free and fair election.

The party agents and electoral observers shall be placed at a reasonable distance, so as they will be able to observe the vote-counts clearly.

Chapter 13 – Final Provisions

Article 138

Any existing provisions, which are not consistent with the provisions of this law, shall be abrogated.

Article 139

This law must be declared urgent.

Done at Phnom Penh, this 26th day
of December 1997

(Signed)
Norodom Sihanouk

Referring to HE the First Prime Minister
Submission for Royal Signature
and Samdech the Second Prime Minister

First Prime Minister Second

Prime Minister

Interior Co-Ministers

(Signed) (Signed)

(Signed)

(Signed)

Sar Kheng You Hok Kry

Ung Hout

Hun Sen

Article Two

This law must be declared urgent.

Done at the Royal Palace, Phnom Penh, this 17th day of
September 2002 In the name of and at the highest order of
His Majesty the King

PRL.02.09.00283

(Signed and stamped)

Chea Sim

Acting Head of State

Submission for Royal Signature

Prime Minister

(Signed)

Hun Sen

Referring to Samdech Prime Minister

Interior Co-Ministers

(Signed) (Signed)

Sar Kheng You Hok Kry

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Phnom Penh, this 18th day of September 2002

Deputy Secretary General of the Royal Government

Sin Serey