

The US Interference in Cambodia: I.R.I., the new tool

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There has been a heavy history of US interference during the past 50 years in Cambodia. After the independence, in 1953, the Republican Eisenhower administration started, by all means, a campaign against neutral and nonaligned Cambodia. From 1953 till 1958, intimidations and threats, subversion and corruption were used in an attempt to force Cambodia to obey the United States of America.

Facing a complete failure, the Republican administration ordered the CIA to explore ways for the overthrow or the physical elimination of the legitimate Head of State, Prince Norodom Sihanouk. In the name of "democracy, freedom, self governance", indeed. The CIA supplied Khmer Serei ("Free Khmer" - a right wing political and military group) bases in South-Vietnam and Thailand with money, arms, ammunitions and training. In 1959, with the complicity of General Dap Chhuon, there was a plot to overthrow Prince Norodom Sihanouk through a military coup. Later the same year, with the complicity of Sam Sary (Sam Rainsy's father) there was an attempt to kill him. Both failed. But in both cases evidences were found of direct CIA involvement.

The Republican Nixon administration launched in March 1969 a 14 months campaign of secret B52 carpet bombings on Cambodian territory, without declaration of war, in violation of international law. In March 1970, the US Republican administration reached its goal : based on well-financed treason, a "regime change" in Cambodia. Unfortunately for the Cambodian people, it was for the worst. Prince Norodom Sihanouk was overthrown. The coup managed by the CIA was followed by an armed US invasion that exported the Vietnam war into Cambodia.

Voice of America (VOA), an international broadcasting service funded by the U.S. government, was fully involved in the regular US attempts to destabilize the political situation in Cambodia during the 50s and the 60s. VOA programs, through Khmer Serei radio, were broadcast enciting Cambodian officers and soldiers to defect or to mutiny.

(among many sources : NORODOM Sihanouk, *My War with the CIA*)

Today, political interference is not the first duty of the CIA anymore. Still using VOA (and since 1996, Radio Free Asia, a private corporation with funding voted by the U.S. Congress, with a similar sense of "professional" journalism as VOA...), the US has an additional tool : I.R.I., the International Republican Institute.

1. WHAT IS I.R.I. ?

In many occasions IRI senior officials state that IRI is a non governmental organization. According to its own literature (www.iri.org), the International Republican Institute (IRI) is a “*non-partisan*” organization. This, to say the least, is questionable. In fact IRI is neither an NGO nor a non-partisan group. There are many reasons to challenge its so-called status as NGO and as non-partisan:

An NGO ?

IRI is federally funded through the USAID and the National Endowment for Democracy (NED). IRI is a “core institute” of the NED.

The USAID :

The United States Agency for International Development (USAID) declares itself as a federal government agency, under the supervision of the US State Department. Its employees are on the State Department payroll with diplomatic status. USAID implements programs in foreign countries.

The National Endowment for Democracy :

After his election, Mr. Reagan appointed a group to recommend measures for strengthening the USA’s intelligence capability abroad. One of its recommendations was to revive covert political activities. Since there might have been opposition from the Congress and public opinion to this task being re-entrusted to the CIA, it suggested that this be given to an NGO with no ostensible links with the CIA. The National Endowment for Democracy (NED) was born under a Congressional enactment as a “*non-profit, non-governmental, bipartisan, grant-making organization to help strengthen democratic institutions around the world.*” Though it is projected as an NGO, it is actually a quasi-governmental organization because till 1994 it was run exclusively from funds voted by the Congress as part of the budget of the US Information Agency (USIA). Since 1994, it has been accepting contributions from the private sector too to supplement the congressional appropriations. The NED comes under continuous and extensive scrutiny in the appropriate committees of both Houses Of Congress.

Ms. Barbara Conry, a foreign policy analyst in Washington D.C. wrote in a paper of November 8, 1993 (Foreign Policy Briefing No.27) : “*On a number of occasions, NED has taken advantage of its alleged private status to influence foreign elections, an activity that is beyond the scope of AID (Agency For International Development) or USIA and would otherwise be possible only through a CIA covert operation.....*” NED was clearly designed to run a parallel foreign policy for the United States, backing and assisting entities that Washington might not be able to officially endorse, for instance, an opposition party challenging a government with which the United States maintained diplomatic relations. In a way, NED undertook publicly some of the covert political activities the CIA had previously mounted. In many countries in the world, the NED is today perceived as an operation in support of the American empire.

After compromising CIA activities in countries where the Central Intelligence Agency was busy preparing “regime change”, toppling governments and installing “their people” as leaders, the American Congress and Government decided to operate via institutions and NGOs that are virtual governmental agencies. Among these was the NED. Common characteristics of these agencies are their programs geared toward the democratic and economic betterment of countries all over the world and the fact that their funding comes from the Congress or the US government. That makes them accountable to the Congress and Government of the United States. In order for them to receive funding, they need to have programs that satisfy US strategic and political interests. These agencies

function as a “buffer” between the US administration and a whole series of US organizations like IRI. This method of channeling public funds coming from taxpayers allows the State Department to deny knowledge of the activities of American bodies that directly influence internal affairs of any given country.

A non-partisan group ?

a) The International Republican Institute was established in 1983, during the Republican Reagan administration, by members of the Republican Party. One of the founders was Frank J. Fahrenkopf, Jr. who served as chairman of the Republican National Committee longer than any person in the 20th century and led the party through two presidential campaigns in 1984 and 1989.

b) Today, IRI is run by prominent members of the same political party sharing the same political goals : the Chairman of the board of Directors is the Republican Senator John McCain well known for its extremely conservative options within this very conservative party . The Vice-Chairman (who was Chairman before Mr. McCain) is Mr. Michael V. Kostiw, an Army Reserves Colonel, who commands a Pentagon Military Intelligence Unit ; he spent ten years (1972-1982) working with the Central Intelligence Agency ; he is Vice President, International Government Affairs at ChevronTexaco Corporation in Washington, D.C. The President and Chief Executive Officer is George A. Folsom, someone who worked on various political campaigns for Republican candidates, who was working on international security policy at the Pentagon during the Reagan administration and who served President George H. Bush as Deputy assistant Secretary for International Development in the Treasury Department. The previous President of IRI (at the time of the Cambodia’s 1998 elections) was Lorne W. Craner who is today Assistant Secretary of State in the George W. Bush administration. Craner used to work as policy adviser to various Republican members of the Congress. In the George H. Bush administration, he was Deputy assistant Secretary of State and, during the last year, Director of Asian Affairs at the National Security Council. Hard to say that these gentlemen are neutral and non-partisan.

c) IRI began working in Nicaragua in 1986. The Institute dispatched international observers to the presidential elections held in 1990 and 1996. During the November 2001 elections, IRI was present with a 56-person delegation. IRI played a significant role supporting the opposition to the Sandinist ruling party.

d) IRI was clearly involved in the attempt to overthrow the democratically elected President of Venezuela, Hugo Chavez, in April 2002. The International Republican Institute got \$339,998 from the National Endowment for Democracy for “political party building.” It was about training several parties that opposed Chavez. On April 12, Folsom, hoping the coup was a success, on behalf of this “non-partisan” organization “dedicated to self-government” released the following statement : *“IRI also applauds the bravery of civil society leaders...who have put their very lives on the line in their struggle to restore genuine democracy to their country [i.e., who staged the coup d’Etat]. (...) The Institute has served as a bridge between the nation’s political parties and all civil society groups to help Venezuelans forge a new democratic future, based on accountability, rule of law and sound democratic institutions. We stand ready to continue our partnership with the courageous Venezuelan people.”*

e) Since the current Bush administration (and in particular the culprits in the Iran-Contras scandal who are all in charge again: Elliot Abrams, John Poindexter, John Negroponte and Otto Reich) is carrying out an offensive against the government of Haiti with a goal of “regime change”, IRI supports the Haitian opposition to elected President Aristide. In mid-December, IRI invited over 50 opposition politicians and “civil society” representatives (mostly businessmen) to a three-day strategy session in Santo Domingo. The meeting took place after the failure of a major opposition

march and bourgeoisie-sponsored “general strike” in early December. When the IRI invitees returned, they launched a broadened “civil society” initiative known as the “Group of 184”.

In Cambodia, IRI activities are designed, once again, as a “non-partisan” support to “*democracy, freedom, the fundamental American principles of individual freedom, equal opportunity and the entrepreneurial spirit that fosters economic development.*” Actually, facts are telling another story : an IRI-SRP connection.

1. After four years of activities under the official and general concern for “party building” and “democracy building” (an euphemism that, in US foreign policy jargon, often means to replace the existing government by US-sponsored figureheads), IRI, in 1996, took the political and non neutral option to support “viable opposition parties” (IRI Website). When Mr. Sam Rainsy created the Khmer Nation Party (KNP), after his eviction from the royalist FUNCINPEC party, he enjoyed immediately the IRI support. In mid-1996, “IRI facilitated the creation of a so-called National United Front” (IRI Website) in an attempt to create a split within the governmental coalition and to unify the future new opposition (IRI Website). After the 1998 election, the IRI support to the KNP, renamed Sam Rainsy Party (SRP), became more specific. Mr. Sam Rainsy became a regular guest of IRI in Washington DC. He was already the guest of other very conservative US groups in strong connection with IRI such as the American Enterprise Institute and the Heritage Foundation whose records as genuine supporters of democracy worldwide are less than obvious. On the eve of the 2003 electoral campaign in Cambodia, Mr. Sam Rainsy was, on April 9, 2003, the featured speaker at an IRI-Heritage Foundation event in Washington DC (main source : IRI website).

2. During the 1998 electoral process, one of the IRI “impartial” observers was Raoul Garcia Prieto, someone who worked in El Salvador with Major Roberto D’Aubuisson, leader of the Death Squads in the 1980s. By appointing this kind of individual, IRI gives an interesting image of the way it approaches democratic values. (The Phnom Penh Post, October 16-29, 1998). Nobody was surprised by the final conclusion of this particular observation team which found the elections to be “fundamentally flawed” when all the other international and national observers teams recognized significant improvements compared to the 1993 UN elections and an improved level of freedom and fairness in the whole electoral process.

3. On September 5, 2002, in Washington DC, Senator John McCain, IRI Chairman, presented Mr. Sam Rainsy with the IRI-Heritage Freedom Award during a ceremony sponsored jointly by IRI and the Heritage Foundation. Sen. McCain praised Mr. Sam Rainsy as a “genuine hero for the entire world”.

4. Nine months before the 2003 elections, IRI helped launch the Cambodian Center for Human Rights (CCHR), despite the fact that there are around 20 human rights NGOs in Cambodia and among them the very effective ADHOC, LICADHO and CSD and despite a decision by USAID, several weeks before, to cut half of the funds allocated to Cambodian human rights organizations. The new NGO’s budget comes from IRI which received this money from US tax-payers through USAID ! CCHR received 450.000 \$ from IRI (*Cambodge Soir, The Cambodia Daily*, November 13, 2002). CCHR is led by a former FUNCINPEC senator well known for his opposition to the coalition government and for his racist statements. Since then, IRI is quoting CCHR reports which are full of information whose credibility is at stake.

5. On November 13, 2002, HRH Samdech Krom Preah Norodom Ranariddh, President of the National Assembly, declared : “*The truth is IRI manipulates the internal affairs of Funcinpec in order to entice Funcinpec members to switch to Sam Rainsy*”. IRI denies that it has taken a partisan approach to the elections. In the following weeks, however, this assertion of neutrality has been put in doubt by the growing appearance of a triangle of the SRP, the US Senate Appropriations

Committee, and IRI. On December 12, 2002 the SRP bestowed its Freedom Award on Senator Mitch McConnell, Chairman of the Appropriations Committee. In February 2002, McConnell published an article in the Boston Globe calling for the US to shift its Cambodia policy from a non-partisan approach to pro-active support of Sam Rainsy Party in the 2003 elections. McConnell's chief of staff is Paul C. Grove who, prior to joining the Appropriations Committee staff, was Director of the IRI office in Cambodia (1994-1996) and, after building the ground for an IRI-SRP connection, was appointed as Asia Director for IRI.

6. In November-December 2002, a former IRI Cambodia mission chief led a seminar for leaders of the SRP to develop a national campaign. As it is written in the IRI program history in Cambodia, "*IRI party training focused on strengthening Cambodia's opposition*" (...) "*IRI worked closely with the SRP.*"

7. In December the head of CCHR was invited by IRI to visit Washington DC. IRI managed meetings with people in the State Department and in the Congress. He gave interviews to Voice of America and Radio Free Asia. The views he expressed were the same than the SRP ones.

8. On January 8, 2003, HRH Samdech Krom Preah Norodom Ranariddh, repeated that "The IRI has a clear goal to crush Funcinpec and help the Sam Rainsy Party"; the same day, Funcinpec Minister of Women's Affairs, Mrs Mu Sochua revealed that she was approached by an IRI official from Washington who asked her "*why she doesn't leave Funcinpec and join Sam Rainsy.*" (*The Cambodia Daily*, January 9, 2003)

9. SRP candidates were especially trained by IRI for the 2003 elections. At the end of the training session they received the photo of US Senator McCain, Chairman of the IRI Board of Directors (*Cambodge Soir* October 22, 2002 ; *The Cambodia Daily*, July 7, 2003).

10. For the 2003 elections, one of the IRI team members is Mr. Rich Garella who was in 1998, according to his own website (showing a picture of his SRP membership card), "Communications Officer for the Sam Rainsy Party."

11. On June 10, 2003, during a hearing in the US House of Representatives, Daniel Calingaert, IRI Director of Asia Programs, asked the House to press Secretary of State Colin Powell to meet "publicly" Mr. Sam Rainsy during his visit in Phnom Penh, one week before the beginning of the electoral campaign. A useful picture for the SRP electoral material...

12. In the eve of the 2003 electoral campaign, members of the US Congress closed to IRI (Senator John McCain, Senator Mitch McConnell and others) linked US assistance to post-election Cambodia with a "regime change"; a linkage that gives the SRP a new model of vote buying : "if you vote for SRP, US money will come back for you." Moreover, this linkage is a lie : it was contradicted by Secretary Colin Powell who made only a linkage between the resumption of financial US assistance and the evaluation by the Department of State of the electoral process freedom and fairness.

In Cambodia, like in many other countries, it is crystal clear that the credibility of IRI electoral observation activities is not higher than the credibility of a partisan political organization dedicated to the political victory of a specific political party. Not less, but not more.

2. THE 2003 IRI REPORTS ON CAMBODIA :

IRI released three reports on the 2003 electoral process, so far. It's of critical importance to verify

the accuracy and the fairness of reports published by an organization with such a high partisan motivation.

2.1 The first report : the registration of voters

This report was published on February 14, about one week before the end of the five- week registration period (20 February). From a methodological point a view, one must question this strange way to evaluate a process before it is completed. Except if the aim is not to provide readers with a fair evaluation, but with a biased one.

According to this report, nothing was well done in the registration process. Nothing. And the report predicted registration rates lower than expected. The will to discredit a process before its completion was obvious.

The report states that the registration process is not fully independent of the ruling CPP because a huge majority of the commune chiefs are CPP. This situation is the result of the 2002 commune elections. But IRI, unlike all international and national observers, refused to recognize the outcome of the commune elections.

The report even blames the leadership of the Buddhist clergy because he discouraged monks from voting. It is to ignore the genuine debate within the monk community about interfering in political life. Before the US Republican sponsored coup in 1970, the monks had not the right to vote.

If we compare the voter registration process in 2003 in Cambodia with the disenfranchisement of voters during the US 2000 presidential election, it is not the Cambodian electoral authorities that must be blamed.

At the end of the process, the voter's list for the 2003 election in Cambodia contains 6,341,834 that is 93, 95 % (83 % in 2002) of the total estimate electorate (6,749,876).

Such a result is the best denial of all IRI exaggerated assertions about intimidation, fraud and irregularities based on CCHR (IRI subgrantee) biased observations.

2.2. The second report : the pre-election assessment report

Issued after a five-day mission and released on April 28, 2003, this report claims that the 13 IRI observers, starting on April 23, met "*government officials, political party leaders, independent election experts and voters in 8 provinces.*" Everyone should congratulate the IRI team for being able to have so many meetings with so many different people in so many provinces (in a country where the move to one provincial capital to another takes hours) within a so short period of time, and, within the same timeframe, being able to write carefully a seven-page report. Even with a permanent staff based in the country, this kind of record must be taken in consideration for the evaluation of the credibility of the report.

This document offers a spectacular example of IRI's bad faith.

Concerning the political environment, as usual, IRI is focusing on facts presented in a way that gives the impression Cambodia is in the middle of a civil war or is facing a Myanmar-style dictatorship. With the same evaluation method and with regard to the level of criminality in the USA, it should be possible to give a very bad picture of the US widespread violence.

IRI refused to recognize a fact : the high level of partisan membership in Cambodia. Everyone has a party card, and, sometimes, more than one. That's why it is so easy to claim that the murder of

someone with a partisan affiliation or by someone with a partisan affiliation is “politically motivated.” No doubt that among the crimes, some of them are motivated by political reasons. And that is unacceptable and should be punished. But, for foreigners who do their best to watch with good faith the Cambodian political environment, it should be fair to recognize the lack of credibility on both sides : the systematic absence of results from the police investigations and the systematic qualification of all murders as political crimes by political parties.

Blaming a “*climate of impunity*”, IRI asserts that this climate is “*exacerbated by obstacles placed on political party and non-governmental organization (NGO) activities.*”

No doubt that the Judiciary, in Cambodia, is still facing the consequences of the past. The legal system is weak, the number of skilled people with a real legal background remains too low, and, like in a lot of countries that are good friends of the US Republican administration (Italy, Kuwait, Pakistan, Poland, Qatar, Singapore, Thailand...), the impunity of the leadership is at stake and the separation between the Executive and the Judiciary is still to be achieved. No doubt about that.

But, it should be fair to recognize improvements in Cambodia despite the fact that the so-called “climate of impunity” is exacerbated by the example given by the US Republican administration which requests impunity for US citizens that could be charged for war crime, crime against humanity or genocide. The model is coming from the lessons givers.

It should be fair also to recognize the facts : with 20 political parties participating in the elections to the National Assembly in 1993, 39 in 1998 and 25 in 2003 (8 in 2002 for the election of Commune Councils), it is hard to blame the Cambodian authorities for refusing a multiparty system. The number of partisan offices, rallies and meetings is increasing from one election to another. Without denying a level of political violence, intimidation and vote-buying easily comparable to the one in most Southeast Asian countries, this improvement should be underlined in a country that has lost democratic procedures and traditions decades ago and that was plunged in the highest violence as a result of US interference.

And finally, it should be fair also to recognize how Cambodia is liberal “regulating” NGO activities. Foreign NGOs are not regulated by a specific law like in most countries all over the world. They enjoy a freedom whose they use, from time to time, without the basic respect for national sovereignty, national tradition, religion and culture. Local NGOs enjoy also a very liberal regime with regard to the transparency of their funding, to the origin of their financial resources, to the way their official goals are implemented. There are not a lot of democratic governments that authorize local NGOs to receive foreign governmental money for political purposes.

Concerning the whole electoral process, most of the IRI charges, concerns and recommendations are solved by the election Law, the NEC by-laws, the 4 codes of conduct and the different chapters of the NEC regulations and procedures. The election law was amended by the National Assembly on 21 August 2002. The new National Election Committee (NEC) was appointed by the National Assembly on 25 October. The NEC by-laws were adopted on 18 December. Three of the codes of conduct (for Electoral Parties, for Electoral Staff, for Observers) and chapters 1 to 6 and 10 to 11 of the “NEC regulations and procedures” were adopted in February and March 2003. Chapters 7 (with its Annex : the Guidelines to Media) and 12 were adopted in April. All the most important provisions about the electoral process were known and were implemented according to the calendar of this process at the time IRI published its report (28 April).

But the IRI made the choice to ignore the dramatic changes in the election law, in the election administration and in the regulations concerning access to media.

The reform of the election law brought significant changes and IRI pretended to ignore the most important of them, claiming : *“All NEC members were nominated by the CPP and FUNCINPEC co-Ministers of Interior, without public consultations, and were aligned with the ruling parties. The opposition Sam Rainsy Party and civil society had no input in the selection of NEC members. As a result, the NEC is not genuinely independent and is perceived as biased.”* But this is an IRI fiction. Here are the facts :

- the new election law replaces the previous 11 members who were representatives of political parties, NGOs, the Ministry of Interior and citizens by 5 independent appointees “selected among dignitaries who are experienced in politics and in professional life and have good reputation” (art. 13);
- the proposed NEC members are submitted by the Interior Minister to the Council of Ministers for approval;
- the Council of Ministers proposal must receive the consent of an absolute majority of the National Assembly;
- the National Assembly decision is confirmed by a Royal Decree that appoints the 5 NEC members;
- after being appointed to the NEC, the members who are 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 that position or shall apply to take leave until the expiration of their mandates on the NEC (article 15).

Based on democratic values, which argument could be opposed to such process of selecting the highest people in charge of the national electoral mechanism? In the USA, these people are selected by the President himself and this selection is confirmed by the Congress. In Bangladesh, India, Japan and the Philippines, they are appointed by the Executive without requesting the consent of the Parliament.

With the previous NEC, whose members were representatives of political parties, the NEC but also the provincial and local electoral structures were forum for partisan disputes. With the new NEC, the primary duties of all electoral officials at all levels are neutrality, impartiality and independence from any political party. The National Assembly has the right to expel any NEC member who fails to comply with these duties. The NEC has the right to expel any provincial or local electoral official for the same reason.

IRI pretends to ignore that there was, during weeks, a public democratic debate about the composition of the NEC. This debate took place in the seat of the national sovereignty, that is to say : the National Assembly. The opposition has 15 seats in this Assembly and took part in this debate that was prolonged in the media. The SRP decision to boycott the final meeting on this issue, the day of the vote, failed to prevent 85 elected representatives of the Cambodian people among 122 to express their consent to the Council of Ministers proposal.

IRI pretends to ignore who are the 5 selected dignitaries and prefers to present them as partisan activists :

- Mr. Im Suosdey, Chairman; Bachelor of Science, he was Secretary General of the previous NEC ; he his probably the best Cambodian expert on electoral mechanisms; he his recognized by people from all sectors of the Cambodian society as an open-minded gentleman dedicated to the success of the NEC;
- Mr Ngè Chhay Leang, Vice-Charman ; Bachelor of Commerce, trained in Japan on Administrative Management and Election system, he was a magistrate in the Ministry of Interior specialized on electoral affairs;
- Mr. Mean Satik, Member ; Bachelor of Mathematics, he was the principal of Preah Monivong High School, in Battambang;
- Mrs Koy Veth, Member; with a Degree of Psychology of Higher Education, she was the Executive

Director of an NGO : The Center for Khmer Women's Voice;

- Mrs Dr. Sim Chum Bo, Member ; Doctor of Philosophy at the University of Oregon (USA) and Master of Pedagogy at the University of Georgia (USA), she was Director of the Community Based Law Education Center which belongs to the Phnom Penh section of San Francisco University. Before, she used to work in Phnom Penh with The Asia Foundation and previously with UNDP.

It is hard to maintain, like IRI does, that the civil society has no input in the NEC when, among a team of 5, two are coming from the education community and the third one was ruling one of the most effective NGOs until her appointment. "Lie, lie, lie, it will always remain something", everyone knows this kind of method.

The IRI bad faith is even more obvious when one knows that during the five months before the publication of the second IRI report, NEC launched an impressive process of consultation of political parties, local and international NGOs and civil society, journalists and representatives of foreign governments and international institutions. All these people were involved in the drafting of the NEC by-laws and the NEC regulations and procedures. The Sam Rainsy Party and its sponsor, the IRI, took part in this process as they are still attending regular meetings convened by the NEC. Their concerns and recommendations were and are being taken into account and incorporated in the electoral procedures. It is impossible to deny that the whole electoral process as it is regulated in around 1000 pages is the result of a collective work involving representatives of all the sectors of the Cambodian society.

IRI knew that at the time of publishing its 28 April report. But they failed to recognize this fantastic exercise of accountability and transparency and the effectiveness of NEC participatory methods.

Concerning the media in Cambodia, it is first of all interesting to remind the reader with the real press situation. "*Cambodia looks like a good pupil in Southeast Asia with regard to freedom of press,*" says the 2003 report of "Reporters Without Borders", an international organization watching freedom of journalists. Unlike many other Southeast Asian countries, when they ask for a Cambodian visa, foreign journalists feel free to declare that they are journalists and not tourists. Unlike many other countries, foreign journalists feel free in Cambodia to publish unfair and biased information. Unlike most of the countries in the world, Cambodian journalists enjoy the freedom to publish non ethical, non professional articles full of insults, lies and defamations. 25 local newspapers publish at least one issue every week. The political opposition has connections with several newspapers. Two newspapers, one daily, one semimonthly, published in English and run by foreigners, are systematically opposed to the government. A daily newspaper is published in French with a French editorial management.

Regarding the public media, the State owns one TV station (TVK) and two radio stations (Radio AM and Radio FM 96). Both TV and radios enjoy the hugest zone coverage.

The situation of private media can be described as follows : among the 11 local and national radio stations, 6 are considered as pro-government, one as pro-FUNCINPEC, one as pro-SRP and at least one is fully neutral. All the 6 TV stations are considered to have links with the CPP, in particular TV3 which is half-owned by the Phnom Penh Municipality and TV5 which is half-owned by the Ministry of Defence.

Programs in Khmer language are also broadcasted on SW frequencies by BBC, Radio Australia Radio Free Asia , RFI (Radio France Internationale), and Voice of America. BBC and RFI received permission to broadcast their international programs on FM frequencies.

Regarding access to media, once again, IRI recommendations were largely met by specific

provisions already stipulated in NEC's regulations (chapter 7 and its annex).

Basically, the 23 political parties have four types of access to media :

1) on odd days, each political party gets the same time (5 min) to present its electoral platform and to express its views; on even days, the spots have the format of round-table discussions, the NEC managing the respect of an equal time for every party. This 2 hours (with election songs) electoral program is broadcasted two times every day : on State TV from 11.50-13.50 and 17.00-19.00 and on the AM State radio from 7.00-9.00 and 15.00-17.00 and on FM State radio from 7.00-9.00 and 18.30-20.30

2) under the control of the NEC and with the technical and financial assistance of UNDP, an equitable coverage of daily news is guaranteed to the political parties on State media. The principle of equity is based on a party's strength in previous elections and the number of seats at the National Assembly. It is based on the idea that it is fairer to the public to give more air time to main political parties because they have larger popular support than the other parties. The equity system is used in Australia, Britain, Canada, South Africa and a huge majority of democratic countries. During the electoral campaign, it regulates the special election news on TVK (15 min) and on the national radio stations (5 min). The implementation of the equity principal shall be the following for the whole month (given plus or minus 1%) : 44% to the CPP, 27% to the FUNCINPEC, 19% to the SRP and 10% to other parties.

3) NEC regulations allow each party to buy time on private radio, TV and print media under the control of the NEC which ensures equal opportunity for access. Private media may accept or refuse electoral advertisements, but from all political parties.

4) International and local NGOs are free to produce and to broadcast or to publish electoral debates based on equal access, provided that they do not contain images or language that could incite to violence, intimidation or other threatening behaviour.

Chapter 7 of the NEC regulations states that "balance in broadcasting and disseminating information have to be guaranteed." Nothing similar exists in the USA, where the richest party can buy the most TV airtime. IRI preferred to assert that "the government has consistently blocked efforts to redress the huge imbalance in access to media."

IRI is asking the Ministry of Information "to allow in Cambodia the broadcast of Radio Free Asia and Voice of America on FM frequencies" arguing the permission given to BBC and RFI. But IRI fails to recognize that the permission given to BBC and RFI is not for their programs in Khmer, but only for their international programs (in English or in French). Moreover, it is extremely difficult to compare two fair and balanced radio stations dedicated to professional journalism with two instruments of US intelligence services and political propaganda that have particular records in this country, as already underlined, and that, after the fall of the Pol Pot regime and during all the eighties, used to support the CGDK (Coalition Government of Democratic Kampuchea), the Khmer rouge-dominated coalition.

2.3. The third report : the pre-invalidation of the election

Once again, this report evaluating the electoral process was published only 4 days after the beginning of the electoral campaign. Once again, this report was published after a 5 day visit by 8 or 19 observers (two figures are given in two IRI different documents) who met "with senior government and political party officials in Phnom Penh and with government officials, political party activists, independent election experts and voters in eleven provinces" And the seven-page report was published on the fifth day. No doubt, it must have been a real race against time, indeed...

At the very beginning of the electoral campaign, 27 days before election day, IRI pre-judged the conclusions of its final assessment on the 2003 elections : *“the ruling party remains the chief obstacle to fair elections, access to media is far from equitable, levels of intimidation remain unacceptably high, the complaints process is inadequate and Village Chiefs continue to commit numerous election law violations.”*

How “non-partisan” IRI observers do they base so strong assertions ?

a) IRI recognizes that *“many election monitors and party officials have commented that the current environment is somewhat better than that prior the 1998 and 2002 elections and that the levels of overt violence are reduced.”* But IRI refuses to share this evaluation by *“many election monitors and party officials”* and prefers to trust CCHR (IRI subgrantee) reports on *“200 instances of electoral violations and intimidations and 10 cases of killings that “may” have political motivations since November 2002”*. Which kind of evidences about the political motivations of the killings ? IRI failed to provide one. Why to go back 8 months before ? To collect enough data ? The IRI motivation to finance a new NGO in Cambodia is crystal clear : to have a Cambodian source of information that can provide IRI with indications aimed at discrediting the “chief obstacle” to IRI partisan options.

b) the vocabulary used in the IRI report provides the reader with an interesting view of the way IRI is collecting information : *“IRI team members heard that voters feel” under threat. They “heard” about “feelings.”* One of the said main concerns is about “the potential” of fraud. Where are precise details that could give ground to the accusation of intimidation and fraud ? Nowhere in the report.

c) IRI collection of evidence is so limited that it presents biased reports about facts without connections with the electoral process : an incident during a demonstration at a textile factory which degenerated in violence. Mentioning the “excessive use of force”, IRI reports that it resulted in two deaths. But it is not mentioned that among the two victims there was a policeman killed by one of the stones launched by the demonstrators. IRI style of reporting...

d) IRI reduces the considerable improvements in the access to media simply as *“minor positive developments.”* Despite the fact that IRI decided to publish its report only 4 days after the beginning of the electoral campaign, it was already possible to evaluate the real impact of such “minor development”:

d.1 : Free and equal time on State channels. All parties registered enjoy free and equal time on State channels, everyday during the campaign. That means a total of 30 minutes per day and per party. At the end of the electoral campaign the three State channels will have broadcasted 15 hours for each party, free of charge, or a total of 360 hours for political parties to talk freely during the campaign.

d.2 : Equitable coverage in the news of the State channels. For the first time, the news bulletins of TVK (15 minutes everyday), National radio AM and National Radio FM (5 minutes each everyday, repeated) include election blocs covering the activities of political parties on an equitable basis. According to a NEC press release, the distribution of time between the political parties was as follows during the first week of the campaign:

- CPP: 44 minutes and 27 seconds, or 42.86% of the election news
- Funcinpec: 29 minutes and 27 seconds, or 28.4%
- Sam Rainsy Party: 18 minutes, or 17.26%
- Other parties: 12 minutes, or 11.5%

For the second week of the campaign, the distribution was (same source) :

- CPP: 37,81%
- Funcinpec: 33,61%

- SRP: 20,32%
- Other parties: 9,87%

It should be remembered that during the 2002 electoral process, according to some independent media monitoring groups, the CPP had approximately 90% of the time in the news of TVK; Funcinpec 10%; and all other parties including SRP: 0%.

And the NEC release continues: *“If we add the above-mentioned figures (newscasts) to the time offered for free to each party on State channels during the equal access programs, the following shows the total time offered to the major parties during the first week of the campaign by the State channels only:*

- CPP: 4 hours and 12 minutes
- Funcinpec: 4 hours
- Sam Rainsy Party: 3 hours and 48 minutes

d.3. Paid advertising on private channels. At least 4 commercial radios have announced that they would broadcast paid advertising for any parties wishing to do so.

d.4. Candidates debates. Several local and international NGOs have already announced that they would broadcast candidates debates during the campaign. After Kratie, Kompong Cham, Phnom Penh and Siem Reap, the Cambodian Center for Social development (CSD) holds today in Sihanoukville its fifth public forum with party representatives .The US National Democratic Institute (NDI) will conduct more than 20 debates that represent 24 hours of broadcasted debates on private TV Channel (TV 9) free of charge for the political parties.

As IRI is so specifically concerned by the fate of the SRP, it must be underlined that SRP is on State channels more than 30 minutes every day. At the end of the electoral campaign, the State media will have given a total of about 16 hours to SRP. In addition, SRP can buy hours of time on private radios and will certainly be invited to a number of debates broadcast on private TVs. Furthermore, the policies of the Sam Rainsy Party are supported by a number of radio stations including Voice of America, Radio Free Asia, and FM 105, and a number of newspapers available in the country. Sam Rainsy Party has never enjoyed so much time on the electronic media. A *“minor development”* ?

e) IRI asserts that *“the levels of intimidation remain unacceptably high.”*

A more balanced picture is given by another group of observers. A US-Funded Long Term International Observation Group administered by Asia Foundation deployed its 15 observers on May 22. All these locally-hired international observers have an experience in the culture and language of Cambodia; each is paired with a Cambodian interpreter/assistant; all were provided with extensive training in the electoral law and regulations and in observation methodology prior to deployment in the provinces. This mission is multinational as the 15 observers come from eight different countries (Australia, Britain, France, Indonesia, Sri Lanka, Thailand, Holland and USA). Every week since the end of May, The Asia Foundation provides the international community (basically, the donors) with a report of this group findings.

Summarizing the 5 weekly reports covering the pre-campaign period (22 May-25 June), a document from this group provides the reader with more balanced observations :

“Although most people felt that political tension was lower than prior to the 1998 and 2002 elections, politically motivated threats and intimidation continue to occur in almost all provinces.” (...). “One method of intimidation practiced by village officials is threatening social exclusion or ostracism.” (...) “It means they [the victims] are no longer part of the “group”, and will not be included in village activities or receive the services, support and protection provided by group

membership. (...) *“Most provinces report that the current environment electoral environment is perceived as better than that in 1998 and 2002, although a few provinces are less optimistic. Reasons most commonly given for the improvement are the multi-party makeup of the new commune councils has created opportunities to build relationships and increase dialogue across parties, leading to increased tolerance and understanding; the parties have a better understanding of the election laws and regulations; and ordinary people have more access to information via TV, radio and NGOs and so know more about the process and their rights.”*(...) *“Observers across the country have reported a significant increase in the number of opposition party signboards seen compared to previous elections, and suggested that this is an indication of a freer and more relaxed political environment. Political party signboards in previous elections were usually erected in front of party offices, but now signboards are commonly seen away from buildings or in empty fields, serving more like advertisements than identifiers for party offices.”*

Threats and intimidations are unacceptable. But this Asia Foundation led group recognizes improvements. There is a significant move from violence to practices that are unacceptable on principle but still observable in many democratic countries when a political party is dominant at the commune or the provincial level. Access to social services remains too often, in the huge majority of democratic countries, not a right but a gift given to political affiliates or supporters. Such observation doesn't mean that one has to accept this kind of practices, but it is hard to blame in Cambodia what is tolerated and not punished in the Western world.

f) IRI complains because “the complaints process is inadequate”

Once again, eager to condemn the electoral process, IRI is blaming the NEC for a process that, in June, was still to be completed and adopted by all the stakeholders. More fair and balanced is the evaluation made by The Asia Foundation led group in the report already quoted:

“Although the election complaints process is still not completely functional, there have been several reports that the process is an improvement over that of previous elections. Still, there have also been several reports that party representatives were not making complaints through the official procedure because they felt it hopeless as the commune councils and election committees were dominated by the CPP. Also some representatives of the smaller parties said they felt uncomfortable complaining because all of the commune and NEC officials come from other parties.” (...) *“To date, no election malefactor has ever been fined, disqualified or imprisoned through the complaints process. Currently most complaints that are resolved seem to be resolved through a conciliation process facilitated by the PECs or commune councils. In several provinces senior party PEC officials pointed to the mixed party affiliations of the commune councils as facilitating communication between parties and thus allowing a quick ability to resolve problems or disputes without needing to move to higher levels of government.”*

g) IRI blames the Chief of Villages for violating the election law.

The Ministry of Interior reacted to this IRI assertion by underlining that “The comments refer in general terms to type of conducts or involvement by village chiefs that give rise to fears or uncertainty about the credibility or secrecy of the election. Unfortunately, the statement simply says that “IRI observers received reports” of various types of activity. It does not substantiate these broad allegations - either in the statement or elsewhere - with details or references to any particular event, time, place or individuals in a way that can be acted upon by the Ministry of Interior or the NEC. It is unfair, unjust, inequitable and biased - by any standards - for the IRI simply to categorize and insult 13,707 village chiefs in this way. It is also quite unreasonable to expect the Ministry of Interior or the NEC to victimize all village chiefs on the basis of the IRI's generalized reports. Directives require village chiefs (and all other officials) to fulfill their duties impartially and objectively. If the

IRI is able to give the relevant CEC or PEC adequate and timely written information that will identify and substantiate specific instances where a village chief or other official has not complied with these directives, appropriate action will be taken immediately in consultation with the NEC and the Ministry of Interior.”

It is now the duty of the NEC to investigate the complaints and, according to the regulations, to punish the culprits.

What IRI failed to mention about the political environment limiting once again its credibility and what is mentioned in The Asia Foundation report concerns incitation to violence : “the SRP, FUNCINPEC, and several of the smaller parties often appeal to xenophobic nationalism and racist hatred of the Vietnamese in their campaigning.”

IRI announced that Christine Todd Whitman, a former Republican Governor of New Jersey, will lead a delegation “to monitor credibility, fairness of voting” during Cambodia’s parliamentary elections on July 27 and will report a few days later. With all the respect that Mrs Withman’s career and personal options deserves, a question remains relevant : who will monitor the IRI “credibility, fairness” of observing elections ?

3. FINAL CONCLUSION

There are basic principles guiding electoral monitoring organizations. There are standards of ethics that all international and local organizations must comply with. These were elaborated in 1995 by the United Nations and The International Institute for Democracy and Electoral Assistance (IIDEA), a Sweden based intergovernmental worldwide respected organization. These standards are listed in a “Code of Conduct for the Ethical and Professional Observation of Elections” that is internationally acknowledged as an authoritative document.

This Code is of direct relevance to international election observers. The Code states that election observation must conform to fundamental ethical principles. Ethical principle 2 states: “Election observers must be non-partisan and neutral. The capacity of observers will be irretrievably compromised if they are perceived as having a commitment to any particular outcome. Observers must therefore undertake all their tasks in a manner that is strictly non-partisan and politically neutral.”

The IRI activities in observing elections all over the world and in particular in Cambodia do not comply with this ethical and professional requirement. IRI, as election monitoring group, does not comply with international standards.

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