

**Joint Statement of Concerns over the Selecting Procedures
Of the National Election Committee's Members
For the 2003 National Assembly Elections**

Phnom Penh, October 10, 2002

COMFREL, NICFEC, Cambodia Human Rights Action Committee (CHRAC) and Advocacy Group of Star Kampuchea are deeply concerned on an uncertain issue, which would not get trust from the public in preparing the 2003 National Assembly Elections, that is the selecting procedures of the five (5) members of the National Election Committee (NEC).

Recently we were informed that the Ministry of Interior (MOI) submitted five (5) NEC candidates accepted by the Prime Minister, to the National Assembly (NA) for approval. We express some doubts on the selecting process of the NEC's members, which has not been transparent and not opened to consultations with the public and election stakeholders.

We think that an open procedure would require participation and consultation of all stakeholders including political parties, NGOs and civil society groups working on election issues.

Referring to the mentioned concerns, we have noted the following:

1. We all regret that the Civil Society's recommendations to creating an selection commission with participation of election stakeholders (the civil society and the political parties) in charge of recruiting the NEC candidates and to submitting the list to the National Assembly for confidential vote have not been mentioned in the procedures. We think that these recommendations would have been a satisfactory and compromised mean to win the public's trust.
2. The NEC members selection process made by the MOI is not transparent and not open to public consultation. Therefore, a question has been raised on the MOI's criterion and procedures in selecting the new members.
3. The recent selection of the NEC candidates may not follow the new article 13 of the National Assembly Election Law which stated that: *"The Interior Minister has an obligation to submit to the Council of Ministers (COMs) the draft of proposed composition of the NEC at least nine (9) months prior to the election day"*. According to our sources, the proposed composition of the NEC has not been passed by the COMs before being sent to the NA.
4. We are unsure whether those five members all reach the legal criteria of *"dignitaries with political capacity and election work competence"* or not?

Based on the above notes, we would recommend the following:

- i) *There should be a consensus between all political parties or at least from the parties represented at the National Assembly on the NEC candidates;*

- ii) *The Royal Government of Cambodia in particular the MOI should publicize the procedures and criterion in selecting the five NEC members;*
- iii) *The NEC should include legal experts with competence in solving electoral infractions;*
- iv) *The selection of the Secretary General, Deputy Secretary General and other NEC members should be open and transparent;*

[End]

*For further information regarding the Joint Statement,
Please contact:*

- | | |
|----------------------|------------------|
| 1. THUN Saray, | H/P: 016 880 509 |
| 2. Dr. LAO Mong Hay, | H/P: 012 959 454 |
| 3. PHUONG Sith, | H/P: 012 979 343 |
| 4. SOK Sam Oeun, | H/P: 012 901 199 |
| 5. HANG Puthea, | H/P: 012 959 666 |
| 6. MOUNG Sophal, | H/P: 012 934 867 |
| 7. YOIB Meta, | H/P: 012 871 701 |
| 8. YOUNG Kim Eng, | H/P: 016 828 211 |