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**cc:Mail for: editor**

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**Subject:** Letter: To Canadian FM re role of Noel  
**From:** SRP Cambodia <samrainsy@bigpond.com.kh> 8/18/98 4:47 PM  
**To:** camnews@lists.best.com at INTERNET  
**bcc:** editor at CM17

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August 17, 1998

His Excellency Lloyd Axworthy  
Foreign Minister  
Canada

Your Excellency,

We are deeply concerned about the activities of a senior election technical adviser funded by Canada's foreign aid program (CIDA). The adviser, Mr. Théo Noel, has been circulating in Phnom Penh a letter dated August 9, 1998, in which he attempts to defend his role in the debacle over the formula to be used to allocate National Assembly seats after Cambodia's elections. The formula was never specified in the law, and its legal status is under investigation.

Mr. Noel's letter raises serious questions about his suitability and competence for the central role he took in the elections. Mr. Noel's account of the sequence of events surrounding the formula is riddled with technical inconsistencies. Worse, Mr. Noel concludes with highly politicized statements attempting to clear the ruling party of charges it manipulated the election results, and criticizing the opposition and its past policy decisions. Furthermore, Mr. Noel advocates policy positions he believes that opposition leaders should take.

· In his letter, Mr. Noel says that he had to revise the formula because he did not draft it correctly. He says he failed to consult the textbook, implies he was never taught this method at university, and claims he did not recognize his error until two members of the National Election Committee (NEC) pointed it out. He claims that highest average formula is only  $H_a = V_v / (S+1)$ , and both versions of the formula use this. In fact, both methods (Jefferson and Balinski) use this equation, but they are different methods.

· In defending the revised formula, Mr. Noel slants his analysis to favor the ruling party. He selects four examples out of the 23 provinces to show that the formula he inserted can, in theory, benefit the opposition. In fact, the formula generally benefits the party credited with more votes. Even if we remove the single-seat constituencies, CPP would take 50.0% of the seats with only 40.7% of the vote. Mr. Noel is required to be neutral, but his analysis is pointedly biased.

· Mr. Noel defends the NEC's legal processes, which is outside the scope of his role as neutral Technical Adviser. Mr. Noel is not a member of the NEC and has no standing to make legal rulings.

· On Aug 14, Mr. Noel acknowledged that even the NEC's vice president, Kassie Neou, still thought on July 30 that Balinski was the correct formula, adding that Neou has been using an "illegal document" (the NEC's Rules & Procedures). This inappropriate legal interpretation and accusation against the only fully independent NEC official was witnessed by Canadian Ambassador Gordon Longmuir, Mrs. Kazuko Longmuir, Canadian Embassy official Ung Bun Leng, the undersigned Sam Rainsy and Tioulong Saumura.

All the technical errors made by Noel are, intentionally or not, to the

benefit of the ruling party. The inconsistencies in his explanation are all made in a seeming effort to cover up this bias.

We would also point out that Mr. Noel, who is neither a lawyer nor an election expert, says he made a mistake in drafting the Rules & Procedures. We are concerned that he may not be competent to fulfill the role he ended up in.

Even more disturbing is that Mr. Noel seems to go well beyond that role, interpreting law and explaining the actions and motivations of NEC and ruling party officials. Mr. Noel signs his statement as "Senior Election Technical Adviser", but his conclusions go far beyond his mandate, and show an extreme bias toward the views of the ruling party.

- Mr. Noel claims knowledge of what he cannot know: that there was no attempt at manipulation, and that the formula revision was consistent with the Election Law.

- Mr. Noel blames the opposition's purported loss on "bad leadership" that "engineered the split in the opposition". He claims that the split gave the CPP the majority, as if the formula (and a multitude of other factors) had no effect.

- Mr. Noel urges the international community to stop supporting "opposition claims" (presumably of polling and counting fraud), which he says have "proven groundless". Mr. Noel could have no knowledge of any such proof, as the NEC has failed to conduct any serious investigation of irregularities, has prevented opposition observers from doing their duty, and has closed up shop.

- Mr. Noel advises Prince Ranariddh to "acknowledge his half-defeat" and to "help confirm the new government".

Noel's letter indicates that he sides with the ruling party and has sided with them for some time. Whatever the reason, we believe it is entirely inappropriate for a foreign-funded technical adviser to base his advice, actions and testimony on his personal bias.

We would be most grateful if you would clarify whether Mr. Noel's statements and actions are within the scope of the duties of a Canadian-funded election adviser and whether his stated views represent the views of the Foreign Ministry of Canada.

Mr. Noel's actions have had a critical effect on the Cambodian elections; they may even have affected whether the majority of seats in the Assembly go to the ruling party or the opposition. If Mr. Noel's actions are representative of the role that foreign advisers played in the Cambodian elections, the implications are very serious indeed.

Please, Your Excellency, accept assurances of our highest regards.

[signed]  
Prince Norodom Ranariddh  
President, FUNCINPEC

[signed]  
Sam Rainsy  
President, Sam Rainsy Party

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