

**KINGDOM OF CAMBODIA**  
**Nation Religion King**

**National Election Committee**

**CODE OF CONDUCT FOR OBSERVERS AS DETERMINED BY THE NATIONAL ELECTION  
COMMITTEE FOR THE 1998 GENERAL ELECTION**

**I. Preamble:**

WHEREAS, the election is a process that permits all persons to use their right to choose their own leaders to govern them, this election shall be free, fair, and transparent;

WHEREAS, It Is necessary to ensure that the election is free, fair, and transparent, and is seen to be free, fair and transparent, Observers who are neutral, impartial and without bias, shall be invited to observe the election process, without interfering for any reason, with the election;

THEREFORE, The National Election Committee has approved this Code of Conduct for National and International Observers to govern their observation of the election in the Kingdom of Cambodia as follows:

**II. Interpretation**

In this Code of Conduct

1. The word election and electoral process shall include registration of electors, revision of the register, computerization of the register, voting on polling day, counting of the ballots, transport of ballots to and from polling stations and consolidation of the results. But it shall also include actions before and after polling day by election officials, party agents at polling stations on polling day, as well as actions by the Commune and Province Election Commissions, and the National Election Committee. The declaration of the election results and actions arising under the Electoral Law to contest these results are also included.

2. The word observer only includes international and national observers but does not include national and international media or political party agents.

**III. Objectives of the Code of Conduct**

The objectives of this Code are to ensure:

1. Election Observation is done with integrity and transparency; and
2. Election Officials are permitted to do their work without interference.

**IV. Observer Status**

The Government of the Kingdom of Cambodia shall invite Observers to the Kingdom to observe the pending election. Once accredited by the National Election Committee, Observers are entitled to act independently of the Government of the Kingdom and the National Election Committee, and further, they are entitled to observe independently and to receive full cooperation from the Cambodian electoral authorities.

All Observers have the right to observe any activities linked to the registration or voters, the election campaign, voting on polling day, counting of ballots and declaration of results. But they must not interfere with or attempt to affect the election procedure.

**V. Rights and Duties of Observers**

When the National Election Committee legally recognizes them in writing, Observers shall be independent and have the rights and duties, which are set out below. These rights and duties are not mutually exclusive. Some of these are both rights and duties. All the following principles are important and are given equal weight and

priority. Therefore they are not ranked separately or in priority order. All the following are important and essential:

1. To travel, limited only for reasons of their personal security, anywhere in the Territory of the Kingdom of Cambodia without prior permission or notification;
2. May provide technical help to Registration and/or Polling Station Commissions in emergencies, as requested by the Chairman and authorized by their superiors;
3. Accompany delegations of voting officers at the time of transportation of documents and ballots to any Commune Election Commission, Provincial Election Commission or the National Election Committee;
4. Observe all meetings of the Commune and Provincial Election Commissions, and the National Election Committee except in camera meetings, concerned with appeals, refusals, objections and other complaints;
5. Refrain from discussing politically partisan issues with voters or candidates;
6. Help disabled voters at registration or polling stations if they need and request help;
7. Observe the election result tabulations of the Commune and Provincial Election Commissions and the National Election Committee;
8. Review and compare final result with the preliminary results recorded during the counting of ballots on polling day;
9. Report on any alleged minor abuse of law or regulation and any other irregularities to their superiors and any electoral authority.
10. Respect secrecy of voting;
11. Limited only by the directives of their superiors, have the freedom to report on their findings, observations and conclusions through their superiors. This precludes the independent and singular release of statements to the press concerning the election process and election results directly and on their own volition;
12. Have freedom of access to speak to or meet with all political parties, candidates and election officials, subject to availability;
13. Not interfere in the internal jurisdiction or affairs of the country;
14. Respect the Laws and recognize the Sovereignty of the Kingdom of Cambodia;
15. Must be comprehensive in their review of the election, considering all relevant circumstances and shall base their conclusions on well-documented, factual and verifiable evidence;
16. Shall be entitled to observe the whole of the electoral process which includes preparations for and registration of electors, preparation for and the registration of political parties and candidates, preparation for and the election campaign, all activities at the polling stations before, during and after polling, counting and other electoral activities. Observers shall not have the right to participate in any of the various Election Commission affairs;
17. May go in and out of the polling and the registration stations but not interfere with the electoral process, moreover, the number of Observers in one registration or polling station at the same time is limited to four Observers at any one time;
18. Shall be neutral, without bias and shall avoid the display of uniforms, colors or other items, which are symbols of support for or against candidates and parties;

19. Do not have the right to participate in complaint resolution processes during the election process but may observe this resolution process;
20. Shall produce proof of identity to the authorities when requested to do so, and must wear an identification card as approved and issued by the National Election Committee;
21. Shall not possess or carry weapons, or explosives during their assignment for the election;
22. Shall comply, during visits to any polling station, with the guidelines and procedures approved by the National Election Committee, as well as lawful instructions issued by local registration or electoral authorities, without interfering or obstructing the election procedure;
23. Shall be entitled to ask questions of and make comments to registration and electoral officers but should not give advice, change any error found or impede the electoral process. But they may report on any and all serious matters, as soon possible, to the electoral authorities present and provide a courtesy copy of their final report to the National Election Committee;
24. Shall be responsible for all costs and all other expenses during their observer mission in Cambodia directly, and/or through their organizations;
25. Shall refrain from using photographic equipment within registration or polling stations;
26. Shall not touch election or registration equipment or materials, including ballots, without the express consent of electoral authorities;

## **VI. Penalties**

The National Election Committee may cancel or remove the accreditation of any observer organization or individual from a premises in its sole discretion when, in its opinion, the organization or individual has

- a) Failed to comply with the lawful instructions, directives or orders of any competent electoral authorities;
- b) Publicly demonstrated bias in favor of a political party or candidate;
- c) Hindered or obstructed an election official in the conduct of their duties; or
- d) Infringed this Code of Conduct.

## **VII. National Observers**

1. The National Election Committee shall accredit all National Observers.
2. The National Election Committee has delegated authority to Provincial Election Commissions to issue identification cards to National Observers who are approved by the National Election Committee. These cards shall authorize National Observers to carry out their rights and duties within any polling station in any Province or Municipality. These cards shall be in the form approved by the National Election Committee.
3. An identification card shall be used for any further election that may be organized after the results of the poll are declared at one or more polling stations for which the results have been cancelled.

## **VIII. International Observers**

1. International observers and organizations that want to participate in observing the election in the Kingdom of Cambodia may contact the Cambodia Embassy located in their own countries.
2. The National Election Committee will issue international observers an ID card. This card authorized them to observe at any polling station in Cambodia.

## **IX. Media**

1. The electronic and print media are not observers for the purposes of this Code of Conduct. Nevertheless, members of the press are asked to respect this Code of Conduct and follow the particular rules set out below.
2. The National Election Committee upon production of valid press documentation will accredit domestic and international journalists. The media shall enjoy the freedom of the press and of movement in all areas of Cambodia in order to report on the electoral process.
3. But the media only have access to registration or polling stations, specifically designated by the National Election Committee, while registration or polling is underway. The approval of the National Election Committee, upon the presentation and approval of credentials by the media is required for this access.
4. Members of the media are expected to accurately present the facts impartially and without bias.

## **X. Request**

After the election has ended, observers are asked to provide, as a courtesy, a written copy of their observations and conclusions on the election processes to the National Election Committee.

The Code of Conduct of the National Election Committee has been adopted on May 6, 1998.

Dean Chheng Phon

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