

## A. FROM CONFRONTATION TO COMPROMISE – A CATALOGUE OF EVENTS

### 1. Background

The elections held on 26 July 1998 marked an historic moment in the development of Cambodian democracy. Unlike the elections of 1993 which were run by the UN, this time the polls were organised by Cambodians themselves, monitored by around 1,000 foreign observers – (including some 600 observers sent by about 40 countries gathered under the Joint International Observer Group/JIOG). While there were clear signs of intimidation and de facto censorship in the months preceding the polls, most observers gave voting day itself a seal of approval<sup>1</sup>.

Problems arose, however, during counting and when it became clear that the CPP would win the elections with an absolute majority, FUNCINPEC and the Sam Rainsy Party claimed fraud and said the formula for allocating seats had been changed illegally<sup>2</sup>. These complaints were given short shrift by the National Election Committee (NEC) and the Constitutional Council, both dominated by CPP supporters. The international community, anxious to avoid a constitutional crisis in Cambodia and the risk of instability, showed little sympathy.<sup>3</sup>

The opposition, spearheaded by the former finance minister Sam Rainsy, kicked off a civil disobedience campaign with a demonstration on 23 August 1998 that gathered some 10,000 people demanding a thorough investigation into fraud claims. The following day protestors began a sit-in protest outside parliament and their growing tented village was soon dubbed Democracy Square. Their anger flared when the Constitutional Council, final polls arbiter and the country's top legal body, rejected all their complaints on 31 August 1998.

On 1 September 1998, the NEC formally declared the CPP as winner of the elections, giving Hun Sen the right to form and head a new government. But any new government must command the support of

<sup>1</sup> See earlier ICG reports, *Getting Cambodia Ready for Elections*, 12 January 1998; *Cambodia's Flawed Elections*, 16 June 1998; and *Cambodia's Elections Turn Sour*, 10 September 1998.

<sup>2</sup> The row over the seat allocation formula is dealt with at length in ICG's report, *Cambodia's Elections Turn Sour*

<sup>3</sup> Many analysts feel the international community perhaps made a pragmatic, rather than principled, observation about the elections. ICG addressed serious abuses following the 5-6 July 1997 factional fighting and during the electoral process in its three earlier reports. *Getting Cambodia Ready for Elections*, 13 January 1998; *Cambodia's Flawed Elections*, 16 June 1998; *Cambodia's Elections Turn Sour*, 10 September 1998. International Republican Institute President Lorne Craner, during testimony to a U.S. Congress Sub-committee on Asia and the Pacific meeting on 29 September 1998, described the electoral process as "among the worst" the U.S. body had observed since 1993. Some analysts feel this judgement unduly harsh.