**Fact Sheet:** Institutions Series: Commune Councils  
**Institution:** Commune Councils  

**Snapshot:** The decentralization of local governance to democratically-elected Commune Councils is in theory a welcome step for democracy in the Kingdom of Cambodia (“Cambodia”). However, the fact that independent candidates are barred from participating in Commune Council elections seems to contradict the central aim of decentralization, namely bringing democracy closer to the people by increasing the degree of local representation. In fact, the political process at the local level now entrenches political control at all levels of government.

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**Introduction**

With Commune Council elections due on 3 June 2012, this fact sheet provides a timely overview of the Commune Councils and the election process, highlights the total political control established by the governing party, and makes recommendations for reforms to the political process. This fact sheet is written by the Cambodian Center for Human Rights (“CCHR”), a non-aligned, independent, non-governmental organization that works to promote and protect democracy and respect for human rights – primarily civil and political rights – throughout Cambodia.

**Background**

Throughout its history, Cambodia has had a highly centralized government. Since 2001, however, when the Law on Commune/Sangkat Administrative Management (the “Law on Communes”) was adopted, the Royal Government of Cambodia (the “RGC”) has acknowledged the importance of decentralization to the development of Cambodia. Indeed, the term “decentralization and deconcentration” is a cornerstone of the RGC’s 2004 Rectangular Strategy for Growth, Cambodia’s long-term development vision. Decentralization is the process of dispersing decision-making and governance to a level closer to the people. Electing representatives at the local level has two advantages: (1) people feel more involved in the democratic process; and (2) local-level decisions are typically better-suited to the needs of specific communities than those made centrally.

**Commune Councils – structure and functions**

According to Article 145 of the Constitution of the Kingdom of Cambodia, communes are the lowest level of governance, with 1,621 communes throughout the country. Each Commune Council has between five and 11 members, depending on its demography and geography (Article 12, The Law on Communes). Each Commune Council has a chief – the presiding Commune Councillor – who is assisted by a first and second deputy (Article 33), and the Commune Council must meet at least once a month (Article 21). Commune plans, budgets, local taxes, etc., may only be adopted by an absolute majority of the Commune Council, with the presiding Commune Councillor holding the carrying vote (Article 22). Commune Councils have two main functions (Article 42): (1) to serve local affairs for the interests of the commune and its citizens, including promoting local representation, participation and accountability; and (2) to act as an agent of government, performing tasks designated or delegated by the RGC, which raises questions as to whom the Commune Councils represent and to what degree a conflict of interest exists. Commune Councils are invested with executive and legislative powers (Article 48) and have various roles/duties subsidiary to its functions.

**Commune Council elections**

The citizens of each commune directly elect their Commune Councillors, which have a mandate of five years (Articles 10 and 11). Elections are only held in communes where more than one party is
registered to stand, and are based on proportional representation, with each registered party submitting a list of candidates in order of preference. Commune Council seats are then allocated based on the number of votes that each party receives. In accordance with the Law on Political Parties, parties must be registered at the Ministry of the Interior (Article 8), and must have at least 4,000 members from a number of provinces/municipalities (Article 19). To date, two Commune Council elections have taken place: the first in 2002, and the second in 2007. A total of 11,353 seats were contested in the 2007 Commune Council elections: the Cambodian People’s Party (the “CPP”) won 7,993 seats, the Sam Rainsy Party 2,660 seats, FUNCINPEC 274 seats, and the Norodom Ranariddh Party (the “NRP”) 425 seats. Smaller parties are under-represented relative to their share of the popular vote: while the CPP won 70% of the seats despite holding just 60% of the popular vote, the NRP took just 3.7% of the seats despite having 8% of the popular vote.

**Total control**
These elections have a far-reaching effect beyond the parameters of the communes: since the governing party can control the Commune Councils through the requirement that only established political parties can field candidates, and because the Commune Councils then appoint Cambodia’s 13,000 or so village chiefs, control is extended right down to the lowest, most local level. Furthermore, since local authorities are then able to manage voter registration for the national elections and tightly monitor campaigning, this local control in turn cements the governing party’s hold on power at a national level. Add to this the fact that this level of political control has been replicated at the district and provincial levels – which lie between local and national government – whereby the Commune Councils also elect these authorities, and the governing party’s political control is complete. Moreover, the commune election committees (“CECs”) are selected by the National Election Committee and are generally filled with government-aligned members. Finally, the Commune Councils select the vast majority of the seats in the upper house of Cambodia’s bicameral parliament – the Senate – so this disproportionate and weighted system also directly affects the composition of the legislature. Total political control by the governing party is thus achieved through the monopolization of the apparatus and infrastructure of government at all levels.

**Conclusions and recommendations**
The decentralization of governance to democratically-elected Commune Councils is in theory a positive step for democracy in Cambodia. However, the fact that independent candidates are barred from participating in Commune Council elections seems to contradict the central aim of decentralization, namely bringing democracy closer to the people by increasing the degree of local representation. CCHR therefore makes the following recommendations for reform:

- Commune Council candidates should be fully independent and not publicly affiliatated to any political parties;
- CECs should be filled with genuinely independent election experts to secure fairer elections;
- Village chiefs and district/provincial authorities should be elected directly by the people; and
- Relevant laws, including the Law on Communes and the Law on Political Parties, should be amended to take account of these recommendations.

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