

# Parliamentary Watch Report

1<sup>st</sup> Annual Report of 4<sup>th</sup> Legislature  
(September 2008 - September 2009)



Single Party-Controlled National Assembly  
Parliamentarian's Immunity Easily Lifted

# 1<sup>st</sup> Annual Report of 4<sup>th</sup> Legislature (September 2008 - September 2009)

Front: Top Photo: National Assembly Plenary Session  
broadcasted by TVK on September 25, 2008

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## ACRONYMS AND ABBREVIATIONS AND POLITICAL PARTY LOGOS

- CPP:** Cambodian People's Party
- Funcinpec:** Front Uni National pour un Cambodge Indépendant, Neutre, Pacifique et Coopératif  
or National United Front for an Independent, Neutral, Peaceful and Cooperative  
Cambodia
- HRP:** Human Rights Party
- Mins:** Minutes
- MP:** Member of Parliament
- NA:** National Assembly
- Neg:** Negative
- Neut:** Neutral
- NRP:** Norodom Ranariddh Party
- NP:** Nationalist Party
- Pos:** Positive
- RGC:** Royal Government of Cambodia
- SRP:** Samrainsy Party



CPP



SRP



HRP



Funcinpec



NP (former Norodom Ranariddh Party)



## FORWARD

To report on observations made of the performance of the national assembly and its members COMFREL began producing monthly findings as part of the Parliamentary Watch (PW) project at the start of Third Legislature of the National Assembly.

The first PW annual report published findings from the fourth legislature, September 24<sup>th</sup>, 2008 to September 30<sup>th</sup>, 2009, and focused on the opinions expressed by parliamentarians during national assembly plenary sessions and the obstacles which parliamentarians faced in fulfilling their duties.

The fourth legislative PW Monthly Reports have been produced, analysed and compiled for inclusion in this annual report and are intended to help voters assess the performance of parliamentarians during NA sessions and constituency visits and aid in understanding the focus of parliamentarian's work.

COMFREL believes that voters not only choose their representative during elections, but also wish to follow the performance of their chosen parliamentarian during the period of their mandate. This document is intended to help voters in choosing a candidate in future elections and to increase the accountability of their parliamentarian and other elected officials. The report also acts as an essential source of information on the national assembly and parliamentarian's activities for students and researchers.

COMFREL has striven to compile information and analyse data neutrally and impartially. Other opinions in this report reflect survey results of voter's opinions.

COMFREL would like to thank the General Secretariat of the national assembly and its staff, as well as the parliamentarians who cooperated in providing information related to their own activities. Their contributions and cooperation have in great measure contributed to the success of COMFREL's observations.

It should be noted that researchers did encounter some obstacles in contacting Parliamentarians. Primarily, as letters and documents sent to parliamentarians through the national assembly Administration Department are screened and authorised by the general secretary before forwarding to the recipient parliamentarian. As a result, some documents and letters were not received by parliamentarians.

COMFREL is proud of its staff members who have worked tirelessly, despite the difficulties they may have faced, to collect data and observe and collect information in accordance with the methodology for producing this first annual Parliamentary Watch of the fourth legislature.

COMFREL wish to acknowledge the work of the following staff members in producing this report: Mr Sok Pitour, Mr. Korn Savang, Ms Ly Malin, Mr Chheng Pheakdey and Mr Mey Sopeaktra, as well as COMFREL's provincial/municipal coordinators and secretaries across the country and Mr Rob Savage for editing the English language version.

Finally, COMFREL would like to thank its donors, the EU, UNDEF/UNDP, Novib, Forum Syd, and the NPA, who have supported and financed the Parliamentary Watch project and the publication of this report.

KOUL Panha, Executive Director of COMFREL



## RECOMMENDATIONS

- During the 3<sup>rd</sup> legislature expert commissions were comprised of a proportionally representative number of opposition and majority party Members of Parliament (MPs). Since the start of the 4<sup>th</sup> legislature this is no longer the case. Expert commission panels are now made up entirely of Cambodian People's Party (CPP) members. To maintain the necessary 'checks and balances' in keeping with the spirit of Cambodia's democratic system of governance, COMFREL believes that all institutions reflect the choice of electorate and that the national assembly share leadership positions among all elected political parties based on the proportion of seats held.
- Article 48 (2<sup>nd</sup> amendment) of the internal regulations of the national assembly relates to the rights of a member of parliament to engage in debate during plenary sessions. A member of parliament may only express their opinion in plenary session if s/he is a member of a plenary speaking group comprised of at least 10 members. This rule is a cause for concern as it also acts as a mechanism to prevent parliamentarians from political parties with less than 10 seats from voicing their opinions. To ensure that members of parliament from all parties be heard, it is recommended that this article be revised to state that 'Political parties winning less than 10 seats in the national assembly can form one plenary speaking group.' This amendment would reflect Article 51 of the Cambodian Constitution which states that, 'The Kingdom of Cambodia adopts a liberal multi-party democratic policy'
- All draft laws or agendas debated in the plenary sessions were approved without change or revision, even when revisions were requested by opposition party members. This makes the national assembly sessions little more than a forum for the formal approval of draft laws. True debate and revision of draft laws is made by expert commissions which, with the participation of a royal government official, are responsible for studying draft laws before placing them on the agenda of the national assembly session. However, these expert commission meetings are closed door. To ensure that the interests of all citizens and parliamentarians are met, COMFREL suggests that the national assembly expert commissions shall allow the public to observe its meetings and that the national assembly invite relevant civil society groups, local communities, private sector organisations and other relevant stakeholders to provide feedback, comments and make recommendations on debated draft laws.
- The distribution of draft laws or agendas for review within an appropriate timeframe before the final session vote is also of concern. Relevant stakeholders, including members of parliament and public experts need a realistic amount of time to study the proposed law and give their recommendations to members of the national assembly and expert committees. However, COMFREL observers found that agendas and draft laws are usually only distributed to the members of the national assembly 2 to 3 days prior to the session of the national assembly in which the law is to be approved. To guarantee that the national assembly is both transparent and representative of the people, COMFREL call on the secretariat of the national assembly to distribute draft laws to all parliamentarians and to also make them available to the public as soon as the draft laws are tabled for expert committee review.
- The office of the General Secretariat of the national assembly handles all communication between voters and parliamentarians. However, the current process requires that all letters or documents sent to member of parliaments be approved by the general secretary before forwarding to the addressed MP. In addition to this being an additional task for the general secretary this can also cause delay or even non-delivery of material to the recipient MP. To facilitate communication between voters and parliamentarians this process should be revised by delegating the power of review to administrative staff. Furthermore, if the documents contain no dangerous substances or illegal materials, the administrative staff should forward the



materials immediately to the recipient parliamentarian by placing it in their national assembly post box.

- The secretariat of the national assembly issued a notice in September 2009 that people who wanted to visit the national assembly must obtain permission, through their local authorities, from the secretariat of the national assembly while providing their name, occupation and address. COMFREL proposes that to facilitate communication and contact between voters and members of parliament that this process be revised and that the only provision should be that people hold a valid identity card.
- The provincial parliamentary offices are integral to communication between voters and parliamentarians within constituencies. Observers found that offices in some provinces were either not operational or had no fixed working hours. Moreover, when parliamentarians visited their constituency they often did not visit the office. The national assembly must increase staffing and the budgets of the provincial parliamentary offices as well as renovating the older buildings.
- Parliamentarian's immunity should not be lifted for the opinions they expressed. Article 5 of the law on the 'Statue of Member of Parliament' should be scrapped in accordance with the spirit of Cambodian constitution article 80.



## SUMMARY

The results of 2008 national assembly election saw the Cambodian People's Party (CPP) win 90 seats (equal to 73% of the total seats in the national assembly). With their parliamentary majority the CPP held enough seats to form a quorum and commence plenary sessions, approve national assembly agendas and vote on the lifting of parliamentarian's immunity and draft laws.

The opposition Samrainsy Party (SRP) won 26 seats and the Human Rights Party (HRP) 3 seats. The Funcinpec Party, whose members joined the CPP-led government, and the Nationalist Party (NP) (formerly the Norodom Ranariddh Party) won 2 seats each.

COMFREL's parliamentary watch report for the first year (September 2008 to September 2009) of the fourth legislative found that:

- **Management Structure of the national assembly:** Internal discussions and decisions of the permanent committee and expert commissions of the national assembly are made by the CPP Parliamentarians only. The positions of president and two vice presidents of the national assembly and the presidents and vice presidents of the nine expert commissions of the national assembly are all held by CPP MPs, leaving opposition parties excluded from the decision making process.
- **The Secretariat of the national assembly:** Article 14 of the Internal Regulations of the national assembly states that '... the secretariat [of the national assembly] is responsible for all administrative tasks and other services to the national assembly and all commissions of the national assembly including external communications.' However, observations confirmed that in the first year of the fourth legislature, communication between voters and parliamentarians faced more obstacles than during the previous mandate, largely because the secretariat of the national assembly implemented new rules regarding communications between voters and their parliamentarians. For example, all letters and documents sent to a member of the national assembly must be through the administration office and will not be forwarded to parliamentarians if they are not approved by the general secretary of the national assembly. In the September of 2009, the Secretariat of the national assembly also issued a notice outlining new rules for members of the public wishing to observe plenary sessions, visit the national assembly or arrange a study tour of the national assembly. Some parliamentarians expressed the opinion that the rule is being used to restrict the right of people to monitor or visit parliamentarians and the national assembly.
- **Parliamentarian's immunity:** Opposition parliamentarian's immunity is easily lifted or suspended if there is a request from the court, through the Justice Ministry, to the national assembly. Over the previous year, the national assembly, led by the ruling CPP majority, has voted to lift the immunity of three opposition parliamentarians following lawsuits for defamation. There was criticism of these decisions as no debate was held as to the reason for the lifting of the parliamentarian's immunity before it went to the vote. Neither was the parliamentarian in question allowed to speak on their own behalf during the plenary session before their immunity was lifted.
- **Parliamentarian Replacement:** Cambodian Election Law gives full power to political parties to remove or replace an elected Member of Parliament from their political party. Between the official swearing in of parliamentarians (September 24, 2008 to the end of September 2009), 29 elected CPP MPs were replaced by their unelected reserve candidates.



While some members of parliament were replaced on the grounds that those MPs were appointed to hold positions in the Executive Branch, reasons for the replacement of the remaining MPs were not given.

- **The NA plenary session:** Plenary sessions proceeded smoothly as the CPP majority ensured the forming of the necessary quorum and the approval of any suggested agenda. COMFREL's data showed that 23 meetings were held and were attended on average by 99 MPs. COMFREL observed that 11 parliamentarians rarely attended the sessions of the national assembly.
- **Debate and approval of Agendas for Plenary Sessions:** There were 33 agendas over the 23 plenary meetings, 32 of which were debated before approval. The remaining agendas were Royal Government's representative's clarifications of MP's questions that do not require approval. 15 agendas were approved without any debate and related to votes of confidence in MPs, the President and Vice-president of the National Assembly Commissions, recognition of new parliamentarians and the lifting of parliamentarian's immunity.

The analysis of the number of sessions and the agendas debated show that in each session, on average, one or two agendas are debated and approved. For the debated and approved agendas: 17 included draft laws, 15 votes of confidence and 1 clarification (not requiring formal approval).

As the ruling party held more seats than are needed to approve any agenda in the national assembly, all agendas or draft laws proposed by government or parliamentarians from the ruling party were approved without any change to meaning even when parliamentarians from the opposition party insisted on changes to meanings.

During the debate and approval of the draft laws, COMFREL observers noted that parliamentarians usually follow their political party line rather than take an independent stance. CPP parliamentarians always followed their party's position. Similarly, opposition members of parliament also voted in line with their party's public position.

Internal Regulations of the national assembly that require MPs to form a group of at least 10 members in order to speak at the national assembly have caused difficulties for parties with less than 10 seats. As a result, parliamentarians from Funcinpec and Nationalist Party (the former Norodom Ranariddh Party) have formed groups with majority CPP members. Parliamentarians from opposition HRP rejected joining with other groups stating that they do not want to be in the under supervision of other political parties - the result of which is that members of the HRP are unable to express their opinions in plenary sessions.

COMFREL observed that over the 33 agendas debated in 23 meetings, there were only 29 parliamentarians (equal to 24% of the 123 members of the national assembly) from 3 political parties who expressed their opinion. These 29 parliamentarians did so 119 times, a total of 1240 minutes (equal to 20 hours and 40 minutes). 94 parliamentarians did not express their views. MPs express an opinion an average of 5 times (54 minutes) per meeting.

The quality of debate is also questionable since one agenda is, on average only debated for only 33 minutes. Opposition MPs have voiced their concerns that their MPs often did not have enough time to study draft laws or proposed agendas since they are distributed to MPs only a few days (normally 2-3 days) before the plenary session. Additionally, opposition MPs are excluded from the expert commissions.



- **Parliamentarian speaking during the plenary session:** COMFREL observed no political discrimination in allowing parliamentarians to express their opinions during debate if their comments followed the internal regulations of the national assembly. However, the president of the national assembly or the chair of the session occasionally banned opposition parliamentarians from speaking claiming that they were straying outside of the debated agenda or topic.

Of the 29 parliamentarians that expressed their opinion: 18 were members of the CPP (equal to 20% of its 90 parliamentarians), 10 from the SRP (38% of its 26 parliamentarians) and 1 from nationalist party (one of its 2 parliamentarians).

Although the number of parliamentarians from the SRP expressing their opinion is less than the number of parliamentarians from the CPP, the time used by parliamentarians from the SRP is more than parliamentarians from the other parties combined; approximately 12 hours 19 minutes or 60% of the total session's duration. Parliamentarians from CPP expressed their views over approximately 8 hours and Nationalist Party parliamentarians expressed their opinion for only 39 minutes.

- **Parliamentarians' Constituency Visits:** According to COMFREL's database at least 98 parliamentarians (equal to 80% of its 123 parliamentarians) across all political parties visited constituencies 1018 times (each parliamentarian visiting their constituency around 10 times per year). Parliamentarian's visits largely focused on visiting people, giving gifts or inaugurating projects and strengthening party networks. Requested intervention in public concerns amounted to only 14 visits.

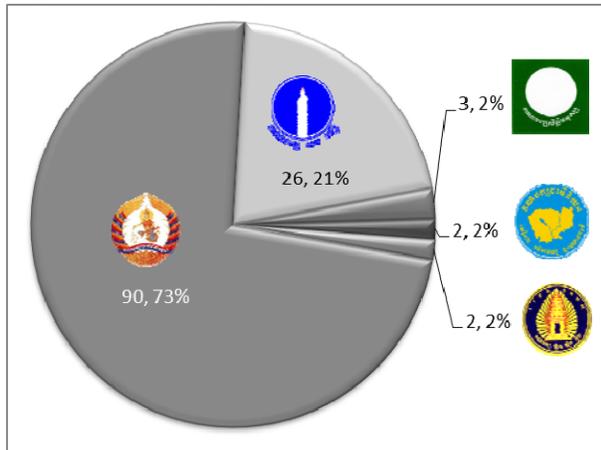
Among parliamentarians who conducted constituency visits, 69 were from the CPP (equal to 77% of its parliamentarians) who made 822 visits, an average of 12 visits per parliamentarian. 22 SRP parliamentarians (equal to 85% of its parliamentarians) made 156 visits, an average of 7 visits per parliamentarian. The 3 HRP MPs made 24 visits, an average of 8 visits per parliamentarian. Fucinpec parliamentarians made 9 visits and parliamentarians from Nationalist party 7.

Parliamentarians' visits focus largely on their own constituency. 875 own-constituency visits compared to 143 non-constituencies. The purpose of these visits also included participating in forums organized by NGOs or to accompany (as a group) party leaders and intervene in constituent's concerns.

**PARLIAMENTARY WATCH****(YEAR 1: SEPTEMBER 2008 - SEPTEMBER 2009)**

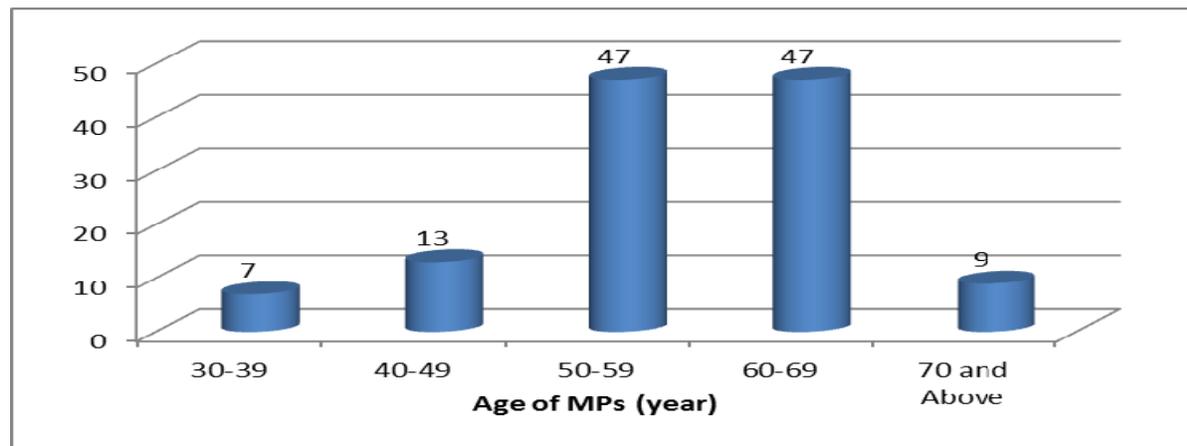
The fourth parliamentary election (the fourth legislative) in Cambodia was held on 27 July 2008. The national assembly of the fourth legislative first sat after the National Election Committee announced the formal results and members of the national assembly attended the first legislative session on 24 September 2008.

There were 11 Political parties competing in 2008 election but only 5 political parties won seats in the national assembly.

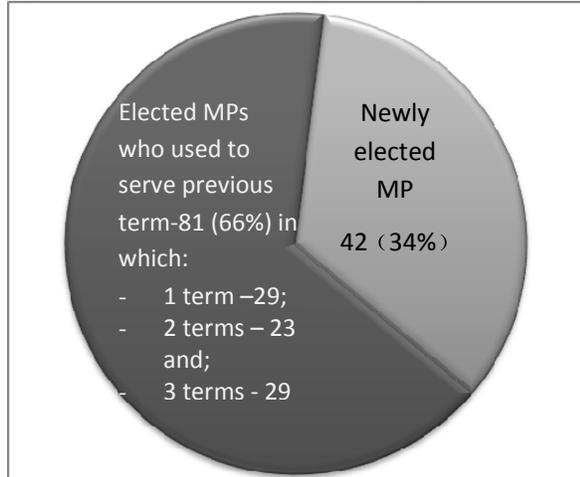
**Figure 1: Political party and the number of seats won in the fourth legislative**

The CPP won 90 seats (equal to 73% of the national assembly seats). This majority gave the CPP the deciding vote in plenary sessions.

The opposition SRP won 26 seats and the newly established HRP won 3 seats. Funcinpec and the Nationalist Party (formerly the Norodom Ranariddh Party) parties won 2 seats each.

**Figure 2: The age (year) of parliamentarians in the fourth legislative**

The majority of MPs in the fourth legislative are over 50 years old - a total of 103 MPs (equal to 84% of the total). There are only 20 MPs aged between 49 or below.

**Figure 3: the number of newly elected parliamentarians versus re-elected parliamentarians**

Most MPs in the fourth legislative are re-elected MPs. There are only 42 newly elected MPs (34%). There are 81 MPs (66% of all MPs) who were elected to the previous legislative (since 1993).

After the announcement of the official results the minority members threatened to boycott the first session of the assembly, held to officially inaugurate the 4<sup>th</sup> legislature.

Minority members hoped that in line with the articles of the constitution that their boycott would prohibit the CPP from forming the 4<sup>th</sup>

legislature of the national assembly, as there would not be enough MPs (120 members of national assembly) to form the required quorum for the first session of the national assembly. The controlling CPP countered, warning that constitutional laws would allow the removal of those not attending the first meeting and their replacement by members from other elected parties.

As a result, the first session of the national assembly of the fourth legislative took place, albeit in a wake of constitutional controversy.

## 1. THE PLENARY SESSION IN THE NATIONAL ASSEMBLY

The first year report will include information and data related to the national assembly and parliamentarian's performance for the period October 2008 to September 2009. This report also includes other events related to the activities of the national assembly and individual parliamentarians during September 2008.

The report will provide information and analysis of the results of COMFREL's observations of plenary sessions of the national assembly and the activities of each MP outside of the national assembly. Other information related to the national assembly and parliamentarians is also recorded and analysed.

Article 83 of the Cambodian constitution states that the national assembly hold ordinary sessions, of at least 3 months duration, twice a year. If the session is not held during this period, the national assembly can call for an extraordinary meeting (session) by request of the king or prime minister or at least 1/3 of member of the national assembly. The agenda and the date of the extraordinary session shall be disseminated to the population.

The constitution also states that the national assembly shall be held in public. But that closed sessions will be allowed at the request of the president, king, or prime minister, or by at least one tenth of the national assembly members.

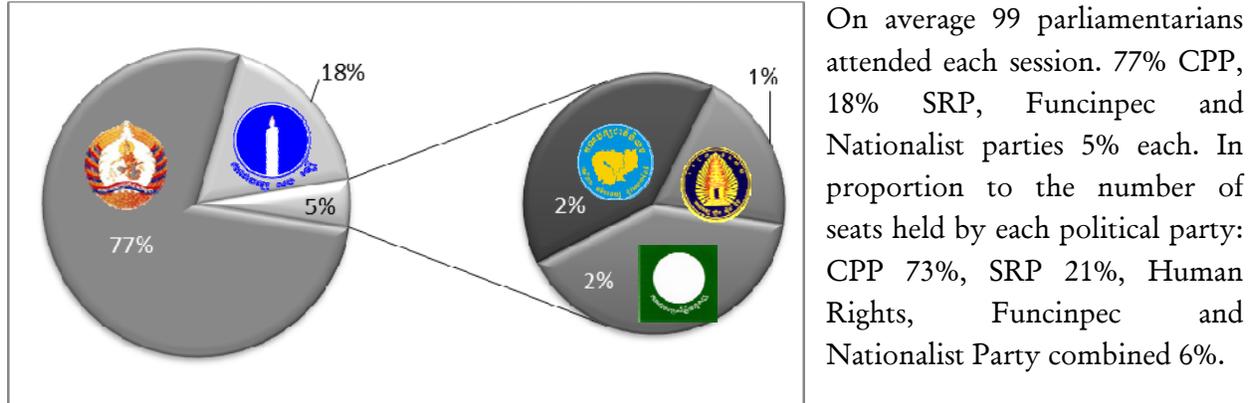
Article 88 of the constitution outlines the validity of a session. The session of the national assembly shall be considered valid if A) There is a quorum of more than two thirds [82 MPs] of all National Assembly Members, for any votes which require a two-thirds majority of all Members. B). There is a quorum of more than a half of all National Assembly Members [62 MPs] for any votes which require an absolute majority of all Members.

This year the national assembly held 2 plenary sessions consisting of 23 meetings (23 mornings). 2 plenary sessions were held, (September-December 2008 and April to June 2009). There were also two extraordinary sessions over 2 mornings in March and August 2009.

Of 23 meetings, 22 were conducted openly and one, to lift the opposition parliamentary immunity, was closed door.

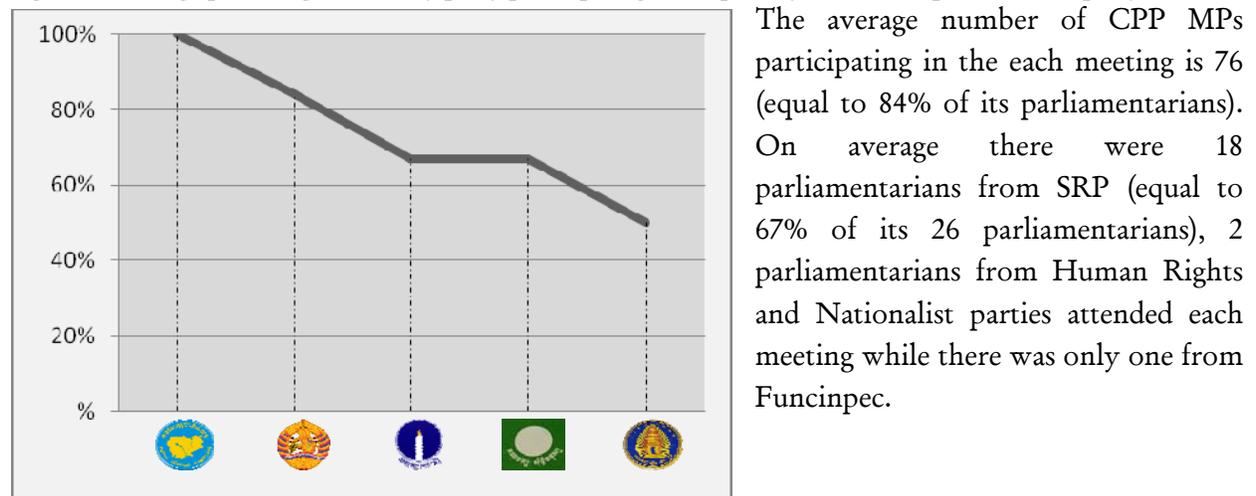
The national assembly has not failed to meet the numbers required to form a quorum.

**Figure 4: The percentage of parliamentarians by party attending each session (average 99 parliamentarians)**



COMFREL noted that most parliamentarians holding positions in the government rarely attended plenary sessions.

**Figure 5: Average percentage of MPs by party participating in the plenary session compared to total party**



### 1.1. Debate and Approval of Agenda/Draft Law<sup>1</sup>

Article 48 (2<sup>nd</sup> amendment) of the internal regulations of the national assembly requires the seating of MPs to be grouped by political party. Each group shall have at least 10 members and political parties with less than 10 seats will join with other MPs until a group satisfying the minimum requirement of ten MPs is formed.

<sup>1</sup> Detailed agendas with voting and date of approval can be found in Annex 1



Members of each group are entitled to express their opinion during the plenary session. This means that if any parliamentarian is not a member of a group she/he will not be able to raise their view in the session.

Article 48 is an obstacle for parliamentarians from parties with less than 10 seats wishing to express their opinion in meetings. Additionally, MPs from these parties have been forced to join MPs from other parties with at least 10 seats in order to have a voice in the national assembly.

In the fourth legislature, there are three political parties that won less than 10 seats: The HRP, Funcinpec and the Nationalist party. Out of these parties, two political parties FUNCINPEC and NP have combined with another political party so as to express their opinions in the national assembly. HRP refuses to join another group. As a result their members are barred from debate.

Article 48 is also unclear as it relates to the formation of a group by parties with less than 10 seats. The phrases in the article “political parties with less than 10 seats shall choose a group to join” can be interpreted as “the parties with less than 10 seats must join with a party with at least 10 seats in order to form a group”.

However, to guarantee the right of expression for minority parliamentarians’ article 48 should be amended to allow any political party which holds less than 10 seats to create their own group.

Article 48 has led to the COMFREL observation that despite 5 parties holding seats in parliament only 3 parties have MPs that were able to express their opinions during plenary sessions.

**The Debate and Approval of Draft Law/Other Agendas:** There were 33 agendas over 23 meetings. However, only 32 agendas needed approval (the remaining being a clarification question). Of the 33 agendas, 15 agendas were not debated. These agendas related to votes of confidence in members of Royal Government: a vote of confidence in the President, the Vice-President of the

### **Ruling Party MPs Defend Government position on Draft Laws**

In the plenary session to debate and approve the draft law on Tourism, SRP Ly Sreyvina asked the government’s representative to clarify the standard for evaluating product quality. “Please briefly clarify the standard of a product. What standard has been determined? Which standard do you use?”

CPP MP Chheang Von responded to the question instead of the requested government official saying. “Each country has different standard in accordance with their country. ISO came for evaluation.”

### **PM Hun Sen: NA should not spend more time debating the draft law on 2009 Financial Management**

Opposition MPs were criticized by Cambodia Prime Minister and MP for Kandal Province Samdech Hun Sen for their criticism of the 2009 financial management draft law claiming that they aimed to delay the approval of the law when the government urgently needed it passed.

PM Hun Sen said that. “Royal Government is not a boy who sucks the figure. This law is good enough and it had been discussed many times with experts and it was also debated in the workshop to find any idea from donors, so the opposition party need say no more, the idea will not get better.” The criticism was made by Prime Minister Hun Sen during a rare participation in a NA plenary session. MP Sun Chhay replied that. “MPs are law makers, if the meeting of the National Assembly are [just there] to praise [the draft law], what will the National Assembly be?” There were only 2 meetings to debate this draft law, on the 8<sup>th</sup> and 9<sup>th</sup> December 2008. The law was approved by 81 out of 95 votes. Opposition MPs did not vote to support the draft law.



expert committee of the national assembly and an announcement recognising a new parliamentarian.

The 33 agendas include: 17 draft laws, 15 votes of confidence and 1 verbal clarification from the Government (clarifications require no approval and are not subject to the quorum limitation).

As the ruling party has a majority in the national assembly, all agendas or draft laws floored by government or national assembly members from the ruling party were approved without change even when parliamentarians from opposition parties insisted on corrections to errors or clarification of meanings.

COMFREL observes that the national assembly does not fulfil its oversight responsibility. The national assembly, with its CPP majority, often protects government members by using its MPs to defend a government official's position in their absence thereby protecting the absent government official from criticism by the opposition parliamentarians.

During the debate and approval of the draft laws, COMFREL noted that parliamentarians usually follow their political party line rather than take an independent stance. CPP parliamentarians always followed their party's position. Similarly, opposition members of parliament also voted in line with their party's public position.

The quality of debate is also questionable since one agenda is on average only debated for 33 minutes. Opposition MPs have voiced their concern that MPs often did not have enough time to study draft laws or proposed agendas since they are given to MPs only a few days (normally 2-3 days) before the plenary session. Additionally, opposition MPs are excluded from holding positions on the expert commissions.

## **1.2. Expression of Parliamentarians in the plenary session**

COMFREL observed that over the 33 agendas debated in 23 meeting, there were only 29 parliamentarians (equal to 24% of 123 members of the national assembly) from 3 political parties who expressed their opinion. These 29 parliamentarians did so 119 times, for a total of 1240 minutes. 94 parliamentarians did not raise their views. Those that did express an opinion did so an average of 5 times (54 minutes).

### **Factors affecting the number of parliamentarians expressing their opinion**

- The rule on the duration for which a MP can speak restricts access to the floor to 20 minutes per group for each article. And each group consists of leader, deputy-leader and member.

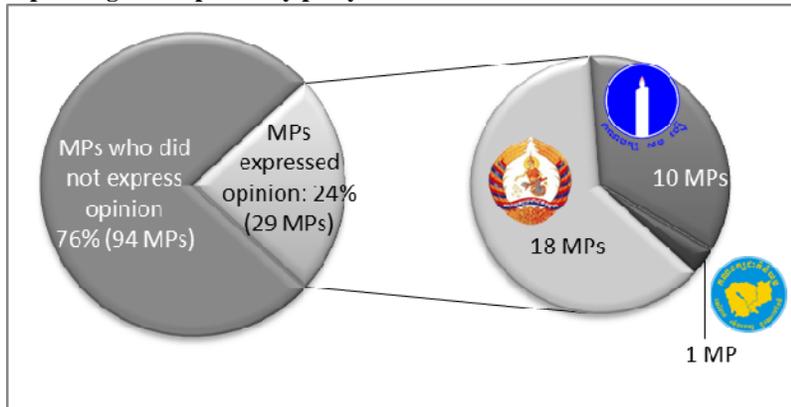
Group members who wish to express their opinion must submit their point or question in writing. It is then countersigned by the leader of their group who submits it to the secretariat of the meeting after which the president of the meeting will decide whether the point or question is admissible.

For example, in hypothetical group A, there are 5 parliamentarians who wish to raise an issue but the group's first speaker spent 20 minutes debating. Now the remaining 4 parliamentarians cannot enter the debate as the allotted time has expired. Additionally, the president of the meeting is able to bar parliamentarians from expressing their opinions.

- The will of parliamentarians to express their opinion: There are only 3 parliamentarians who are not group members and therefore have no right to express their opinions. Excluding the President and Vice-President of the national assembly, there are 117 parliamentarians with the right

to express their view. However, COMFREL has noted a lack of willingness to express an opinion as most MPs consider a draft law to have been sufficiently debated in the expert commission. For example, the CPP has 90 parliamentarians, over 9 groups, but in the observation year there were only 18 parliamentarians who expressed their view from these 9 groups. This means that on average only 2 parliamentarians in each group raised points.

**Figure 6: Percentage of MPs expressing their opinions in the plenary session and the number of parliamentarians expressing their opinion by party**



18 MPs from the CPP, 10 MPs from SRP and 1 MP from Nationalist party.

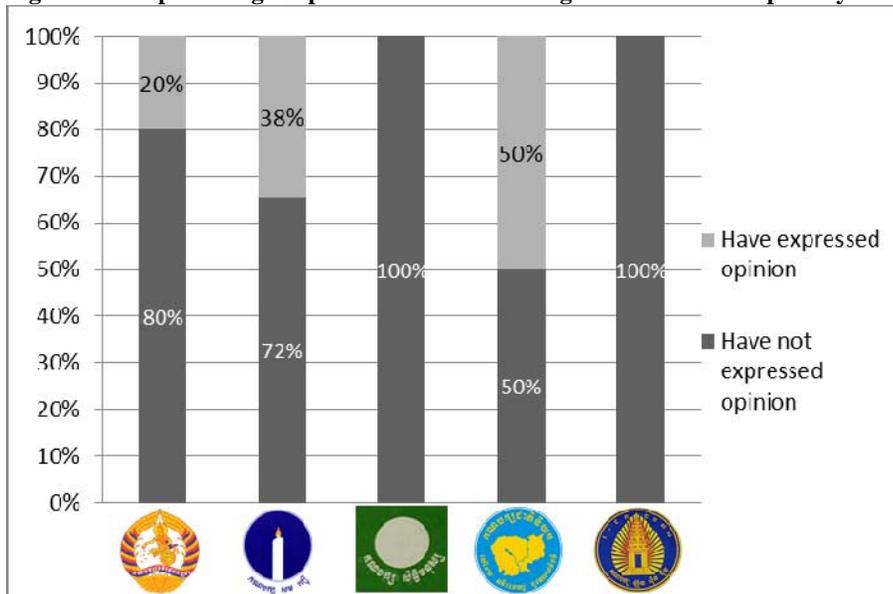
94 MPs (equal to 76% of its all MPs) did not raise issues. 72 MPs from the CPP, 19 MPs from the SRP party, 3 HRP, 2 Funcinpec and 1 from the Nationalist party.

On average MPs expressed their

opinions on bills 5 times per meeting, using approximately 54 minutes.

50% of Nationalist party members raised points, along with 38% of SRP members. Only 20% of CPP members raised points (18 out of their 90 MPs).

**Figure 7: The percentage of parliamentarians raising their views in the plenary session by party**



COMFREL observed that the chairman of the meeting set limitations on all member of the national assembly. All expressions which were off topic were banned, even for parliamentarians from the ruling party. However, observers reported that in most cases it was opposition MPs who were banned from speaking.

### 1.2.1. Qualitative observations of MPs contribution to debate

The number of times each MP expressed their opinion is recorded along with the duration, in minutes, of their time on the floor.

Parliamentarians from 3 of the 5 represented political parties expressed their opinion over the 23 meetings – a total of 1240 minutes or 20 hours and 40 minutes. Parliamentarians from SRP and CPP spoke most often, MPs from Nationalist party least.

On average parliamentarians from SRP used most of the allotted time while CPP MPs did not use the majority of their given time. However, the opinion of the SRP parliamentarians was not valued as highly or accepted as often by representatives of the Government as the opinions of CPP MPs.

Since all agendas were approved without change, parliamentarians from the CPP did not feel the need to raise questions or make recommendations on the debated agenda but rather used their time to defend the government’s representative’s position and rebut criticisms of the opposition party.

### Cases of MPs banned/interrupted for speaking ‘off-topic’

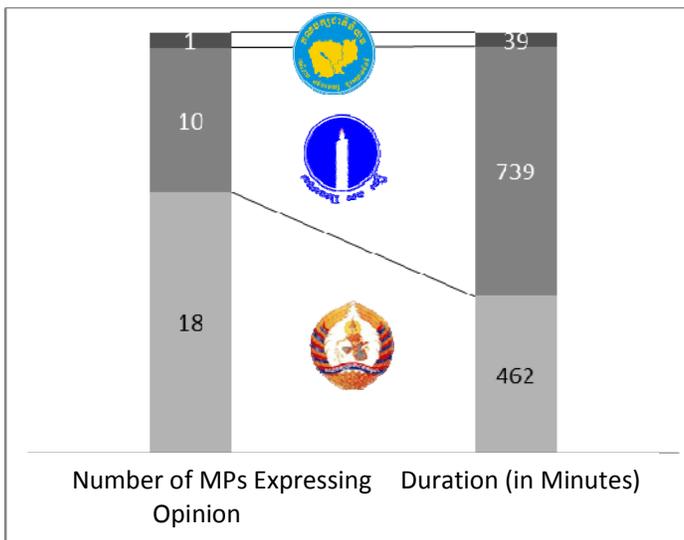
On 1<sup>st</sup> April 2009, SRP MP Yim Sovann was stopped by the president of the National Assembly for expressing an opinion off the discussed topic. MP Yim Sovann spoke of his difficulties in performing his duties and role as MP because he was sometimes accused of incitement when he intervened in citizens’ problem. His point was raised during the NA debate to approve the draft law on the Adoption on the Agreement Between the Royal Government of Cambodia and the Government of Czech Republic for the Promotion and Reciprocal Protection of Investments 01 April 2009.

On the same day, SRP MP Ke Sovannaroth was also stopped from expressing her opinion and her microphone was turned off when she wanted to express her opinion on the case of Kaing Guek Eav aka ‘Duch’ in the Extraordinary Chambers in the Courts of Cambodia (ECCC).

On 29 April 2009, CPP MP Sok Eysan was interrupted by the president of the meeting when he raised the ‘Dey Krahom’ eviction case while the session was discussing the draft law on tourism.

When discussing the draft law on Tourism, SRP MP Ly Sreyvina was also not allowed to express her opinion because the secretary of the session said that she was speaking on the topic of a previous chapter which had already been debated. However, SRP MP Yim Sovann replied that her written request was not submitted to the president by the secretary. Her request to speak was still denied.

**Figure 8: Number of MPs expressing opinion by party and the duration in minutes**



35% of (10 parliamentarians) of the total MPs expressing opinions were from the SRP and used 60% (equal to 739 minutes) of the total time allotted to all MPs. Of SRP parliamentarians expressing their views, each parliamentarian spent approximately 74 minutes doing so. 18 CPP parliamentarians expressed their view for an averaged total of 462 minutes (equal to 37% of the total allotted time). Each parliamentarian speaking for an average of 26 minutes. One NP MPs expressed his point of view for 39 minutes (equal to 3% of total time).

**MP's who spent the most time expressing their views compared with other MPs in his/her own party**

- SRP: MP for Phnom Penh **Yim Sovann** led his party in terms of expressing an opinion during session. Within the observation year, he spoke 12 times for a total of 185 minutes. This was also the most amount of time spent speaking of all parliamentarians regardless of party.

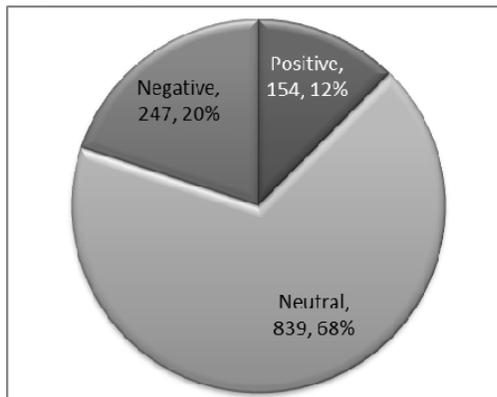
- CPP: MP for Prey Veng **Cheam Yeap** spent the most time speaking during sessions. He expressed his view 9 times for a total of 87 minutes. Cheam Yeap was ranked 4<sup>th</sup> in MPs expressing opinions.

- Nationalist Party: Of the two parliamentarians in his party, MP **You Hokry** expressed his view 4 times, totalling 39 minutes.

**1.2.2. The opinions of parliamentarians by the total time used**

The range of opinions of MPs' toward institutions, the agenda flooded or individuals during the plenary session is divided into three categories: neutral, positive and negative.

**Figure 9: Opinion of MPs' in minutes and percentage (Neutral, positive and negative)**



Most MPs regardless of party expressed neutral opinions, especially towards draft laws. Neutral comments were made for approximately 14 hours (or equal to 68% of the total time)

Negative opinions used approximately 4 hours 7 minutes (20%).

Positive opinions were expressed over a period of 2 hours and 34 minutes (12%).

**MPs who expressed the most opinions in a Positive, Negative or Neutral tone**

- **Neutral Tone:** SRP MP **Son Chhay** expressed neutral opinions for the longest period (141 minutes). He was 2<sup>nd</sup> most active MP in expressing an opinion (178 minutes).

In the debate on the draft law on Tourism, Son Chhay raised the point that. “Article 12 stated that relevant ministries will discuss with the Tourism Ministry. How much power does the Ministry of Tourism have to prevent tourism-related issues, such as whether to let Ministry of Tourism control lakes and beaches, etc.?”

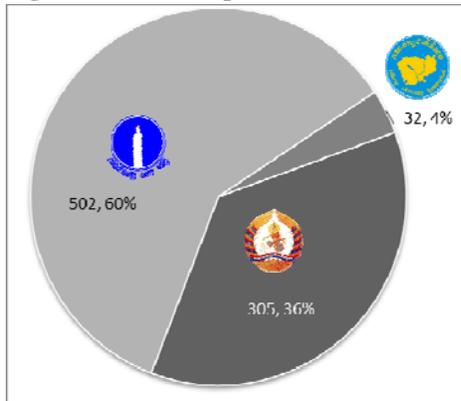
- **Positive Tone:** CPP MP for Battambang **Chheang Vun** led other MPs in term of expressing a positive opinion (24 minutes). Chheang Vun expressed his view for a total of 83 minutes and ranked the fifth most active MP.

During the debate on the draft law on 2009 Financial Management, he praised the CPP. “The ambition of [the] CPP and Samdech Hun Sen is to promote sovereignty and security, national reputation on the international stage”.

- **Negative tone (Criticism):** SRP MP for Phnom Penh **Yim Sovann** led other MPs in terms

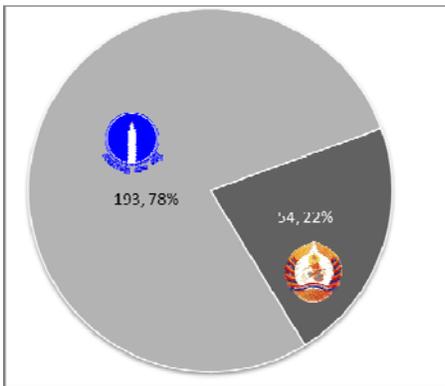
of expressing negative opinions (77 minutes). Yim Sovann was also the MP who expressed his opinion most often (3 hours 5 minutes). During the debate on the Draft Law on the Adoption of the Optional Protocol to the Convention on the elimination of all forms of discrimination against women, Yim Sovann criticized the law saying. “...woman workers were also victimized by armed forces suppression ...the most negative impact was illegal land grabbing by powerful people”.

**Figure 10: Neutral opinions in minute and percentage by party membership**



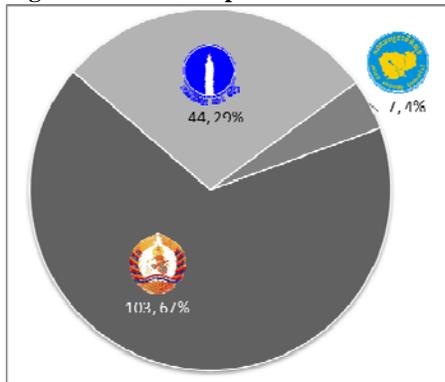
The SRP expressed neutral opinions over a period of 8 hours 22 minutes (60% of the total allotted time). The CPP for 5 hours 5 minutes (36%) and the NP MPs over a period of 32 minutes (4%)

**Figure 11: Negative opinions in minutes and percentage by party membership**



The SRP expressed negative opinions over a period of 3 hours 13 minutes (78% of allotted time). The CPP for one hour (22%). Other opposition party MPs made no negative speeches or comments.

**Figure 12: Positive opinions in minutes and percentage by party membership**

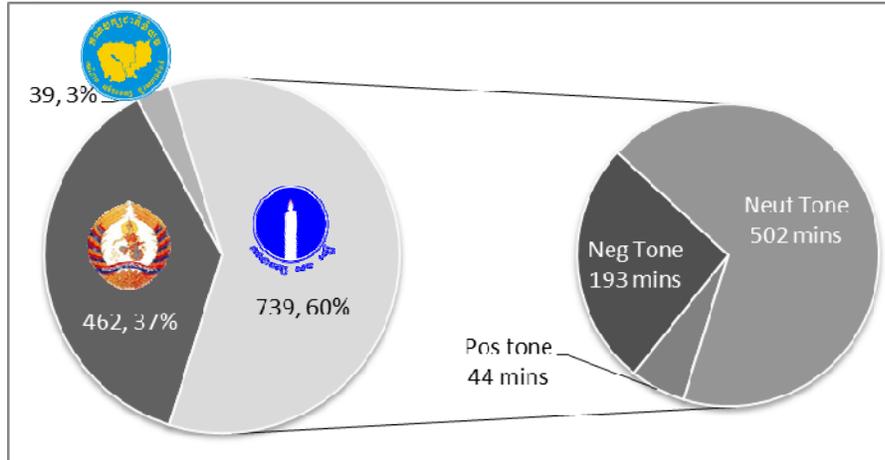


Parliamentarians from three political parties expressed positive opinions. 67% (1 hour 43 minutes) of this time was used by the CPP MPs. The SRP MPs, although using the most overall time, only used a small proportion of this time for making positive comments (44 minutes). NP MPs used 7 minutes.

### 1.2.3. Bias of parliamentarian’s opinions by total allotted time used by each party

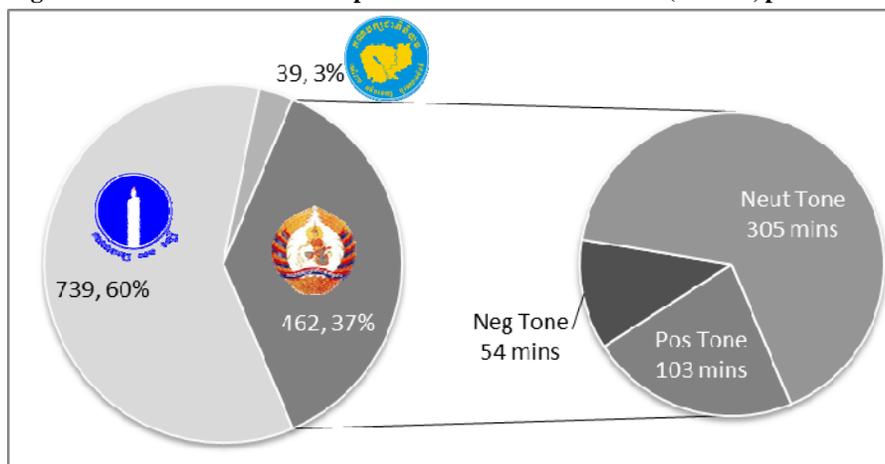
If comparing the bias of parliamentarian’s comments by political party with the total time, three political parties focused on neutral expressions. However, both the SRP and CPP parties showed differing trends. The CPP made more positive than negative comments while SRP parliamentarians made more negative than positive comments.

**Figure 13: The duration of SRP parliamentarian’s comments (neutral, positive and negative)**



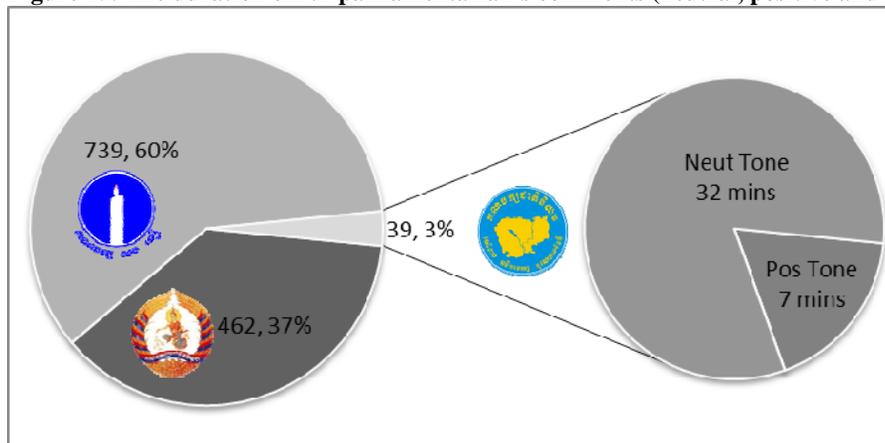
Of their total 8 hours and 22 minutes, SRP parliamentarians made more criticisms and negative comments (3 hours 13 minutes) than positive (44 minutes).

**Figure 14: The duration of CPP parliamentarian’s comments (neutral, positive and negative)**



CPP parliamentarians mostly expressed neutral opinions (5 hours 5 minutes). However, the ruling party made more positive comments with their remaining time (1 hour 43 minutes) than negative (1 hour).

**Figure 15: The duration of NP parliamentarian’s comments (neutral, positive and negative)**



Of their two parliamentarians only You Hockry of the Nationalist party expressed his opinion. Neutral (32 minutes) and positive (7 minutes). There were no negative comments.

### 1.2.4. The bias of parliamentarian's expressions by political party toward persons, institutions and others points

Table 1 shows the expression bias of MPs toward individuals or topics over the 23 meetings.

**Table 1: Bias of expression of the national assembly's members and their political parties toward individuals or topics**

*Note:* Neutral (Neu); Positive (Pos); Negative (Neg)

No.	Concerned topics/individuals										Total in minutes and percentage
		Neut	Pos	Neg	Neut	Pos	Neg	Neut	Pos	Neg	
1	Debating agenda	131	7	0	12	0	0	279	10	18	457 (37%)
2	Prime Minister	10	22		3	2		10		2	49 (4%)
3	Royal Government	36	47		16	5		107	22	137	370 (30%)
4	NA President	4						4			8 (1%)
5	NA	12	8	11				11		4	46 (4%)
6	NA Expert Commissions	15		2				4			21 (2%)
7	MP Own Parties	4	14	1				25			44 (4%)
8	Other Parties	7		12				4	3	2	28 (2%)
9	MP her/himself	16						19			35 (3%)
10	Other MPs	52	3	27	1			10	8	1	102 (8%)
11	Court	8		1				2		13	24 (2%)
12	Women	2	2					6	1	16	27 (2%)
13	Other issues	8						21			29 (2%)
Total in minutes and percentage		462 (37%)			39 (3%)			739 (60%)			1240 (100%)

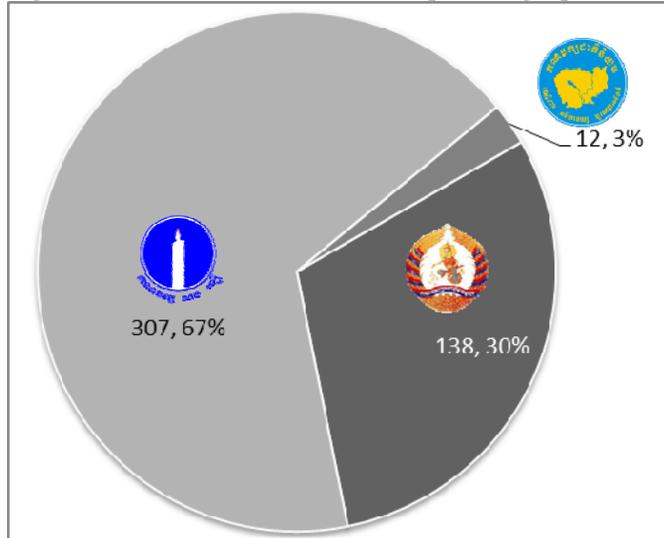
MPs expressed the majority of their opinions over two topic types: the debating agenda (draft law) and the Royal Government of Cambodia and the Prime Minister, who usually are associated with the tabled draft law.

Debating draft laws amounted to 71% (876 minutes) of the total time. Others topics, such as the national assembly or individual parliamentarians took up approximately 29% (364 minutes) of allotted time.

## - Debate of agendas

MPs spent the majority of their time debating agendas; including questions, recommendations and other concerns (457minutes).

**Figure 16: The number of minutes and percentage spent debating agendas by political party**



SRP Parliamentarians expressed their opinions for 307 minutes or 5 hours 7 minutes (67%).

The CPP for 30% of allotted time and the Nationalist Party for 3%.

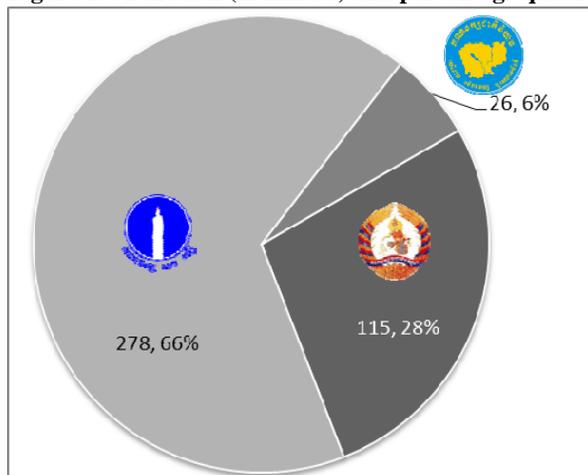
COMFREL observed that besides expressing general opinions on draft laws, SRP MPs also voiced recommendations and asked questions. Unlike the SRP MPs, CPP MPs used their time explaining the draft law or debating agenda in response to opposition parliamentarian's questions.

The time spent discussing draft laws or debating agendas was approximately 18 minutes for each MP. However, criticisms were only raised by SRP MPs. For instance, during the debate and approval of the draft law on the 'Approval on the guarantee of payment by the Royal Government of Cambodia to the China National Heavy Machinery Corporation', SRP MPs Kim Soupirith said that "I want to show my concerns. If we charge such a high price, our country will face problems in development in the future. If we compare this to neighbouring countries, such as Laos, where the price of electricity [per KW/h] is only [USD] 4 cents. We will meet difficulty in competing against the price of electricity of that country and electricity plays a key role in developing a country."

## - The Royal Government and Prime Minister

The Government and Prime Minister was the second most-debated subject in the plenary session with 419 minutes or about 7 hours spent discussing their activities (equal to 34% of its total duration).

**Figure 17: Duration (in minute) and percentage questioning the government and prime minister by political party**



Comments related to the work of the government and prime minister were mostly made by parliamentarians from the SRP. A total of 278 minutes or 4 hours 38 minutes (equal to 66% of their comments related to the royal government and prime minister's work). Parliamentarians from the ruling CPP party commented for 115 minutes or 1 hour 55 minutes (28%). The remaining 6% or 26 minutes were the comments of Nationalist party MPs.

Unlike other topics, where MPs mostly expressed



neutral opinions, the government and prime minister receive negative, positive and neutral opinions almost equally. 182 minutes neutral (equal to 3 hours 2 minutes), 98 minutes positive (1 hour 38 minutes) and 139 minutes negative (2 hours 19 minutes).

Negative comments towards the PM and Royal Government were only made by SRP MPs who criticised weak law enforcement, lack of transparency and social injustice. For example, in the plenary session on the debate and approval of the draft law on ‘Concessions’, MP Sam Rainsy criticised the government over land grabbing and land concessions which negatively affected poor people saying. “Development in coastal area, private company built the fence many kilometres long, forbidding local people to get benefit from the beach. .... [the] Beoung Kak issue led people to lose their homes.” These criticisms were denied by the representative of the government and CPP MPs who accused Sam Rainsy of politicising the issue.

Positive comments on the work of the Royal Government and PM mainly came from CPP MPs who voiced admiration of the Royal Government’s efforts in developing the country. The opposition parties also made positive comments about the work of the Government’s in order to ease tensions in debates where the intention may have been to have their views accepted. However, this tactic was not successful.

In the plenary session to debate and approve the draft law on the ‘Protection and Promotion of People with Disability’, CPP MP Chheang Vun praised the Royal Government for developing the draft law.

Opposition MPs positive comments were often followed with criticism. For instance, during the session on the 'National Budget 2009' MP Yim Sovann said that “The Royal Government draft this important law for our nation and people. I support and say we need comprehensive debate. We are in the same boat. We do not have any intention of making any obstacle for the moving of our boat. However, we have to provide good recommendation to help prevent the world economic crisis. Samdech [PM] used to say that if CPP win the elections, the land price will be higher. However, now the land price is decreasing. Civil servant salary is affected when the price of goods are increasing”.

- **Opinions towards other MPs:** Opinions towards other MPs ranked 3<sup>rd</sup> in time used, with a total of 102 minutes (1 hour and 42 minutes). Comments were mostly made by CPP MPs with 82 minutes (1 hour 22 minute or 80% of total duration). The remaining 20% was used by SRP MPs.

COMFREL observers concluded that CPP MPs most often spoke in defence of their colleagues with negative comments reserved for SRP MPs who criticised the Royal Government or the presented agenda.

For SRP MPs, they did not criticise other MPs. However, they use the time to defend their members when criticised by the ruling MPs.

For example, CPP MPs Khoun Sodary in the plenary sessions on the draft law approval of the option protocol on the convention on the elimination of all forms of discrimination against women responded to the criticism of SRP Yim Sovann saying that “Only those who have eyes but do not open; have ear but do not listen who said this. If they don’t open their eyes, they don’t know where we have reached.”

- **Other topics:** Other topics discussed by MPs included: the national assembly (75 minutes), political parties and the work of MPs (107 minutes), the courts (24 minutes), women's affairs (27 minutes), and other issues (29 Minutes). In total, MPs spent 262 minutes (4 hours and 22 minutes or 37% of the total 1240 minutes) discussing these topics.

**Table 2: The top 10 MPs expressing opinions and speaking duration in minutes**

No.	Name of MPs	Party	Frequency/ Time of Speaking	Neut	Pos	Neg	Total
1	H.E. Yim Sovann		12	85	23	77	185
2	H.E. Sun Chhay		13	141	8	29	178
3	H.E. Mu Sochua		7	67	5	21	93
4	H.E. Cheam Yeap		9	71	10	6	87
5	H.E. Chheang Vun		13	56	24	3	83
6	H.E. Kim Sophearith		7	43	3	27	73
7	H.E. Ly Srey Vina		5	42	1	19	62
8	H.E. Sam Rainsy		5	42	3	13	58
9	H.E. Cheam Channy		4	51	0	4	55
10	H.E. You Hockry		4	32	7	0	39

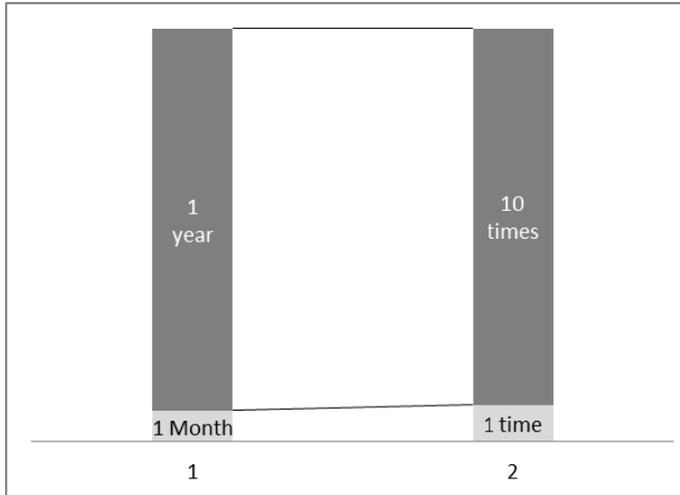
## 2. FIELDS VISIT OF MEMBERS OF PARLIAMENT

Article 77 of the Cambodia Constitution states that the 'Members of the national assembly shall represent all the Khmer people, not only citizens from their constituencies.' Article 83 states that 'The National Assembly holds ordinary sessions twice a year. Each session shall last at least three months.'

This leaves MPs 6 months of the year for other activities to fulfil their role as representatives of the people. A primary activity in this time is constituency visits.

COMFREL recorded the field visits of each MP to their constituency. It should be noted that COMFREL did face some challenges collecting the data of MPs' field visit and it should be assumed that the actual number of constituency visits made by MPs is higher than the figure reported.

**Figure 18: The number of field visits for MPs averaged by year and month**



Throughout the observation year, COMFREL found that the number of fields visit, especially for intervention in constituent’s affairs, by MPs is still limited even though the problems voters face are on the increase.

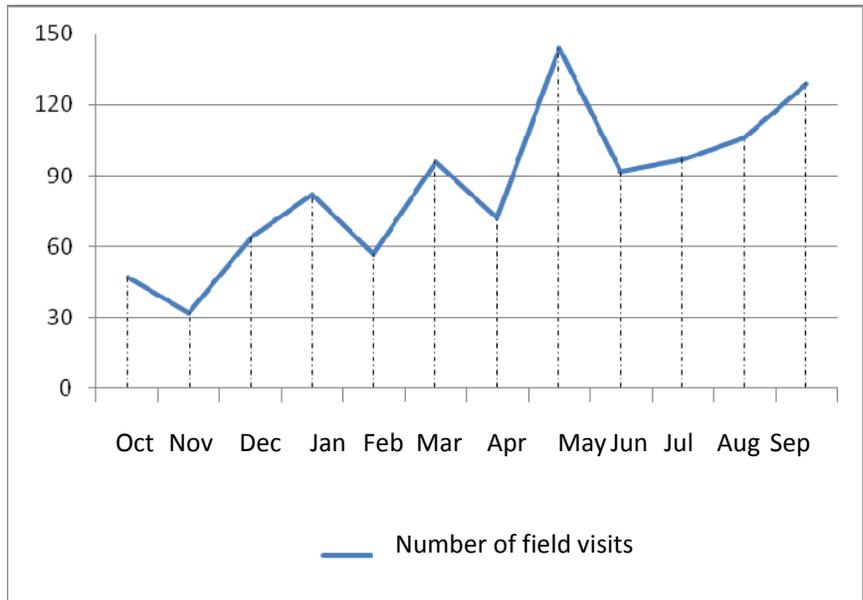
98 MPs, equal to 80% of total MPs, from each of the 5 elected parties, conducted a total of 1018 constituency visits.

On average MPs visited constituencies 10 times a year, approximately 1 visit per month.

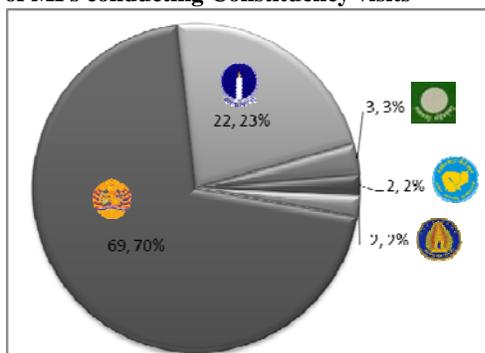
**Figure 19: Total Number of Constituency Visits by MPs each Month (from Oct 2008 to Sep 2009)**

Constituency visits by MPs correlate to NA sessions and the election period. During the first session of the NA (Oct to Dec 2008) the number of field visits is low. During the vacation period, (Jan to March 2009) the number of field visits is high.

However, during the 2<sup>nd</sup> plenary session (March – June 2009), the number of field visit is also high, especially for May when Cambodia held the indirect election for sub-national (provincial/capital and district) councils. During the second vacation period from July-Sep 2009 the number of field visit is also high.

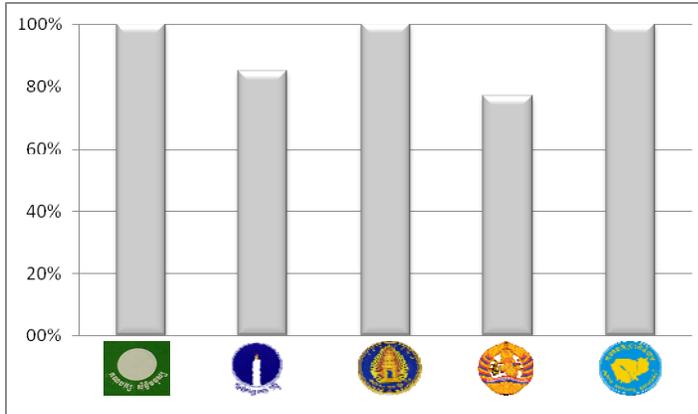


**Figure 20: Number and Percentage of MPs conducting Constituency visits by party compared to the total number of MPs conducting Constituency visits**



70% of MPs conducting constituency visits were from the CPP. This is primarily because the CPP, as majority party, has the most MPs. SRP ranked second with 22 MPs, HRP with 3 MPs, the NP with 2 MPs and Funcinpec with 2 MPs.

**Figure 21: Percentage of MPs conducting constituency visits compared to party membership numbers**

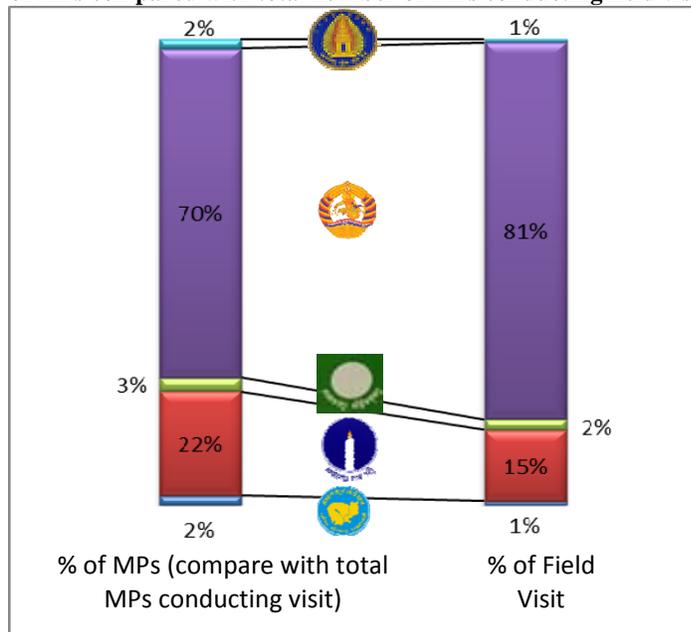


When comparing the number of MP's constituency visits to the total number of MPs in their party, the proportion of CPP MPs conducting constituency visits is the lowest.

77% (69 MPs) of CPP MPs conducted 90 constituency visits. 85% of SRP MPs conducted 26 constituency visits. All MPs from HRP, HP and Funcinpec parties conducted constituency visits.

### 2.1. Number of constituency visits made by MPs by Party

**Figure 22: The percentage of MPs conducting constituency visits and the Number of constituency Visit by party (% of MPs compared with total number of MPs conducting field visits)**



69 CPP MPs (77% of total CPP MPs) visited constituencies a total of 822 times (equal to 81% of total constituency visits by all MPs.) On average each of the 69 CPP MPs conducted 10 field visits over the year.

22 SRP MPs (85% of its total MPs) conducted constituency visits 156 times (equal to 15% of total field visits by all MPs). On average, each of the 22 SRP MPs conducted 6 constituency visits over the year.

All of the HRP's 3 MPs conducted constituency visits (24). On average each HRP MP conducted 8 field visits over the year.

Funcinpec's 2 MPs conducted 9 constituency visits Each MP visiting their constituency 5 times.

All the NP MPs made constituency visits (7), an average of 4 visits per MP.

### 2.2. Comparison of constituency visits of MPs by purposes and party

The purpose of MPs constituency visits are divided into 5 categories: 1. Visit, gift giving, and inaugurations; 2. Strengthening party networks; 3. Accompanying (as a group) their leaders; 4. Participating in public forums/workshops and 5. Intervention in constituent's problems.

**Table 3: Number of constituency Visits of MPs by Purpose and Party**

Purpose of field visit of the 98 MPs 1080 visits	Political Party					Total
	 69 MPs	 22 MPs	 3 MPs	 2 MPs	 2 MPs	
Visiting, gift giving and inaugurations	580	48	6	0	1	<b>633 (62%)</b>
Strengthening party network	144	81	14	6	3	<b>250 (25%)</b>
Accompanying their leaders as a group	77	4	1	0	1	<b>83 (8%)</b>
Participant in Public Forum/Workshop	11	19	3	3	2	<b>38 (4%)</b>
Intervention in constituent's problems	10	4	0	0	0	<b>14 (1%)</b>
Total	<b>822 (81%)</b>	<b>156 (15%)</b>	<b>24 (2%)</b>	<b>9 (1%)</b>	<b>7 (1%)</b>	<b>1.018 (100%)</b>

Table 3 shows that the two main purposes of MPs' constituency visits are visiting, gift giving and inaugurations and for strengthening party networks. These two visit types make up a total of 87% (883 visits) of constituency visits by all MPs.

Fewest visits were made to participate in public forums or workshops. Intervention and problem solving for constituents amounted to only 5% (52) of total visits.

**a. Field visits for visiting, gift-giving, and inauguration (633 Visits):**

MPs from all parties, except Funcinpec, conducted field visits for these purposes. The CPP parliamentarians led with 580 visits, followed by the SRP with 48 visits, HRP with 6 visits and Nationalist Party with 1 visit.

<b>MPs from each party making the most constituency visits with the purpose of a general visit, gift-giving or inauguration</b>
- CPP MP for Battambang <b>Tes Heahn</b> made 66 constituency visits. Example: on June 2, 2009, MP Tes Heahn conducted a constituency visit to view an irrigation system in the Kompong Pouy Water Basin and the harvesting work of farmers. Over the observation year, MP Tes Heahn made the most constituency visits (79).
- SRP MP for Battambang <b>Chiv Cata</b> made the most visits of any SRP party MP (19). Example: on November 29, 2009, he visited villagers at CHRAY Commune, MOUNG RESEY District to observe living conditions and the rice harvest. Over the observation year, MP Chiv Cata made 22



visits and is ranked 10 <sup>th</sup> for MPs making the most constituency visits.
- HRP MP for Kampong Cham <b>Kem Sokha</b> led other HRP party members with 5 visits. Example: on May 10, 2009 he visited PREY PHNEA village, PREY PHNEA Commune, PEAREANG District to preside over a meeting of around 200 people. Over the year, MP Kem Sokha visited constituencies 17 times.
- The NP MP <b>Sao Rany</b> made one constituency visit. On 15 September 2009 Sao Rany visited PHSA PROM village, STUENG KACH Commune, SALAKRAU District, Pailin Province to study and collect information on the implementation of the decentralization and deconcentration programme.

**b. Field visits for Strengthening Party (250 visits):**

Strengthening party networks is the second most given purpose, after gift giving, for making constituency visits. Observers reported that most of this type of visit happened shortly before the sub-national council elections.

MPs from all parties visited constituencies with this objective. The CCP made the most visits (144), the second was the SRP with 81 visits, HRP 14 visits, FUNCINPEC 6, and the NP 3. Strengthening party networks accounted for 25% of the total visits made by MPs.

MPs making the most visits for strengthening party networks
-CPP MP for Kratie province Treung Thavy made 13 visits. Example: May 16, 2009, Treung Thavy visited Sambour commune, Sambour district, Katie province to meet the candidate for the sub-national council. In the observed period she made 29 visits and ranks 8 <sup>th</sup> in the number of visits made by MPs.
-SRP MP for Banteay Meanchey Yont Tharo led his party in the number of network strengthening visits made (11). Example: on May 16, 2009, before the sub-national council elections, he visited his party activists in Basedth district, Kampong Speu province. Over the observed year he visits his constituency 13 times.
- HRP MP for Kampong Cham Province Kem Sokha rank first among his party’s MPs, making 12 constituency visits for party strengthening purposes. Example: on March 21, 2009, he visited Chi Phok commune, Me Sang district, Prey Veng Province to plan the merging of SRP and HRP parties.
-NP MP Sao Rany led his colleagues visiting his constituency twice. Example: on May 6, 2009, he attended a meeting for party members from provincial and commune levels in Kampong Chhnang province to campaign for the sub-national councillor elections.
-Funcinpec MP for Banteay Meanchey Nhek Bun Chhay, led MP Kuch Moly in terms of visits for strengthening his political network, visiting his constituency 5 times. Example, on 15 May 2009, MP Nhek Bun Chhay attended the closing ceremony of sub-national council election campaign at Samraong commune, Samraong district, Oddar Meanchey on May 15, 2009.



**c. Constituency visits accompanying party leaders (83 visits):**

MPs made field visits to accompany their leaders on official duties. As the majority party, and with party leaders including the NA president and Prime Minister, most of these visits were made by CPP party members (77). SRP MPs accompanied their leader 4 times, HRP and NRP 1 visit each. This type of visit totalled 83 visits, equal to 8% of all constituency visits.

MPs who rank top in their party for field visits to accompany their leaders
- CPP MPs for Battambang H.E. Ms <b>Ly Kimleang</b> and H.E. Mr <b>Tes Heanh</b> accompanied their leaders more than any other CPP MPs (6 visits each). On May 31, 2009, MP Ly Kimleang accompanied H.E. Dr Cheam Yeap, head of the commission on Economy, Finance, Banking and Auditing to meet provincial authority civil servants in Battambang province.
- SRP MP for Kampong Thom H.E. Mr. <b>Men Sothavarin</b> made the most accompanying visits of his party MPs (4). For example, on July 23, 2009, MP Sothavarin accompanied SRP president H.E. Mr Sam Rainsy to visit party activists Tout Sarorn, Tuol Pong Ro Commune Chief, Kampong Thom province who is in prison charged with the illegal detention of people. MP Men Sothavarin made 14 constituency visits.
-Only HRP MP for Prey Veng province <b>Yem Ponhearith</b> visited his constituency to accompany his party president Kem Sokha when visiting the voters at Boeng Laeng village, Chrey Khmum commune, Sithor Kandal district, Prey Veng province. Over the year, MP Ponhearith made 4 constituency visits.
- NP MP for Prey Veng Province <b>Sao Rany</b> accompanied M.P You Hockry to attend a congress on changing the party name from the Norodom Ranariddh Party to the Nationalist Party in Phnom Penh.

**d. Constituency visits to take part in public forums (11 visits):** COMFREL observed that parliamentarian’s constituency visits to take part in public forums and workshops or to hold surgeries to give voters the chance to raise their concerns and ask for help is much lower (14) compared to constituency visits for other purposes. However, all parties did participate in public forums or workshops. Over the observed year, the number of parliamentarians from the 5 parties attending a forum or workshop totalled 38 visits (4% of total visits): opposition SRP MPs led with 19 visits, the CPP attending 11, the HRP 3, FUNCINPEC 3 and the NRP 2.

MP’s attending forums or workshops
- MPs for Prey Veng constituency, CPP MP <b>Min Sean</b> , SRP MP <b>Kong Bora</b> and NP MP <b>Sao Rany</b> attended a COMFREL workshop as speakers on ‘voter’s identification of priority benchmarks for the province’ on September 15, 2009 at Angkor Thom hotel, Prey Veng province. The 3 MPs pledged to deal with some of the issues presented by voters including; road repairs and building, finding a new market site for vendors, improve the healthcare service and reduce civil rights violations. MP Min Sean made 6 constituency visits over the year and MP Kong Bora 8.
- HRP MP for Kandal province <b>Ou Chanrith</b> attended the NDI public forum addressing poverty reduction in Chey Kampok commune, Preah Sdach district, Prey Veng province on February 21,



2009.

-Funcanpec: MP **Kuch Moly** visited Krapeu Ha village, Sangkat Preaek Ruessei, Ta Khmau city, Kandal province to attend a forum on ‘The role of parliamentarians in land disputes’ on August 26, 2009. On this occasion, the MP promised that he would talk to provincial authorities and related ministries to find a solution for victims of the land dispute.

**e. MPs’ constituency visits to intervene on behalf of constituents problems (14 visits):** The number of parliamentarians’ constituency visits to intervene on the behalf of voter raised issues accounted for the lowest number of MPs visits (14) equal to only 1% of all parliamentarians’ constituency visits. This is despite the fact that during the observed year voters faced a rising number of issues related to land disputes, monopoly fishing, sand dredging, problems with local authorities that even prompted voters to travel from their province and protest directly in front of the national assembly in Phnom Penh to demand parliamentarians’ intervention.

Observers record intervention visits from only two parties: The CPP 10 visits and the SRP 4 visits.

Cases of parliamentarians’ intervention	
CPP MP for Preah Sihanouk province <b>Suos Kanan</b> ranked first for constituency visits to address voter’s concerns with 3 visits. Example: Suos Kanan visited village 1, Sangkat 3 in Sihanouk town to help solve a land dispute on August 1, 2009.	
SRP MP for Kampot province <b>Mu Sochua</b> led the SRP party in interventions with 2 visits. On February 23, 2009, she intervened on behalf of vendors at the Olympic Market who had protested in front of national assembly building to call on the NA to stop authorities from evicting stallholders and relocating stall holders to new, more expensive, plots with fewer amenities. MP Mu Sochua wrote a letter to the Phnom Penh Municipality unsuccessful requesting their intervention.	

**Table 4: 11 MPs making the most constituency visits between 01 Oct 2008 and 30 Sep 2009**

No	Name of MPs	Party	Purposes					Total
			Intervention	Visiting	Party strengthening	Forum	Accompanying	
1	H.E. Mr. Tes Heanh		0	66	6	1	6	79
2	H.E. Mrs. Chuonh Sochhay		0	58	1	0	5	64
3	H.E. Mrs. Ly Kimleang		0	39	8	0	6	53
4	H.E. Mr. Muy Chat		0	39	6	0	5	50

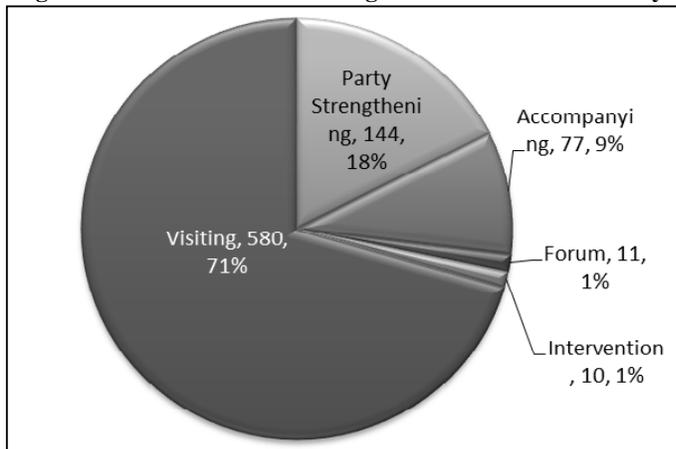
No	Name of MPs	Party	Purposes					Total
			Intervention	Visiting	Party strengthening	Forum	Accompanying	
5	H.E. Mr. Sary Kosal		0	38	4	0	4	46
6	H.E. Mr. Katoeu Toyeb		0	33	6	0	0	39
7	H.E. Mr. Sa Kheng		0	30	4	0	0	34
8	H.E. Mrs. Troeung Thavy		2	13	13	1	0	29
9	H.E. Mrs. Em Ponna		0	21	3	0	3	27
10	H.E. Mr. Suos Kanan		3	14	4	0	1	22
10	H.E. Mr. Chiv Cata		0	19	3	0	0	22

Of the 10 MPs undertaking the most constituency visits, 9 were from the CPP and 1 from the SRP. CPP parliamentarian for Battambang Tes Heanh made the most constituency visits (79); SRP parliamentarian for Battambang Chiv Cata, in 10th place, made 22 visits equal to CPP parliamentarian Suos Kanan for Preah Sihanouk. (A list of all MPs who conducted constituency visits to is available in Annex 2)

### 2.3. Purpose of MP’s constituency visits by party

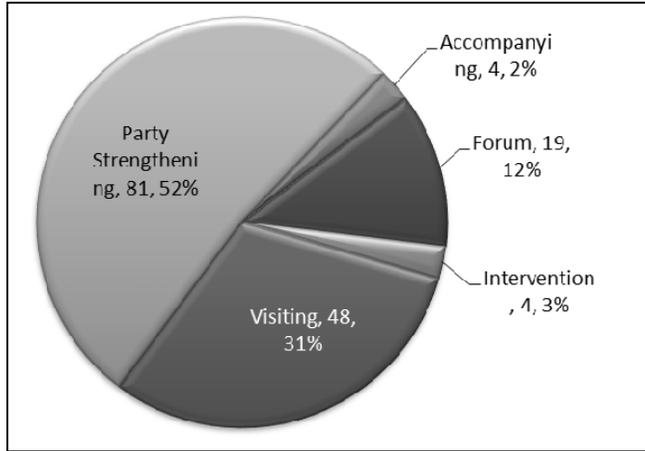
CPP MPs lead in almost every constituency visit purpose, except attending public forums or workshops, which is led by SRP MPs. However, when analyzing the purpose of constituency visits within political parties the CPP focused mainly on visiting people, gift-giving and inaugurations, while MPs from the 4 other parties focused on strengthening party networks.

**Figure 23: Number and Percentage of CPP MPs constituency visits by purpose**



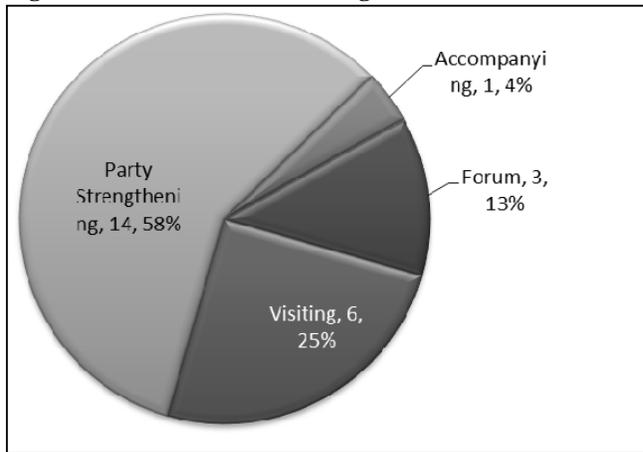
69 CPP MPs made constituency visits, a total number of 822 visits, 71% of which were social visits, gift-giving and inaugurations of their accomplishments. 18% and 9% of visits focused on strengthening party networks and accompanying leaders respectively. Only 2% of visits were for attending public forums or workshops or to intervene in constituent’s problems.

**Figure 24: Number and Percentage of SRP MPs constituency visits by purpose**



22 members of parliament for the SRP party made 156 constituency visits. 52% (81) of their visits focused on strengthening party networks. Social visits and gift-giving was the second most reported reason for making a constituency visit by SRP parliamentarians at 31% (48) followed by attending public forums or workshops (12%). The remaining 5% (8) of visits were to accompany a party leader or to intervene in constituent's problems.

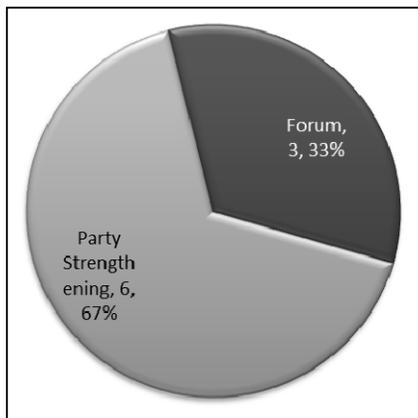
**Figure 25: Number and Percentage of HRP MPs constituency visits by purposes**



More than half of the 24 constituency visits (58%) made by the 3 HRP MPs concentrated on strengthening party networks. Social visits and gift-giving accounted for 25% (6 visits) while attending public forums or workshops and accompanying leaders for 13% (3 visits) and 1 visit respectively.

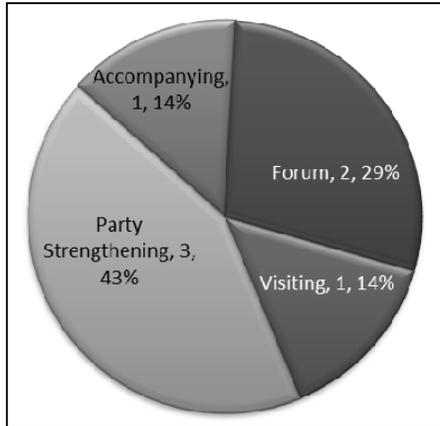
COMFREL did not obtain any information regarding the constituency visits made by HRP parliamentarians to intervene in constituents problems.

**Figure 26: Number and Percentage of Funcinpec MPs constituency visits by purpose**



FUNCINPEC has 2 members of parliament making 9 constituency visits with only two objectives: strengthening party networks (67%) and attending public forums or workshops (33%).

COMFREL did not obtain any information regarding other types of constituency visits from these parliamentarians.

**Figure 27: Number and Percentage of NP MPs constituency visits by purpose**

The 2 MPs from the Nationalist Party made 7 constituency visits. 3 for strengthening party networks (43%), 2 to attend public forums (29%), 2 to attend public forums (29%) and a combination of social visit, gift-giving and accompanying a party leader twice (28%).

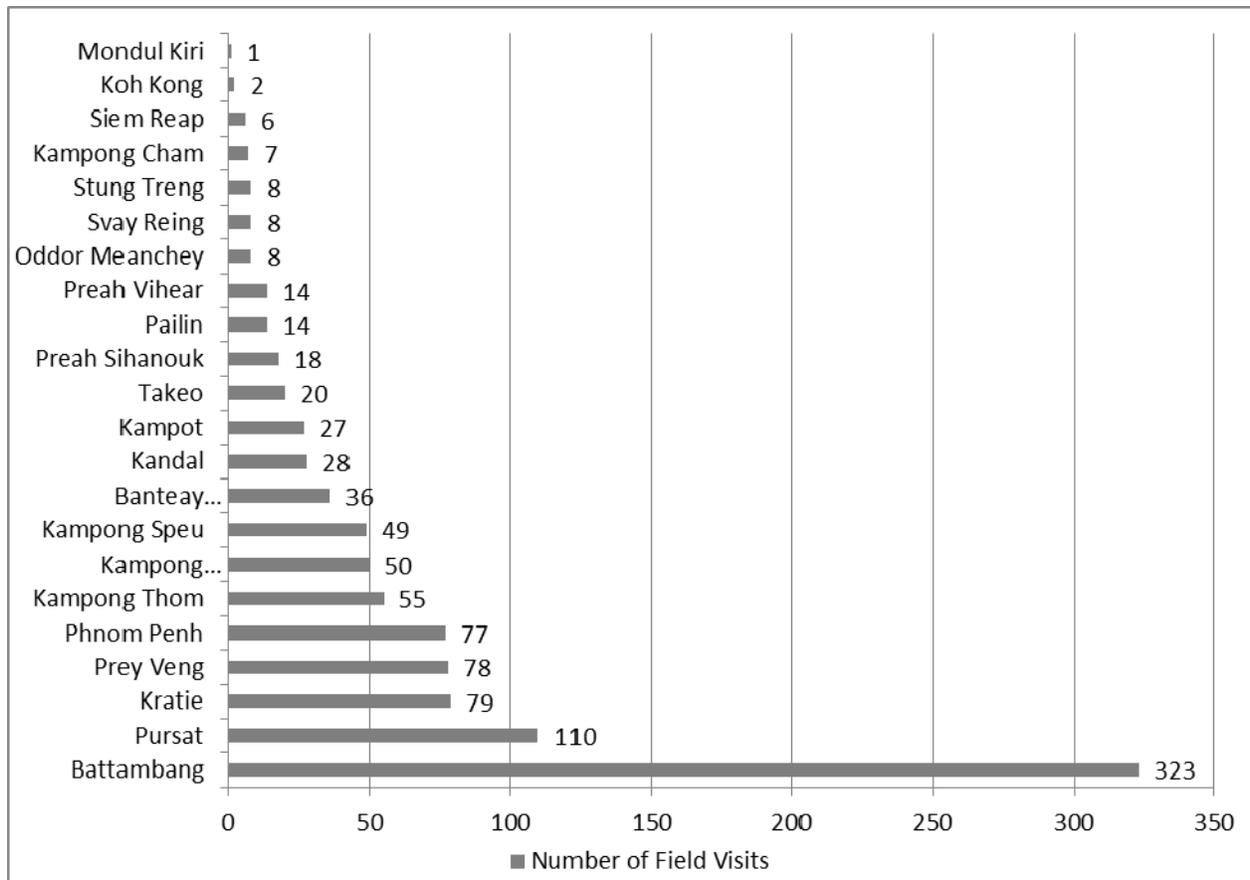
COMFREL did not obtain any information on other types of constituency visits from the NP parliamentarians.

#### 2.4. Constituencies visited by MPs

Even though the constitution states that members of the parliament are representative of all the people, observations reveal that the vast majority of constituency visits by members of parliament were to their own constituencies. Own-constituency visits account for 875 visits while external-constituency visits only 143. The own-constituency visit majority is true for all parties. For external-constituency visit, the CPP made a total number of 74 followed by SRP with 37 visits, the HRP with 19, the FUNCINPEC Party with 7 and the Nationalist Party with 6 visits.

Over the 24 provinces/cities monitored by COMFREL, from October 2008 to September 2009, Battambang is the most visited constituency receiving 323 MP visits. 317 of these visits were made by the 7 MPs for Battambang province: Tes Heanh, Chhuonh Sochhay, Ly Kimleang, Sar Kheng, Muy Chat, Chheang Vun, and SRP parliamentarian Eng Chhai Eang and Chiv Cata. The second most visited province is Pursat with 110 visits followed by Kratie with 79 visits.

The least visited constituencies included Stung Treng (8 visits), Kampong Cham (7 visits), Siem Reap (6 visits) and Mondolkiri (1 visit). COMFREL did not obtain any information regarding visits by parliamentarians to Kep and Rattanakiri provinces (Figure 28).

**Figure 28: Provincial capital visits**

## 2.5. Parliamentary Offices in Provincial Capitals

A parliamentarian's office is the workplace for a member of parliament during a constituency visit as well as a bridge between parliamentarians and voters in the constituency. It is a place where people meet their representative, file complaints or request intervention in various problems. Parliamentarian's offices are only in place in 21 provincial capitals. There is no office in 3 of the provinces: Kep, Pailin and Oddar Meanchey.

Observations show that a number of offices are either not functioning or have no fixed operating hours. Offices may also be underequipped to serve the needs of both parliamentarians and voters. The members of parliament for opposition parties are also doubtful as to the political independence of their office staff.

As the result of these shortfalls, some MPs, including ruling CPP party MPs, do not use the official office in their constituency, instead making use of their party headquarters.

COMFREL representatives across the 23 provincial capitals regularly visit MP's offices in order to gather information related to parliamentarian's activities. Each month COMFREL visited constituency offices 2 or more times to meet office staff.

The provincial parliamentary offices that reported operating problems included:

-Pursat province: The office requires maintenance and is closed. As an alternative office staff can only work on Mondays and Tuesdays from a shop in front of the parliamentarian's office.

-Ratanak Kiri province: The office is usually closed.

-Kampong Speu province: The office is usually closed.

Many other offices still have a shortage of office equipment.

### 3. MPs ISSUING LETTERS

According to COMFREL's data, only 13 MPs from 3 parties issued letters, totalling 58, to the government and other agencies.

The main purpose of these letters were requests for government representatives to clarify points in the NA, written questions to other government agencies asking to clarifying issues, requests to related institutions to take action on issues, and expressions of an MP's opinions.

SRP MPs wrote the most letters (11 MPs issuing 56 letters). One CPP MP wrote 1 letter and 1 HRP MP also wrote 1 letter. COMFREL did not obtain any information regarding letters sent by parliamentarians from either the Nationalist Party or the FUNCINPEC Party.

The majority of letters requested interventions and appealed to government institutions to take action on a specific issue (47 letters equivalent to 81% of all letters). 6 letters were written to invite the RGC to clarify specific issues during NA debates, 3 letters were enquiries of the government and 2 letters were expressions of MP's opinions.

Of the 58 letters issued by MPs, COMFREL found that only 12 letters received a response from the recipient.

**Table 5: Name of 13 MPs Issuing the Letters**

No	Name	Party	Total	Objective					Response
				Intervention	Request government action	Expression of opinion	Inquiry to the RGC	Invitation to Clarify at NA	
1	H.E. Mr. Men Sothavarin		21	10	10	0	0	1	8
2	H.E. Mr. Sam Rainsy		10	0	6	1	1	2	3
3	H.E. Mr. Khim Laky		9	7	2	0	0	0	0
4	H.E. Mr. Son Chhay		4	0	0	0	1	3	0
5	H.E. Mr. Eng Chhai Eang		3	3	0	0	0	0	0
6	H.E. Mrs. Ke Sovannaroeth		3	2	1	0	0	0	0
7	H.E. Mr. Ho Vann		2	2	0	0	0	0	1
8	H.E. Mr. Kem Sokha		1	0	0	1	0	0	0



9	H.E. Mr. Cheam Yeap		1	1	0	0	0	0	0
10	H.E. Mr. Mao Monyvann		1	0	0	0	1	0	0
11	H.E. Mr. Yont Tharo		1	0	1	0	0	0	0
12	H.E. Mr. Yim Sovann		1	1	0	0	0	0	0
13	H.E. Mrs. Mu Sochua		1	1	0	0	0	0	0
Total			58	27	20	2	3	6	12

SRP MP for Kampong Thom Men Sothavarin issued the most letters (21). However, COMFREL notes that Men Sothavarin received only 8 responses. MP Sam Rainsy wrote 10 letters, 3 of which received a reply.

#### Selected replies to letters sent by members of parliament:

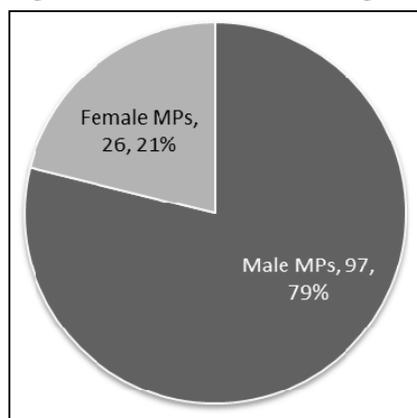
On 3rd July 2009, MP for Kampong Thom Men Sothavarin issued a letter to Samdech Hun Sen, prime minister of Cambodia requesting him to prevent Mr. Heang Huy, chairman of Phum Prar Keap Fishing Plot Community, located in Prakeab village, Msar Krang commune, Stoung district, Kampong Thom province from selling a fishing plot for exclusive use to a business person from 2009 onward. On 23th September 2009, PM Hun Sen and His Excellency Chan Sarun, minister of agriculture, forestry and fisheries, responded to Parliamentarian Men Sothavarin saying that. ‘...the ministry had investigated and solved the case for the people and that villagers could continue to use the plot for family-scale fishing.’

On 24th February 2009, parliamentarian Sam Rainsy issued a letter calling on the government to implement measures requiring all factory owners in Cambodia to maintain a reserve capital at least equal to 3 months’ salary of its employees to ensure that workers would be paid if the factory closed. The government responded to the parliamentarian’s letter saying that. ‘...the government always pays attention to employees as well as employers in order to protect the interests of both sides. Both sides can help develop the country together with Ministry of Labour and Vocational Training as commanding ministry.’

#### 4. FEMALE MPs

The replacement of MPs by their reserve candidate MPs contributed to an increase in the number of female MPs, bringing the total number of seats held by women to 26 by September 2009. The increase was a result of the CPP replacing elected MPs with 6 female reserve candidates.

**Figure 29: Number and Percentage of MPs by Sex**



By the end of the observation year, only 2 parties included female MPs (26 MPs, equal to 21% of the total 123 MPs). 20 female MPs from the CPP (equal to 22% of the 90 CPP MPs) and 6 MPs from the SRP (equal to 23% of the 26 SRP MPs).

The HRP, NP and FUNCINPEC party do not have any female MPs.

Over the observation year, the number of female MPs expressing their opinions is proportionally less than that of their male counterparts. However, the 4 active female MPs both



expressed their opinion in the NA more often and made more constituency visits than their male counterparts.

The discrimination against women MPs and the difficulties they face in fulfilling their duties, especially those from opposition parties, is clear from public comments made by leaders of both the executive and legislative branches.

Within the NA senior positions are held exclusively by men - including the president and 2 vice-chairpersons. There are only 3 women MPs holding positions as chairpersons of NA expert commissions out of the 9 expert commission. In plenary speaking groups, the CPP has 3 women MPs as directors out of 9 groups, while the directors of the 2 SRP groups are men.

COMFREL observed that only 4 women MPs (15% of the 26 women MPs) spoke 15 times (equal to 191 minutes or 3 hours 11 minutes) over the 23 NA meetings. Nevertheless, on average women MPs expressed their opinions for a longer period than their male colleagues. On average a female MPs expressed her opinion for 48 minutes while only 25 men expressed their opinions for a period of 42 minutes.

#### Opposition Women MP is discriminated when implanting her duties

MP Mu Sochua encountered many difficulties when performing her duties, receiving criticism from the national assembly chairman, the lifting of her parliamentary immunity and facing court charges on the grounds of defamation.

In a parliamentary session considering financial law for management of the year 2009 on 8th December 2008, MP Mu Sochua was offended by the MP for Kandal and Prime Minister after she stated that. “For the social sector, [you] should think about children and vulnerable women. What are their problems? The budget does not reflect government commitment to the people, especially women and children.” Following her comments, Samdech Hun Sen hit back by saying “For women, how to pay for women? Or how we give money to women? The road is built. Is it not for women? The school is built. Is it not for women? Hospital is built. Is it not for women? Everything is done. Are they not for women? Or only putting money into women’ pocket that can be considered as spending for women? Don’t judge the jungle by looking at one tree. All of you should open your eyes.”

On 3rd March 2009, Mu Sochua requested use of the national assembly meeting room for a meeting with microfinance institutions in order to find a solution to farmer’s debt problems. The secretary general of national assembly denied the request saying. “The secretary general of national assembly does not permit the request since the national assembly meeting room shall be used only for internal meetings and official public workshops as allowed by the chairman.”

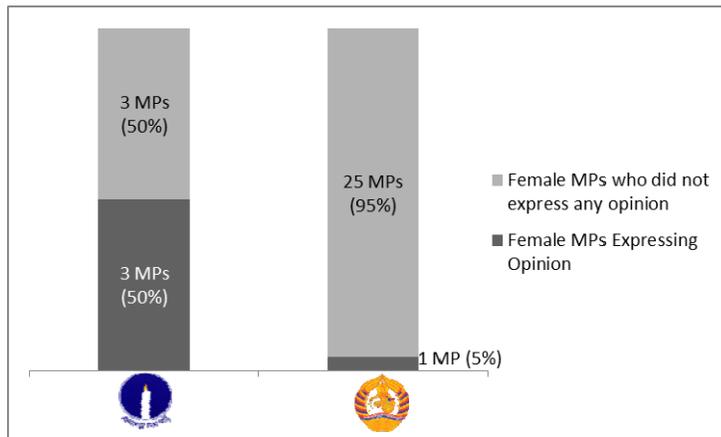
On 5th March 2009, the national assembly celebrated international women rights at the national assembly palace. During that time, chairman of national assembly Samdech Heng Samrin offended parliamentarian Mu Sochua after she criticized the lifting of MP Sam Rainsy’s parliamentary immunity on 26th February 2009. The chairman said “Before raising an opinion, or any free speech, [you] should think first. [You] should not just talk, talk. The lifting of Mr. Sam Rainsy’s immunity is done in accordance with the specified law of national assembly.”

On 5th February 2009, Mu Sochua was prohibited from attending the 3rd economic forum organised

by the national economic authority as she did not hold an invitation letter even though she was already at the forum. And, on 9th march 2009, she was denied entry by security forces to the inter-parliament union’s workshop hall organised by the senate since she did not have her name tag displayed despite having an invitation letter.

On April 2009, she was sued by Samdech Hun Sen on defamation charges because she held a press conference outlining her own lawsuit against Samdech Hun Sen. Samdech Hun Sen criticised “one woman” as a strongwoman in Kampot constituency who went to hug someone and claimed that the person undo her shirt’s button during the election campaign.” Mu Sochua claimed this was a thinly veiled and derogatory reference to herself.

**Figure 30: Number and Percentage of Women MPs Expressing Opinion by Party**



4 female (15%) MPs expressed opinions during plenary sessions.

Of the four female MPs, 3 MPs are from the SRP (50% of SRP’s total female MPs) and 1 from the CPP (5% of the CPP’s total female MPs)

Two female MPs are among the top 10 members expressing their opinion most often. MP for Kampot Mu Sochua, ranked 3<sup>rd</sup>, speaking for a total of 93

minutes and MP for Phnom Penh Ly Srey Vyna spoke for a total of 62 minutes.

Constituency visits: 19 female MPs (equal to 73% of the 26 female MPs) conducted constituency visits with a total of 286 visits (equal to 28% of the total number of constituency visits by all MPs).

Each female MP conducted an average of 15 constituency visits per year, exceeding the average of 9 made by male MPs.

COMFREL observed that female CPP MPs are more active than those of both the SRP and their male counterparts in terms of constituency visits. Of all female MPs who visited constituencies, 15 are from the CPP making 262 visits. An average of 17 visits over the observed year.

4 female SRP MPs visited constituencies 24 times. On average a female SRP MP conducted 6 constituency visits over the observed year.

4 female MPs are also among the top 10 MPs making the most constituency visits. All of them are from the CPP including: Chuonh Sochhay from Battambang constituency with 64 visits (2nd place), MP Ly Kimleang with 53 visits (3rd place), and parliamentarians Troeung Thavy with 29 visits (8th place), and MP Em Ponna with 27 visits (9th place).



## 5. SIGNIFICANT POLITICAL EVENTS OVER THE OBSERVED YEAR

### **The forming of the 4th Legislature of the NA was controversial**

The first session of the NA mandate to finalize the validity of MP's membership went smoothly despite some legal controversy and 3 HRP MPs boycotting the proceedings.

Only 119 MPs were proclaimed valid and sworn in. This raises the question as to whether the NA of the 4th legislature was legally established. The constitutional council upheld the (decision number 054/ 005/ 2003 dated on July 22, 2008) the meaning of Paragraph 1 of Article 76 of the constitution that states that 'The National Assembly shall consist of at least 120 Members'.

Nonetheless, the 4th legislature of the NA convened its plenary session on September 25, 2008 to approve a package vote of confidence in the leaders of the NA and the RGC, even though the decision of the Constitutional Council reiterated the provisions of article 76 that at least 120 members are required to form the NA. This was criticized because the remaining 4 MPs were sworn in after the 25 September session.

The SRP and HRP had initially agreed to reject the announcement of the temporary election results and agreed to boycott the first session of the NA.

25 SRP MPs decided to attend the meeting immediately prior to its start as could be seen from their ordinary clothes while the other 94 MPs wore their MP's uniform.

The SRP MPs explained their presence in the 1st meeting was due to the fact that they had made a political agreement with the CPP to amend some of the NA's internal regulations, such as recognizing the role of opposition parties in the NA.

The 119 MPs from 4 parties attending the 1st NA meeting and sworn into their positions on September 24 included: 90 CCP MPs, 2 Funcinpec MPs, 2 NRP MPs and the 25 SRP MPs who decided to attend the meeting immediately prior to its start.

The HRP entered proceedings and were sworn in on October 9, 2008 and MP Tioulong Saumura from the SRP was sworn in on October 13, 2008.

### **NA of the 4th legislature under the control of CPP**

CPP MPs hold all the leading position in the NA, including the presidency and vice-presidencies of the NA and chairpersons as well as vice-chairperson positions of all NA expert commissions. Current practice differs from previous mandates where leadership positions within the NA were shared among the elected parties. In addition, only two of the nine expert commissions include MPs who are not from the ruling CPP. The 4th commission has one NRP member and the 9th commission includes one member from the Funcinpec party.

This calls the role of MPs in overseeing the RGC's work and in providing the necessary checks and balances between the legislative and executive branches into question.

Observations made during the current mandate show that CPP MPs, including the chairpersons and vice-chairpersons of the expert commissions, never requested that RGC officials clarify issues. This differed from the previous mandate in which opposition MPs holding leadership position on commissions regularly requested government representative to clarify issues before the expert commissions.

## **NA Internal Regulations not Amended**

SRP MPs in 2008 insisted amendments be made to NA internal regulations repeatedly but ruling CPP MPs stated that no amendments would be made.

MP for Kampot province Mu Sochua said that political compromise was the main factor in having internal regulations amended and ensuring the inclusion of opposition parties in the NA saying, “The SRP still have hopes [for a] political compromise with the ruling party. What the opposition is doing is not negotiating to share power or positions [in the NA]”.

The SRP MP’s request for an amendment was rejected by the NA Permanent Committee as the number of MPs requesting the amendment was less than the 31 members needed to make the request.

On November 17, Vice President of the CPP Prime Minister Hun Sen stated in public that there would be no amendment of national assembly internal regulations saying, “[The request for] amendments is too many to accept, [it is to] 26 articles out of 82. And the articles requested for amendment are very important. It is impossible.”

However, Director of COMFREL’s Board Mr. Thun Saray stated “The principle of democracy means that the minority parties in the NA should be given a voice and the power to oversee the executive branch. The NA is not the implementing agency but the law making and approving one and is there to oversee the performance of the royal government and whether they are doing their job properly or not.”

The main amendments requested include: The NA presidential position shall be made on the proposal of the party winning the most seats; that the first vice-presidential position on the request of the party holding the 2nd most seats, and that the 2nd vice presidential position by the party holding the 3rd most seats. The sharing of leadership positions in the 9 expert commissions and the establishment of a budget for opposition parties is also requested.

### **MPs Face Difficulties in Fulfilling their Duties**

Parliamentarians from opposition SRP and HRP parties voiced their concerns over the difficulties they face in fulfilling their duties; including reviewing the draft/proposed bills and their level of representation in the NA and NA committees.

The obstacles faced by opposition MPs include a lack of access to information concerning the current activities of the NA permanent committee and timely access to review draft laws. Since no SRP or HRP MPs are the members of the expert commissions or the permanent committee of the National Assembly they do not receive copies of draft laws until days before a vote.

SRP MP for Phnom Penh Yim Sovann, a former chairman of the 4th expert committee of the NA on Interior, National Defense, Investigation, Anti-Corruption, and Public Functions of the 3rd legislature, likened the restriction of access to information during the 4th legislature to a “dictatorial regime”. He stated that the absence of opposition parliamentarians from the expert commissions led to MPs simply attending the plenary sessions. “When we had positions in the expert commission, we received a lot of information related to draft laws or any other meetings or sessions of the national assembly, and we had time to study and review the draft laws and agendas and to give recommendations and speed up the NA sessions... but now we get no information.”



HRP parliamentarian Yem Ponhearith also outlined similar difficulties. “We are not members of the NA expert commissions. We cannot access information related to draft laws, or the agendas submitted to the NA expert commissions, and it has made it very difficult for us. When we get draft laws, it is too close to the day of NA plenary session and it’s too late to find related documents. For instance, I received the 2009 National Financial management Draft law only when I attended the workshop.”

However, these two MPs said that their parties have no plan to make a request to include their party members in the expert commission unless there is an amendment to the NA internal regulations that recognizes the inclusion of opposition MPs in the permanent committee. As a result neither the SRP nor HRP has members on the NA committees or commissions.

### **Minority MPs cannot take part in Plenary Sessions Debate**

Giving the need for better discipline in NA Plenary sessions as the reason, in 2005 the NA amended its internal policy to require that MPs be a member of a debating group during plenary sessions. At that time, a group consisted of at least 13 members, however, after political compromises between the SRP and CPP in 2006, the amendment was revised so that a group would need a minimum of 10 members.

Law experts said that the Cambodian NA based their decision to introduce debating groups on the Germany constitutional model. However, in practice the German model does allow for a group of any size to be formed by MPs so that they may represent their own party. The formation of individual debating groups and requiring MPs to join them is not, as in the Cambodian model, a requirement of the German political system. Rather, groups are formed to represent their political parties; if in the German parliament there are three political parties then three groups will be formed to represent each party.

Three HRP MPs lost their right to express their opinion in NA plenary sessions this year as they refused to form a debate group with members of other parties. HRP President MP Kem Sokha said. “[I] will never ever join with another group because we are from an independent political party; it is not democracy to be controlled by other parties.” He added that 3 HRP MPs had requested an amendment to NA internal regulations allowing parties with less than 10 seats to form their own debating group. This request was not accepted”.

COMFREL believes that to guarantee that minority parties are able to represent their electorate that amendments to the NA internal regulations related to the number of MPs required to form a group during plenary sessions need to be made. The amendment should allow any party with at least 1 seat, but less than 10, in the NA to form a group.

### **3 MPs stripped of their parliamentary Immunity in the 1st Year**

Over the first year of the 4<sup>th</sup> legislature 3 MPs had their parliamentary immunity stripped by request of the court because of public comments that they made.

On June 22, 2009, at the end of 2nd NA session, in a closed-door session MPs from the CPP, FUNCINPEC and NP parties voted to lift the immunities of 2 SRP MPs, Mu Sochua and Ho Vann, at the request of the court so that legal proceedings against them for defamation could proceed. The MPs were accused of incitement resulting from public comments they had made.



Opposition party leader Sam Rainsy was stripped of his parliamentary immunity in late February 2009.

After the lifting of the MP's immunity, a coalition of Human Rights and political monitoring NGOs released a joint statement stating that 'The National Assembly has sent a definitive message to the Cambodian people and the international community that Cambodia does not respect freedom of expression as guaranteed by the International Covenant on Civil and Political Rights and the Universal Declaration of Human Rights.'

MP Mu Sochua and PM Hun Sen both brought lawsuits of defamation against each other. However, the court decided not to proceed with the lawsuit brought by MP Sochua, while upholding PM Hun Sen's case and requesting that the NA strip Mu Sochua of her parliamentary immunity. In July 2009, Phnom Penh municipal court found MP Mu Sochua guilty of defamation and ordered her to pay compensation to PM Hun Sen and the Royal Government of Cambodia of 16 million Riel (around 4,000 USD). MP Mu Sochua is appealing the verdict.

SRP MP Ho Vann was accused of defamation and incitement by senior Cambodian military leaders including Pol Saroeun, commander in Chief of The Royal Cambodian Armed Forces, following comments he made on the certificates awarded to them by the Vietnamese Infantry Institute. On September 2009, the Phnom Penh municipal court found Ho Vann innocent.

MP Sam Rainsy's immunity was stripped by the NA Permanent Committee on February 26 to allow a court case accusing him of cursing the leaders of the CPP during the 2008 election campaign to go ahead. Immediately after the lifting of his immunity MP Sam Rainsy paid 10 million Riel to the NEC and the NEC subsequently dropped the lawsuit and restored his immunity.

### **Tightening of regulations on visits to the national assembly**

In the middle of September, 2009, the NA General Secretariat announced a notice of new procedures for observing NA sessions, visiting the NA palace and for conducting study tours of the NA palace.

The notice is seen by some MPs as an obstacle to citizens wishing to exercise their right to monitor MPs and to visit the NA palace while other MPs argue that the new measures are a necessary security precaution.

The notice stated that on application to observe an NA plenary session or to visit or conduct a study tour of the NA palace that the observer is required to make a written request to the General Secretariat 3 working days before the visit date and that the request must be approved by the NA president, Heng Samrin. However, the notice does not clarify the conditions required to receive approval for a visit. It also leaves it open as to whether no response from the NA president constitutes an approval to visit or not.

To request a visit to the NA palace a citizen must submit a written request to the General Secretariat through his or her local authority. The request must include their: name, occupation and the address. In the case of university students or high school students, the requested must be made through the director of the university or high school and include information regarding the student's education level or grade and the name and address of the applicant.



Applications must also be confirmed by the applicant's local authority. This means that although applicants may be a Cambodian citizen in possession of a valid Cambodian Identity Card, they cannot use this as an identity document when applying for an NA visit. Additionally, the notice does not state through which level of local authority (provincial, district, municipality, commune or village) applications must be submitted.

**ANNEX 1: ESTIMATE OF PARLIAMENTARIANS' BIAS OF OPINION IN MINUTES**

No	Name of MP	Party	Number of times	Neut in mins	Pos in mins	Neg in mins	Total in mins
1	H.E. Mr. Yim Sovann		12	85	23	77	185
2	H.E. Mr. Son Chhay		13	141	8	29	178
3	H.E. Mrs. Mu Sochua		7	67	5	21	93
4	H.E. Mr. Cheam Cheap		9	71	10	6	87
5	H.E. Mr. Chheang Vun		13	56	24	3	83
6	H.E. Mr. Kimsour Phirith		7	43	3	27	73
7	H.E. Mrs. Ly Srey Vyna		5	42	1	19	62
8	H.E. Mr. Sam Rainsy		5	42	3	13	58
9	H.E. Mr. Cheam Channy		4	51	0	4	55
10	H.E. Mr. You Hockry		4	32	7	0	39
11	H.E. Mr. Nguon Nhel		5	26	1	10	37
12	H.E. Mr. Sok Ey San		2	2	22	8	32
13	H.E. Mr. Pen Pannha		5	23	6	0	29
14	H.E. Mr. Ai Khan		3	11	10	5	26
15	H.E. Mr. Vann Sengly		2	22	0	0	22
16	H.E. Mrs. Khuon Sudary		2	11	9	2	22
17	H.E. Mr. Mom Chimhuy		3	16	0	0	16
18	H.E. Mr. Bin Chhin		1	4	3	8	15
19	Samdech Hun Sen		1	13	1	0	14
20	Samdech Heng Samrin		3	12	0	2	14
21	H.E. Mr. Min Sean		1	7	4	3	14
22	H.E. Mrs. Ke Sovannaroth		1	11	0	3	14
23	H.E. Mr. Khy Vandeth		2	13	0	0	13
24	H.E. Mr. Hem Khan		2	12	0	0	12
25	H.E. Mr. Sik Bunhok		2	4	0	7	11
26	H.E. Mr. Som Chen		1	0	10	0	10
27	H.E. Mr. Chea Chamroeun		1	10	0	0	10
28	H.E. Mr. Men Sothavarin		2	7	1	0	8



No	Name of MP	Party	Number of times	Neut in mins	Pos in mins	Neg in mins	Total in mins
29	H.E. Mr. Ich Saro		1	5	3	0	8
Total	 = 22 MPs/ 58 times = 706min  = 18 MPs/57 times = 462min  = 1 MP/4 times = 39 min		119	839 min (68%)	154 min (12%)	247 min (20%)	1240 min (100%)

**ANNEX 2: DRAFT LAWS AND AGENDAS ADOPTED DURING PARLIAMENTARY SESSIONS**

In 23 meetings the NA debated and adopted 33 agendas: 17 draft laws and NA internal regulations, 15 votes of confidence and 1 clarification (Clarifications not needing approval of the quorum).

No	Date	Agenda	Vote
1	24-09-08	Approving the internal rules of Parliament in the 4th mandate	119/119
2	25-09-08	Package Vote to Choose the President and Vice President of the National Assembly, Expert commission and Vote of confidence for Royal Government Members	94/94
3	10-10-08	Declaration to accept the 17 new CPP MPs of who replaced 17 MPs who resigned	105/105
4	10-10-08	Declaration to accept the 9 new CPP MPs of who replaced 9 MPs who resigned	103/106
5	10-10-08	Vote of confidence for Members of 1 <sup>st</sup> to 5 <sup>th</sup> Expert Commissions of the National Assembly	103/106
6	10-10-08	Vote of confidence for CPP MPs Who Stand for Secretary of 1 <sup>st</sup> to 5 <sup>th</sup> NA expert commission of the 4 <sup>th</sup> legislature	103/106
7	16-10-08	Vote of Confidence for members of 6 <sup>st</sup> to 9 <sup>th</sup> NA Expert Commissions	106/107
8	16-10-08	Vote of confidence for CPP MPs standing for secretary of 6 <sup>th</sup> to 9 <sup>th</sup> NA Expert commission.	106/107
9	12-08-08	Acknowledging CPP MP Ich Saro for Pai Lin as replacement for MP Som San	105/105
10	12-09-08	Draft Law on 2009 Financial Management	81/95
11	12-11-08	Vote of confidence for H.E. Mr. Teng Savong as Interior State Secretary	87/92
12	29-12-08	Vote of confidence for H.E. Mr. Ich Saro as Member of Legislation and Justice	94/104
13	29-12-08	Draft Law on Settlement of the State General Budget 2006	85/103
14	30-12-08	Draft law on Approval on Guarantee of Payment of the Royal Government of Cambodia to the China National Heavy Machinery Corporation	87/103
15	30-12-08	Draft law on Approval on Guarantee of Payment of the Royal Government of Cambodia to the Misel Corporation	88/99
16	03-12-09	Vote of confidence for 10 Extra Members of Royal Government	86/87
17	01-04-09	Draft law on the Adoption on the Agreement Between the Royal Government of Cambodia and the Government of the State of Kuwait for the Encouragement and Reciprocal Protection of Investments	104/104
18	01-04-09	Draft law on the Approval on the Agreement Between the Royal Government of Cambodia and the Government of the State of Kuwait	104/104



No	Date	Agenda	Vote
		for Economic and Technical Cooperation	
19	04-01-09	Draft law on the Adoption on the Agreement Between the Royal Government of Cambodia and the Government of Czech Republic for the Promotion and Reciprocal Protection of Investments	101/102
20	29-04-09	Draft Law on Tourism	87/91
21	27-05-09	Draft Law on Financial Leases	100/100
22	28-05-09	Law on the Adjustment to the Law on Financial Management for the Year 2009	100/100
23	29-05-09	Draft Law on the Protection and Promotion on the Rights of People with Disability.	75/75
24	29-05-09	Draft Law on the Approval on the Agreement between the Royal Government of Cambodia and the Government of the Lao People's Democratic Republic Concerning the Promotion and Protection of Investments	74/74
25	19-06-09	The clarification of H.E. Mr. Sok An, Deputy Prime Minister, Minister of Council of Minister Relating to Apsara Authority's Affairs	No vote required
26	22-06-09	Draft law on Adoption of Memorandum of Understanding on the Field of Exchange of Manpower Between the Royal Government of Cambodia and the Government of the State of Kuwait	91/91
27	22-06-09	Draft law on the adoption on the agreement between Royal Government of Cambodia and Government of <b>Democratic People's Republic of Korea on the promotion and protection of investment</b>	91/91
28	22-06-09	The approval to strip MP Mu Sochua and Ho Vann of Parliamentary immunity	91/91
29	22-06-09	Vote of confidence for MP Sales Sen as the Member of Human Rights, Complaint Reception, Monitor and National Assembly-Senate Relation	91/91
30	23-06-09	Draft Law on System of Units	80/80
31	30-06-09	Draft Law on Adoption of the Optional Protocol to the Convention on the Elimination of Discrimination Against Women	93/96
32	30-06-09	Promulgation of the Law on Adoption of Agreement Between the Royal Government of Cambodia and the Government of the Republic of India on the Transfer of Sentenced Persons	92/93
33	18-08-09	Draft Law on Adoption of the Asean Trade in Goods Agreement.	100/100

**ANNEX 3: NAMES OF PARLIAMENTARIANS VISITING CONSTITUENCIES**

No.	MPs' name	Party	Purpose of Visits					Total
			Intervention	Visiting	Party Strengthening	Forum	Accompany	
1	H.E. Mr. Tes Heanh		0	66	6	1	6	79
2	H.E. Mrs. Chuonh Sochhay		0	58	1	0	5	64
3	H.E. Mrs. Ly Kimleang		0	39	8	0	6	53
4	H.E. Muy Chat		0	39	6	0	5	50
5	H.E. Mr. Sary Kosal		0	38	4	0	4	46
6	H.E. Mr. Katoeu Toyeb		0	33	6	0	0	39
7	H.E. Mr. Sar Kheng		0	30	4	0	0	34
8	H.E. Mrs. Troeung Thavy		2	13	13	1	0	29
9	H.E. Mrs. Em Ponna		0	21	3	0	3	27
10	H.E. Mr. Chiv Cata		0	19	3	0	0	22
11	H.E. Mr. Suos Kanan		3	14	4	0	1	22
12	H.E. Mr. Hou Sry		0	5	11	1	1	18
13	H.E. Mr. Sman Teat		0	11	4	0	3	18
14	H.E. Mr. Kem Sokha		0	5	12	0	0	17
15	H.E. Mr. Ly Narun		0	8	6	0	3	17
16	H.E. Mr. Ly Son		0	12	2	0	1	15



No.	MPs' name	Party	Purpose of Visits					Total
			Intervention	Visiting	Party Strengthening	Forum	Accompany	
17	H.E. Mrs. Lork Kheng		0	12	3	0	0	15
18	H.E. Mr. Men Sothavarin		0	3	7	0	4	14
19	H.E. Mrs. Krouch Sam An		0	9	5	0	0	14
20	H.E. Mrs. Men Sam On		0	8	3	0	3	14
21	H.E. Mr. Yont Tharo		0	2	11	0	0	13
22	H.E. Mr. Chheang Vun		0	8	1	0	4	13
23	Samdech Kong Sam Ol		0	5	6	0	1	12
24	H.E. Mr. Eng Chhai Eang		0	7	3	1	0	11
25	H.E. Mr. An Sum		0	11	0	0	0	11
26	H.E. Mr. Khy Vandeth		0	2	8	1	0	11
27	H.E. Mr. Nuth Rumduol		0	0	9	2	0	11
28	H.E. Mr. Nguon Nhel		0	6	4	1	0	11
29	H.E. Mr. Pal Sam Ourn		0	10	0	0	0	10
30	H.E. Mr. Sam Rainsy		0	3	7	0	0	10
31	H.E. Mrs. Ho Naun		0	6	1	0	3	10
32	H.E. Mrs. Mu Sohua		2	3	3	1	0	9



No.	MPs' name	Party	Purpose of Visits					Total
			Intervention	Visiting	Party Strengthening	Forum	Accompany	
33	H.E. Mr. Long Ry		0	3	5	1	0	9
34	H.E. Dr. Cheam Yeap		0	6	1	0	2	9
35	H.E. Mr. Nhim Vanda		0	4	1	0	4	9
36	H.E. Mrs. Long Sakhan		0	2	2	0	5	9
37	H.E. Mr. Nhem Thavy		0	6	1	0	1	8
38	H.E. Mr. Chea Poch		0	1	6	1	0	8
39	H.E. Mr. Kong Bora		0	0	7	1	0	8
40	H.E. Mr. Un Ning		0	6	1	0	0	7
41	H.E. Mrs. Som Kimsuor		0	6	1	0	0	7
42	H.E. Mrs. Keat Chhon		0	6	0	0	1	7
43	H.E. Mrs. Chiep Sivorn		0	1	6	0	0	7
44	H.E. Mr. Souk Sam Eng		0	3	4	0	0	7
45	H.E. Mrs. Nin Saphon		1	5	0	0	1	7
46	H.E. Mr. Chau Sophon		1	4	0	1	1	7
47	H.E. Mr. Yim Chhayly		1	2	3	0	0	6
48	H.E. Mr. Try Chheang Huot		0	6	0	0	0	6



No.	MPs' name	Party	Purpose of Visits					Total
			Intervention	Visiting	Party Strengthening	Forum	Accompany	
49	H.E. Mr. Keo Sosak		0	2	4	0	0	6
50	H.E. Mrs. Ker Chanmony		0	2	3	0	1	6
51	H.E. Mr. Say Chhum		0	5	1	0	0	6
52	H.E. Mrs. Tioulong Saumura		0	0	4	2	0	6
53	H.E. Mr. Bin Chhin		0	3	0	0	3	6
54	H.E. Mr. Min Sean		0	2	0	1	3	6
55	H.E. Mr. Sao Rany		0	1	2	2	1	6
56	H.E. Mrs. Ke Sovannaroeth		0	1	5	0	0	6
57	H.E. Mr. Nhek Bun Chhay		0	0	5	0	0	5
58	H.E. Mr. Som Chen		0	5	0	0	0	5
59	H.E. Mrs. Chea Chamroeun		0	3	2	0	0	5
60	H.E. Mr. Chea Soth		0	4	1	0	0	5
61	H.E. Mr. Prak Thuch		2	2	0	0	1	5
62	H.E. Mr. San Inthor		0	2	3	0	0	5
63	H.E. Mr. Hun Sen		0	4	0	0	0	4
64	H.E. Mr. Sik Bunhok		0	1	2	1	0	4



No.	MPs' name	Party	Purpose of Visits					Total
			Intervention	Visiting	Party Strengthening	Forum	Accompany	
65	H.E. Mr. Kuch Moly		0	0	1	3	0	4
66	H.E. Mr. Yem Ponhearith		0	1	2	0	1	4
67	H.E. Mr. Seang Nam		0	4	0	0	0	4
68	H.E. Mrs. Khuon Sudary		0	1	2	0	1	4
69	H.E. Mr. Nim Chantara		0	3	0	0	0	3
70	H.E. Mr. Ouk Damry		0	1	2	0	0	3
71	H.E. Mr. Khim Laky		1	2	0	0	0	3
72	H.E. Mr. Ou Chanrith		0	0	0	3	0	3
73	H.E. Mr. Yim Sovann		0	1	0	2	0	3
74	H.E. Mrs. Ly Srey Vyna		0	0	2	1	0	3
75	H.E. Mr. Tea Banh		0	3	0	0	0	3
76	H.E. Mr. Kuoy Bunreoun		0	0	0	3	0	3
77	H.E. Mr. Hor Namhong		0	2	0	0	0	2
78	H.E. Mr. Ney Pena		0	1	1	0	0	2
79	H.E. Mr. Ai Khan		0	2	0	0	0	2
80	H.E. Mr. Um Nhand		0	0	2	0	0	2



No.	MPs' name	Party	Purpose of Visits					Total
			Intervention	Visiting	Party Strengthening	Forum	Accompany	
81	H.E. Mr. Son Chhay		1	0	0	1	0	2
82	H.E. Mr. Pen Pannha		0	0	0	0	2	2
83	H.E. Mr. Sok Ey San		0	0	1	1	0	2
84	H.E. Mr. Hul Savorn		0	1	0	0	1	2
85	H.E. Mrs. Duong Vanna		0	2	0	0	0	2
86	H.E. Mr. Nguon Sim An		0	1	0	1	0	2
87	Samdech Heng Samrin		0	0	1	0	0	1
88	H.E. Mrs. Chem Savay		0	1	0	0	0	1
89	H.E. Mr. Cheam Channy		0	1	0	0	0	1
90	H.E. Mr. You Hockry		0	0	1	0	0	1
91	H.E. Mr. Hem Khan		0	0	0	1	0	1
92	H.E. Mr. Mom Chimhuy		0	0	0	0	1	1
93	H.E. Mr. Chan Cheng		0	0	0	1	0	1
94	H.E. Mr. Ich Saro		0	0	0	1	0	1
95	H.E. Mr. Ho Vann		0	0	1	0	0	1
96	H.E. Mr. Chhim Ma		0	1	0	0	0	1



No.	MPs' name	Party	Purpose of Visits					Total
			Intervention	Visiting	Party Strengthening	Forum	Accompany	
97	H.E. Mr. Sok An		0	1	0	0	0	1
98	H.E. Mr. Tok Vanchan		0	0	0	1	0	1
Total	 = 69 MPs visited 822 times  = 22 MPs visited 156 times  +  +  Total 7 MPs visited 40 times		14	633	250	38	83	1018



## ANNEX 4: GOALS, OBJECTIVES, METHODOLOGIES AND OBSERVATION CHECKLIST

### 1. Goal

In the spirit of promoting democracy in Cambodia, the election is a crucial task to which the Committee for Free and Fair Elections in Cambodia (COMFREL) pays much attention.

At the same time, another significant task is to monitor the fulfillment of elected officials<sup>2</sup> regarding their duties and promises made during the elections, since elected officials' responsibilities are among the major indicators of the success of democracy.

Transparency of task implementation by elected officials will depend on the extent of effective observation and vigorous participation by local citizens in the process of democratization, in following up on and monitoring parliamentarians' activities. Sustainable observation is an essential tool for providing provincial/capital constituency information regarding fulfillment of elected officials of their promises and their responsibilities for the Cambodian voters.

To accomplish these goals, COMFREL has observed all elected officials' activities during the post-election period and compiled this report on the monitoring of the NA and parliamentarians.

### 2. Objectives

The objective of this National Assembly and Parliamentarian Watch report are to contribute to better transparency of parliamentarians and fulfillment of their promises made during the elections. Objective including the following:

- Increase people's awareness of their individual representatives regarding the process of power sharing in the National Assembly.
- Help provide people with information related to parliamentarians. This can help motivate parliamentarians to fulfill their previous promises.
- Highlight the relationship between constituents and their parliamentarians.
- Highlight parliamentarian's efforts to go and visit their constituencies.
- Bring forth concern and worries raised by constituents for parliamentarians' attention.

### 3. Methodology

To compile this report, COMFREL formed a working group comprising of COMFREL Monitoring Unit, volunteers, provincial/capital coordinators as well as secretaries nationwide.

Methodologies used by COMFREL to gather information for the compilation of this report included: participating in and observing plenary session at the NA palace; communicating with parliamentarians, staff of the NA Secretariat and staff of parliamentarian offices in each constituency; observing parliamentarian field visits to constituencies; listening to requests or suggestions raised by citizens; and reviewing documents provided by parliamentarians.

As such, the report was compiled using two types of observation: of NA sessions and of parliamentarians' field visit to constituencies.

#### 3.1 Plenary Session Observation

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<sup>2</sup> Elected officials here is referred to National Assembly Members



Two COMFREL volunteers took part in observing every NA session. The observers were required to fill in National Assembly Watch Checklist (session agenda and views expressed by parliamentarians during sessions)<sup>3</sup> and record parliamentarians' words during debate. The content of parliamentarians' speeches during parliamentary sessions was analyzed to determine what institution or person their view referred to and whether the tone of their view was neutral, positive or negative.

Neutral tone refers to a neutral viewpoint towards any person or institution; positive tone refers to speeches highlighting the advantages of any person or institution; and negative tone refers to speeches raising the bad points of any person or institution. Meanwhile, the duration of each parliamentarian's view expression was also taken into account.

### **3.2 Monitoring of parliamentarians' field visits**

COMFREL observers in 23 provinces/municipalities<sup>4</sup> monitor every activity of parliamentarians during their field visits to the constituencies. The observers in the constituencies were required to contact staff working at the provincial parliamentarian offices and the three provincial elected political party offices in those areas or directly communicate with parliamentarians or their assistants, and to fill in COMFREL's observation checklist.<sup>5</sup> All information was incorporated into the data-managing system.<sup>6</sup>

### **3.3 Source of information**

The report was produced with neutrality and transparency: all data collected were based on the actual actions of each parliamentarian. Nonetheless, it was difficult to contact some local party offices or parliamentarian offices for inquiry.

When parliamentarians did not provide COMFREL observers with any news of their activities, COMFREL based its information on secondary sources using the media (newspapers). No matter how hard COMFREL tried to gather accurate information to compile this report, some activities taking place in field visits conducted by parliamentarians were not incorporated into this report owing to a lack of data.

COMFREL observers confronted some difficulties, such as problems obtaining information from provincial parliamentarian offices and provincial/municipal political party offices.

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<sup>3</sup> See attached checklist on page 40-42.

<sup>4</sup> COMFREL has only one observer for Kampot and Kep.

<sup>5</sup> See attached checklist on page 43-45.

<sup>6</sup> The database system in which data about parliamentarians' field visits, opinions raised during NA sessions and background information are stored.



# NA Plenary Session Checklist

## Fourth Legislature of the National Assembly

Observer's name: ..... Position:..... Report code: .....

Session: .....Legislature: ....Date:..... Start time:..... Duration of break: ..... End time:.....

Type of Session:     Open-Door Ordinary Session         Closed-Door Ordinary Session  
                               Open-Door Extraordinary Session     Closed-Door Extraordinary Session

Agendas:.....  
 .....  
 .....

MP Participants:	CPP	SRP	HRP	FUN	NRP	Total
Male:	<input type="text"/>					
Female:	<input type="text"/>					
Total	<input type="text"/>					

Quorum     No quorum (at least 62 members for a quorum— Article 88 new)

**Today's Session Outcomes: Adopted Laws Including: (please tick the relevant boxes)**

- Finance and budget law     - Vote of Confident         - Ratifying treaty and agreement  
 - Loan law                       - Law on creating institution     - Amendments to existing  
 - Other law                       - Clarification from RGC         - Other: .....

**Group for plenary session expression (duration in minutes):**

Group No.	1st time	2 <sup>nd</sup> time	3 <sup>rd</sup> time	4 <sup>th</sup> time	5 <sup>th</sup> time	6 <sup>th</sup> time
.....	.....	.....	.....	.....	.....	.....
.....	.....	.....	.....	.....	.....	.....
.....	.....	.....	.....	.....	.....	.....
.....	.....	.....	.....	.....	.....	.....
.....	.....	.....	.....	.....	.....	.....
.....	.....	.....	.....	.....	.....	.....

**Irregularities during Parliamentary Sessions** (If the provided space is not enough, please write more information on separate paper)

1. MP faces obstacle (is not allow to speak, stopped by president of meeting)

Name of MP	Description (what kind of obstacle? Reason? Solution?)
.....	.....
.....	.....
.....	.....

2. MP who curse other MP:

Name of MP	Name of victim MP	Description/Quotation of the speech
.....	.....	.....
.....	.....	.....
.....	.....	.....



**Date:** ..... **MP Name:** ..... **Sex:** ..... **Party:** .....

**Constituency:** ..... **Other Position:** .....

Expressing view (1<sup>st</sup>, 2<sup>nd</sup> time): ..... Time started:..... Time finished: ..... Duration in minutes:.....

Agenda: .....

**Speech Theme**

View Concerned with	Neutral	Positive	Negative	Total Duration
1. Debating Agenda	1-1:.....	1.2:.....	1.3:.....	.....
2. Prime Minister	2-1:.....	2.2:.....	2.3:.....	.....
3. Royal Government	3-1:.....	3.2:.....	3.3:.....	.....
4. NA President	4-1:.....	4.2:.....	4.3:.....	.....
5. NA Institution	5-1:.....	5.2:.....	5.3:.....	.....
6. NA Commission	6-1:.....	6.2:.....	6.3:.....	.....
7. Senate President	7-1:.....	7.2:.....	7.3:.....	.....
8. Senate and Member	8-1:.....	8.2:.....	8.3:.....	.....
9. Own Party	9-1:.....	9.2:.....	9.3:.....	.....
10. Other Party	10-1:.....	10.2:.....	10.3:.....	.....
11. MPs from Own Party	11-1:.....	11.2:.....	11.3:.....	.....
12. MPs from Other Party	12-1:.....	12.2:.....	12.3:.....	.....
13. Own Constituency	13-1:.....	13.2:.....	13.3:.....	.....
14. Other Constituencies	14-1:.....	14.2:.....	14.3:.....	.....
15. Court	15-1:.....	15.2:.....	15.3:.....	.....
16. Women's Affairs	16-1:.....	16.2:.....	16.3:.....	.....
17. Recommendation on draft law	17-1:.....	17.2:.....	17.3:.....	.....
18. Question on debated agenda	18-1:.....	18.2:.....	18.3:.....	.....
19. Youth's Affairs	19-1:.....	19.2:.....	19.3:.....	.....
20. Other:.....	20-1:.....	20.2:.....	20.3:.....	.....
21. Other:.....	21-1:.....	21.2:.....	21.3:.....	.....

**Attention:** (After having checked the boxes and measured the duration in minute, please give detailed information on the checked boxes)

**Details on View of MP**





# Checklist of MP Field Visit to Constituency

## 4<sup>th</sup> Legislature of the National Assembly

<b>Day:.....Month:..... Year:.....</b>
Secretary's name: ..... Sex:..... Phone: ..... Province/Capital:.....
Secretary's signature: ..... Coordinator's signature: .....
(Please tick with ✓ in <input type="checkbox"/> , for example <input checked="" type="checkbox"/> ) (1 checklist can be used for only 1 field visit. If MP goes to another place, please use a new checklist.)
<b>*Attention: secretary needs to gather information related to the 123 MPs (name list provided by COMFREL)</b>
1. Name of MP: ..... Visit to village:..... Commune:..... District/City:..... Province/Capital:..... Start time: ..... Date:..... End Time:..... Date:.....
2. Parliamentarian's purpose of visit: (please tick only the one that you think is the most important purpose)
<input type="checkbox"/> -meet authorities      local authority/competent official (to discuss or deal with people's concerns) <input type="checkbox"/> -meet people            ordinary people (to intervene in issues, visit, give gifts or attend ceremonies) <input type="checkbox"/> -meet party members   party supporters (to strengthen network or party internal affairs, members, activists or supporters)
<i>Please write in detail about the parliamentarian's purpose:</i>
.....
.....
.....
.....
Tick one of the below boxes to indicate the activity described in detail above:
<input type="checkbox"/> Intervene in or settle people's concern (help facilitate issues or find fair solutions for disputing parties) <input type="checkbox"/> Visit or give small gifts during ceremonies (chatting in ceremonies and offering gifts or a little money) <input type="checkbox"/> Provide budget to support big projects (pay for repairing or building project, channel, school, road, bridge, pagoda and so on) <input type="checkbox"/> Strengthen party networks or deal with internal party issues (meet members, supporters, party activists or raise party-related issues) <input type="checkbox"/> Attend as speaker forum/workshop organized by NGOs (deal with people's issues or answer people's questions) <input type="checkbox"/> Accompany leader (not his/her own mission but just accompanying without any task)
3. Parliamentarian's field visit is in the name of (based on his/her speech, action or reason)
<input type="checkbox"/> Parliamentarian                    (action or speech without discriminating against any party in a bid to deal with people's issues) <input type="checkbox"/> Political party representative    (action or speech expressing support or admiration, or disseminating on strengthening party internal network) <input type="checkbox"/> Government representative    (work of RGC ministry or department or accompanying RGC official or working as representative on behalf of the RGC...)

(If providing detailed information, please write separately) this report must be submitted following COMFREL central office's due or at least by the first day of each month!



4. Evaluation of parliamentarian's speech and actions during field visit (what are the ordinary people's views?)

Neutral (as arbitrator without tendency and nepotism but regarding people's interests and nation as huge priority)

Biased (as being in favor of a party, thinking only about his/her own party interests rather than that of the people)

*Clarify anything in parliamentarian's speech or action to support your evaluation:*

.....

.....

---

5. Promise during field visit at above place (did parliamentarian promise anything to people/participants in this place?)

Yes

No

(Promise is something responding to people's demand in that place, e.g. s/he promised to build one school or dig three wells within a specific time or another precise promise with a time indicator which provides advantage to the people or participants in that region. For instance, s/he said s/he would successfully deal with land disputes or at least receive some money as compensation for victims) (promises counted since October 2008).

*If there is a promise, please write in detail about what s/he promised in order to follow up:*

.....

.....

---

6. Check on parliamentarian's activity in this place (is this the 1<sup>st</sup> time, 2<sup>nd</sup> time....?)

First time (if first time, please skip to question 10)

Has been here before (counted since October 2008; continue to question 7)

---

7. S/he has made promises before at this place

Has never promised (if there has been no promise, please skip to question 10)

Has promised (if there has been a promise, please continue to question 8)

*Write in detail about the promise with a specific date:* .....

.....

---

8. Response to previous promises in question 7 above

Has yet to respond (if there is no response, skip to question 10)

Has already responded (write in detail about the response; information obtained by interviewing people and/or authorities; specify the date)

.....

.....

---

9. People's remarks on the response in question 8 above (clarify people's feelings)

(Please ask people and/or authorities, particularly victims, to give information and reasons related to settlements/parliamentarian's response: s/he partially helped; s/he helped only his own members; or s/he helped but also took advantage. Please clarify)

People are delighted

People are partially satisfied

People are dissatisfied

.....

.....

(If providing detailed information, please write separately) this report must be submitted following COMFREL central office's due or at least by the first day of each month!



10. Participants'/people's requests of this parliamentarian (answer in general by asking people or authorities, particularly victims):.....  
 .....  
 .....

**(Interview people participating in parliamentarian's field visit; explain to him/her about our goal)**

11. Survey of people's opinions  
 Please tick only one answer on this checklist; the number of boxes checked in total is equal to the number of people interviewed:

- Intervene or settle people's issues
- Provide budget to support big achievements or projects
- Attend forum organized by NGOs
- Visit or give gifts during ceremonies
- Strengthen network or settle intra-party affairs
- Accompany leader
- Other, please clarify: .....

The interviewee's reason: .....

.....

.....

12. Contacting parliamentarian's office (have you ever contact the parliamentarian's office?)

- No (reason:  no personal problem  lack of confidence in him/her  not working
- I don't know the office)
- Yes (please clarify the outcome): .....

.....

.....

13. Asking help or making request to parliamentarian (have you ever asked for help from or made requests to the parliamentarian?)

- No (reason:  no personal problem  no hope of help  no solution  I don't know him/her)
- Yes (please clarify the outcome and response):.....

.....

.....

14. Work activity of parliamentarian's office (does it work?)

- No process at all/closed forever
- Works only one or two days per week
- Does not accept complaints
- Other (please clarify):.....

.....

.....

(If providing detailed information, please write separately) this report must be submitted following COMFREL central office's due or at least by the first day of each month!



## Name and Contact Number of Members of Parliament in 4<sup>th</sup> Mandate by Constituency

(Unofficially Translated and Updated on June 2009 by COMFREL)

	Photo	Name	Party		Photo	Name	Party		Photo	Name	Party
Banteay Meanchey (6 Seats)		H.E. Mr. Yim Chhaily 012 958 999		Kandal (11 Seats)		Samdech Hun Sen 012 888 777		Prey Veng (11 Seats)		H.E. Mr. Cheam Yeap 012 769 999	
		H.E. Mr. Pal Sam Oeurn 012 551 611				H.E. Mr. Mom Chihhuy 012 587 106 012 925 914				H.E. Mr. Bin Chhin 012 999 986	
		H.E. Mr. An Sum 012 839 090 016 809 090				H.E. Mrs. Ho Naun 012 915 588				H.E. Mr. Pen Pannha 012 653 919	
		H.E. Mr. Try Chheang Huot 012 846 307				H.E. Mrs. Khuon Sudary 012 828 444 012 568 899				H.E. Mr. Nhim Vanda 012 986 999	
		H.E. Mr. Yont Tharo 012 481 161				H.E. Mr. Zakaryya Adam 012 809 456 011 809 456				H.E. Ms. Long Sakhan 012 778 718	
		H.E. Mr. Nhek Bun Chhay 012 252 111 012 914 486				H.E. Mr. Ouk Damry 012 289 558				H.E. Mr. Sok Ey San 012 949 414	
Battambang (8 Seats)		H.E. Mr. Sar Kheng 012 858 858				H.E. Mr. Chea Chamroeun 012 900 000 015 888 883				H.E. Mr. Min Sean 012 897 047	
		H.E. Mr. Chheang Vun 012 844 668				H.E. Mr. Chan Cheng 012 890 984				H.E. Mr. Chea Poch 012 779 819	
		H.E. Mrs. Ly Kimleang 012 825 389				H.E. Mr. Khim Laky 012 954 606				H.E. Mr. Kong Bora 012 939 374	
		H.E. Mrs. Chuonh Sochhay 012 878 454				H.E. Mrs. Pot Pov 012 629 950				H.E. Mr. Yem Ponhearith 016 435 106	
		H.E. Mr. Tes Heanh 012 882 050				H.E. Mr. Ou Chanrith 012 570 127 085 570 127				H.E. Mr. Sao Rany 016 664 242 016 481 616	
		H.E. Mr. Muy Chat 012 859 581			Samdech Kong Sam Ol 012 800 001			H.E. Mr. Ly Narun 012 962 909 011 777 677			
		H.E. Mr. Eng Chhai Eang 017 203 333			H.E. Mr. Keo Sosak 016 260 021			H.E. Mr. Sman Teath 012 885 934			
		H.E. Mr. Chiv Cata 012 575 753			H.E. Mrs. Ker Chanmony 016 260 014			H.E. Mrs. Em Punna 012 824 663			
Siem Reap (6 Seats)		H.E. Mr. Tea Banh 012 810 077			H.E. Mr. Khy Vandeth 012 839 283			H.E. Mr. Sary Kosal 012 471 669			
		H.E. Mr. Seang Nam 012 555 455 012 924 242			H.E. Mr. Say Chhum 012 815 525			H.E. Mr. Nguon Nhel 012 811 851 012 803 887			
		H.E. Mrs. Pov Savoeun 012 873 922			H.E. Mr. Hem Khan 012 830 735			H.E. Mr. Un Ning 012 942 258			
		H.E. Mr. Sam Heang 012 688 626			H.E. Mr. Ly Son 011 634 062			H.E. Mr. Nhem Thavy 016 814 731			
		H.E. Mr. Chhim Ma 016 966 466			H.E. Mr. Samreth Pich 012 837 143			H.E. Mr. Sik Bunhok 012 989 098			
		H.E. Mrs. Ke Sovannroth 012 934 355			H.E. Mrs. Im Savoeun 012 891 070			H.E. Mr. Men Sothavarin 012 863 533			
Kep		H.E. Mr. An He 012 330 133			H.E. Mr. Nuth Romduol 012 504 414			H.E. Mr. Kuch Moly 012 906 646			
Kampong Chhnang (4 Seats)				Kampong Speu (6 Seats)				Kampong Thom (6 Seats)			