



ខុមហ្វ្រែល COMFREL



រដ្ឋសភា
នីតិកាលទី ៣
សម័យក្របខ័ណ្ឌនីតិវិធី
ថ្ងៃ ច័ន្ទ ទី ២០ ខែ ធ្នូ ឆ្នាំ ២០០៤

Parliamentary Watch

October 2004 - March 2005



មេតិកាសាធារណៈ
ស្តីពី
"ម្ចាស់ឆ្នោត និងអ្នកគំរាមកាត់ដៃ"
កំពង់ចាម
ថ្ងៃ ច័ន្ទ ទី ២០ ខែ ធ្នូ ឆ្នាំ ២០០៤
រៀបចំដោយ (COMFREL) ទីស្នាក់ការកណ្តាល
សម្រាប់ (COMFREL) ខេត្តកំពង់ចាម

FOREWORD

This report on our Parliamentary Watch is compiled from findings through observation of the National Assembly's (NA) performance and the actions of all Members of Parliament (MPs) in the 3rd legislature. We followed parliamentary sessions and observed expression of views, the raising of citizens' concerns, their debate in the NA, the solutions and interventions decided upon and any other matters that arose. We also followed MPs visits/missions to their constituencies and their fulfillment of promises made during election campaigns and during other visits.

The information related to MPs in the post election period is very important for the democratic process and people should learn about their representatives' roles and duties in the NA. People must be informed whether the MPs who represent them really serve their interests during the parliamentary debates and when adopting laws.

The Committee for Free and Fair Election in Cambodia (COMFREL) would like to express its sincere thanks to the General-Secretariat of the NA for facilitating our staff's observation of the sessions and collection of data.

We also appreciate those MPs who offered close cooperation in providing information relating to the field visits in the constituencies. We regret that some MPs did not cooperate with us in providing information.

The working group on this report included: Mr. Mar Sophal, Mr. Neang Sovann, Mr. Kon Savang, Mr. Sin Thit Seiha, Miss. Heng Charya, and Comfrel coordinators and secretariats in provinces/cities throughout Cambodia.

Mr. Koul Pnaha

Executive Director of COMFREL

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LIST OF ABBREVIATIONS

| | | |
|-----------|---|--|
| AIPO | : | ASEAN Inter-Parliamentary Organization |
| BLDP | : | Buddhist Liberal Democracy Party |
| CCHR | : | Cambodian Center for Human Rights |
| COMFREL | : | Committee for Free and Fair Elections in Cambodia |
| CPP | : | Cambodian People's Party |
| CSD | : | Center for Social Development |
| FUNCINPEC | : | Front Uni National pour un Cambodge Independent, or FUN Neutre, Pacifique Et Cooperatif (French acronym) = National United Front for an Independent, Neutral, Peaceful and Cooperation Cambodia |
| NA | : | The National Assembly |
| NDI | : | National Democratic Institute for International Affairs |
| NEC | : | National Election Committee |
| NICFEC | : | Neutral and Impartial Committee for Free and Fair Elections in Cambodia |
| MP(s) | : | Member(s) of Parliament |
| PWR | : | Parliamentary Watch Report |
| SRP | : | Sam Rainsy's Party |
| UNTAC | : | United Nations Transitional Authority in Cambodia |
| USAID | : | United States Agency for International Development |
| WTO | : | World Trade Organization |

Political party logos used in this report:



CPP : Cambodian Peoples' Party



FUNCINPEC : Front Unite National pour un Cambodge Independent,
Neutre, Pacifique Et Cooperation (French acronym)
= National United Front for an Independent, Neutral,
Peaceful and Cooperation Cambodia



SRP : Sam Rainsy Party

Notice: COMFREL has divided Parliament Watch report into semesters as follows:

| | | |
|-----------------|---|---------------------------------|
| First Semester | : | From October 2003 to April 2004 |
| Second Semester | : | From May to September 2004 |
| Third Semester | : | From October 2004 to April 2005 |

EXECUTIVE SUMMARY

In the third semester, The Committee for Free and Fair Election in Cambodia (COMFREL) acknowledges that there were some issues in the National Assembly (NA) process while the debate over the constitution and democratic basis are on going. There were problems of insufficient quorums for plenary NA sessions, which frequently interrupted NA sessions. Moreover, persistent political issues relating to the lifting of immunity of MPs from the opposition party and the arrest, trial and imprisonment of H.E. Mr. Cheam Channy (SRP, Prey Veng) has caused opposition MPs to boycott sessions.

Issues at the National Assembly (NA) worryingly degrade the influence and prestige of the NA and the Royal Government with respect to the development of democracy and state legislations. There were lack of accountability, penalties and the concerns raised by national and international organizations, especially by the European Union, inter-parliamentary groups and parliamentarians of some countries relating to the lifting of immunity and the arrest of MPs from opposition party.

Transparency and requests for information were not encouraged. In fact, documents and formal notes relating to the lifting of immunity of those MPs were not accessed when lawyers and MPs from opposition party requested them in order to complete legal court procedures concerning their cases. In this semester, COMFREL also greatly regrets the unclear decision-making of NA leaders and their Secretariat General that did not allow the observation of the Expert NA Commissions and Permanent Standing Committee. At first permission was given, but other subsequent letters from the General Secretariat did not allow observation. We maintain that, information relating to the activities of MPs and the debate in those meetings, particularly concerning draft laws is very important. According to our observation, plenary NA sessions to debate and adopt draft/proposed laws followed procedure only to give the impression that good practice was being followed as some debates only lasted only two hours, or just a morning.

There was an explanation that the lifting of immunity and the arrest of MPs from opposition party were illegally done without transparency with regard to the Constitution. The abuse of the Constitution focused on the decision of the NA to use the words *"lift/suspension"* of immunity, which the Constitution does not allow. Dr. Loav Mong Hey as well some other law experts explained that the NA and the NA Standing Committee decided to use the word *"agree"* of accusation, arrest, or detention of an MP. This conversed to the Constitution stipulated that *"the accusation, arrest, or detention of an Assembly Member shall be made only with the permission of the NA or by the Standing Committee of the NA in separate sessions and approved by a 2/3 majority vote of the assembly members."* Hence, it can not consider the lifting immunity included the permission of the NA for the accusation, arrest and detention of an MP.

However, with regard to COMFREL's third semester Parliamentary Watch Report (early October 2004 to end March 2005), whose working group observed MPs throughout constituencies in 24 provinces/cities we found that MPs have been more active in the NA and constituencies.

In the third semester report, 45 MPs (36% of total amount of MPs) expressed their views during the sessions 18 times and adopted 13 draft laws. This is an increase of 27% compared to the second semester when there were only 11 MPs (9% of total MPs) and they adopted only 1 draft law. Regarding the debate on draft laws, FUNCINPEC MPs were most vocal, expressing their views for 540 minutes (108 times), followed by CPP MPs for 438 minutes (96 times) and SRP MPs for only 298 minutes (35 times). The small SRP time can be explained because of their boycotting of sessions.

Apart from NA sessions, we observed that 104 MPs (85% of 123 MPs) of the three parties also went on missions to constituencies in 24 provinces/cities. This is an increase of 15% compared to the previous semester where there were only 86 MPs (70% of MPs) who went on missions in order to intervene and solve citizens' problems, to visit, to inaugurate and giving gifts, or to support and meet party activists, to attend public forums organized by NGOs, and to accompany their leaders. We also found that 22 MPs from the SRP went on missions 526 times. This is compared to 61 CPP MPs for 419 missions and 21 FUNCINPEC MPs only 76 times throughout 24 provinces/cities.

When compared to the previous semester, COMFREL found MPs' missions increased. However, we must bear in mind that a significant number of citizens still do not even know who their representative is. Moreover, most MPs' offices in the provinces/cities are not functioning properly as there are only one or two standing officials, who cannot solve the large number of problems of constituents. Therefore, citizens lose their trust in their representatives' ability to respond to their concerns.

List of figures and Tables in this report:

- Figure1: Percentage of MPs who expressed their views compared to their parties' MPs
- Figure 2: Total time taken by MPs of each party to express views
- Figure3: Comparison of quality of each party MPs' tone towards the government
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- Table 2: Comparison of reasons for each mission for each party
- Table 3: Names of MPs who visited their constituencies (Data of descending sorted number of missions from 1st October 2004 to 31st March 2005)
- Table 4: List of MPs who issued letters in October 2004-March 2005
- Table 5: Job fulfillment of the MPs with regard to the Cambodian Constitutions
- Table 6: Comparison of MPs missions by party in each semester
- Table 7: Agendas of draft laws adopted in 2nd NA session 3rd legislature from 4th October 2004 to 17 March 2005.

The following report is focused on 7 important points:

1- NA sessions process, 2- Missions of MPs, 3-MPs' intervention activities, 4-The roles and duties of the NA and MPs, 5-Immunity of Opposition Party's MPs, 6- Complaints relating to MPs, and 7-Anexes and other information

1. Sessions Process

Within this period, there were 18 NA sessions, which adopted 13 draft laws. This is compared to the second semester when there were only 3 NA sessions which adopted a draft law, which was due to issues in the process of forming a Royal Government in the third mandate.

In the process of adopting draft/proposed laws, debate should take place in order to discuss meaning and air views. In order for the NA be able to process a session for adopting a law it needs to have a quorum MPs in the session. Constitutional article 88 stipulates that *"for a legal session unless there is quorum 7/10 of all MPs."*

It was raised that there was an insufficient quorum in March 2005. H.R.H Samdech Krom Preah Norodom Ranariddh and the Prime Minister thus agreed to request reducing the number needed to make a quorum¹ in order to facilitate and smooth the process of NA sessions while MPs from the opposition party were still boycotting meetings. The NA met this problem twice before. Nonetheless, some explained that this problem was not only due to boycotts by opposition MPs. Some MPs were busy in their constituencies or abroad, some are government officials, or because of health problems, personal duties, and private business.

With regard to this issue, Mr. Chhim Phal Vorun, the Constitutional post-advisor with the NA, defined *"quorum"* as *"the condition on required number of MPs' present needed to adopt a law, not the required number of MPs' present for a meeting."* On the other hand, the implementation in Cambodia, quorum is set as the number present for a meeting. He also raised there were also many other reasons that made the insufficient quorum for meeting in this semester. Indeed, since MPs of the opposition party were boycotting the sessions, some MPs from CPP and FUNCINPEC were busy fulfilling their governmental duties.

While MPs of opposition party boycotting sessions, H.E. Mr. Eng Chhai Eang (SRP, Battambang), said that, *"CPP and FUNCINPEC have enough MPs at the NA to complete a quorum. The real point is that many ministers don't want to sit in the NA, they'd rather quietly remain at their offices."*

Some lawmakers and observers such as Dr. Loav Mong Hey and Mr. Thun Saray think that a good solution of the political problems is to let opposition party's MPs return to the sessions and to carry out their activities at the NA. These are very important points in order to create an accurate plenary session that would show that there is participation of all political parties and a political forgiveness culture in a mature NA.

1.1. Views expressed by MPs in quantity

According to our observation, during the 18 sessions 45 MPs (equal to 36% of total MPs) expressed their opinions on the draft laws. 22 were CPP MPs (30% of

¹ according to the speech of H.R.H. Samdech Krom Preah Norodom Ranariddh

CPP MPs), 13 were FUNCINPEC MPs (50% of FUNCINPEC MPs) and 10 were SRP MPs (41% of SRP MPs).

In this semester, COMFREL found that 7 female MPs² (6 CPP MPs and 1 FUNCINPEC) expressed their views and opinions on the draft laws for 81 minutes within a 1276 minute total for 18 sessions. Their speech discussed mostly Drug Laws, which focused on any negative impacts for men and women especially young people who use drugs. Within all 18 sessions, MPs from the opposition party boycotted the sessions 9 times since 04th February 2005 until this latest semester (31st March 2005). This means boycotting MPs were absent for 50% of 18 sessions.

Figure1: Percentage of MPs who expressed their views compared to their parties' MPs

During the 18 sessions:



13 MPs from FUNCINPEC equal to 50% of this party's 26MPs.



10 MPs from SRP equal to 42% of this party's 24 MPs.



22 MPs from CPP equal to 30% of this party's 73 MPs.

Figure1

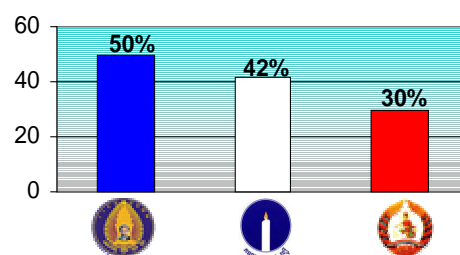


Figure 2: Total time taken by MPs of each party to express views

During the 18 sessions, MPs expressed views for 1267 minutes:



MPs from FUNCINPEC expressed views for 540 minutes.

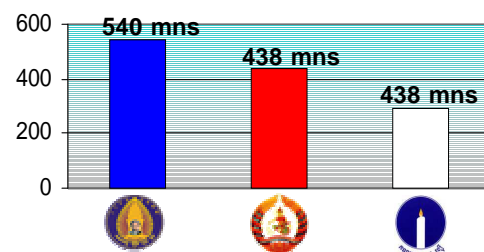


MPs from CPP expressed views for 438 minutes.



MPs from SRP expressed views for only 283 minutes.

Figure2
































1.2. Views expressed by MPs in quality

Table 1: Evaluation of views expressed by MPs on the government (Sorted by descending number of minutes)

| No | Name of MPs | Party | Speaking Tone in Minutes | | | Times ³ | Total Minutes |
|----|----------------------|-------|--------------------------|----------|----------|--------------------|---------------|
| | | | Neutral | Positive | Negative | | |
| 1 | H.E. Mr. Monh Saphan | | 106 | 30 | 18 | 25 | 154 |
| 2 | H.E. Mr. Cheam Yeap | | 95 | 17 | 8 | 13 | 120 |

² MPs from CPP: H.E.Mr. Men Sam An (Svay Rieng), H.E. Mrs. Ky Lum Ang (Battambang), H.E. Mrs. Ho Naun (Kandal), H.E. Mrs. Khuon Sudary (Kandal), H.E. Mrs. Krouch Sam An (Phnom Penh), H.E. Mrs. Nin Saphon (Takeo), and MPs from FUNCINPEC: H.E. Mrs. Ky Lum Ang (Battambang).

³ Times: number of times MPs expressed their opinions in NA sessions

| | | | | | | | |
|----|-------------------------|---|----|----|----|----|----|
| 3 | H.E. Mr. Khieu San |  | 74 | 5 | 12 | 17 | 91 |
| 4 | H.E. Mr. Ly Thuch |  | 45 | 43 | 0 | 9 | 88 |
| 5 | H.E. Mr. Ek Sam Ol |  | 35 | 27 | 13 | 10 | 75 |
| 6 | H.E. Mr. Pen Pannha |  | 33 | 28 | 0 | 8 | 61 |
| 7 | H.E. Mr. Yim Sovann |  | 3 | 10 | 47 | 4 | 60 |
| 8 | H.E. Mr. Son Chhay |  | 28 | 23 | 0 | 5 | 51 |
| 9 | H.E. Mr. Sim Soly |  | 23 | 9 | 16 | 5 | 48 |
| 10 | H.E. Mr. Pou Sothyarak |  | 10 | 30 | 5 | 4 | 45 |
| 11 | H.E. Mr. Sam Rainsy |  | 25 | 0 | 18 | 3 | 43 |
| 12 | H.E. Mr. You Hockry |  | 21 | 13 | 2 | 7 | 36 |
| 13 | H.E. Mr. Keo Remy |  | 18 | 17 | 0 | 4 | 35 |
| 14 | H.E. Mr. Eng Chhai Eang |  | 5 | 0 | 25 | 2 | 30 |
| 15 | H.E. Mr. Than Sina |  | 7 | 14 | 8 | 4 | 29 |
| 16 | H.E. Mr. Sok Pheng |  | 0 | 11 | 17 | 3 | 28 |
| 17 | H.E. Mr. Mom Chimhuy |  | 0 | 26 | 0 | 2 | 26 |
| 18 | H.E. Mrs. Ho Naun |  | 15 | 3 | 2 | 6 | 20 |
| 19 | H.E. Mr. Un Ning |  | 17 | 0 | 0 | 2 | 17 |
| 20 | H.E. Mr. Sok Soty |  | 4 | 0 | 13 | 2 | 17 |
| 21 | H.E. Mrs. Ky Lum Ang |  | 2 | 7 | 8 | 2 | 17 |
| 22 | H.E. Mrs. Nin Saphon |  | 15 | 0 | 0 | 1 | 15 |
| 23 | H.E. Mr. Cheam Channy |  | 0 | 15 | 0 | 2 | 15 |
| 24 | H.E. Mr. Khuon Sudary |  | 5 | 10 | 0 | 2 | 15 |
| 25 | H.E. Mr. So Victor |  | 14 | 0 | 0 | 2 | 14 |
| 26 | H.E. Mr. Sar Kheng |  | 11 | 0 | 0 | 1 | 11 |
| 27 | H.E. Mr. Hem Khon |  | 10 | 0 | 0 | 2 | 10 |
| 28 | H.E. Mr. Keat Chhon |  | 0 | 10 | 0 | 2 | 10 |
| 29 | H.E. Mr. Ly Son |  | 3 | 6 | 0 | 1 | 9 |
| 30 | H.E. Mr. Neav Sithong |  | 6 | 2 | 0 | 3 | 8 |
| 31 | H.E. Mr. Van Sengly |  | 7 | 0 | 0 | 1 | 7 |


















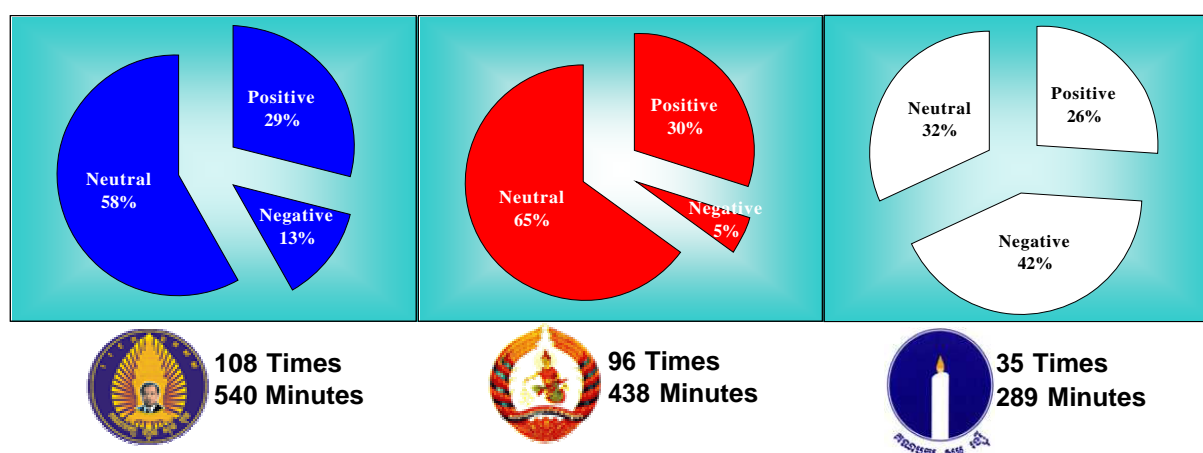
| | | | | | | | | |
|-------|---|---|---|--------------|--------------|--------------|--------------|-----------------|
| 32 | H.E. Mrs. Krouch Sam An |  | 7 | 0 | 0 | 1 | 7 | |
| 33 | H.E. Mr. Hou Sry |  | 6 | 0 | 0 | 2 | 6 | |
| 34 | H.E. Mr. Nhem Thavy |  | 6 | 0 | 0 | 1 | 6 | |
| 35 | H.E. Mrs. Men Sam An |  | 6 | 0 | 0 | 1 | 6 | |
| 36 | H.E. Mr. Som Chen |  | 5 | 1 | 0 | 1 | 6 | |
| 37 | H.E. Mr. Kuoy Bunroeun |  | 5 | 0 | 0 | 1 | 5 | |
| 38 | H.E. Mr. Suos Kanan |  | 5 | 0 | 0 | 1 | 5 | |
| 39 | H.E. Mr. Khem Veasna |  | 5 | 0 | 0 | 1 | 5 | |
| 40 | H.E. Mr. Hong Sun Huot |  | 0 | 4 | 0 | 1 | 4 | |
| 41 | H.R.H. Samdech Norodom Sirivuth |  | 3 | 0 | 0 | 1 | 3 | |
| 42 | H.E. Mr. Chhim Seikleng |  | 3 | 0 | 0 | 1 | 3 | |
| 43 | H.E. Mr. Hor Namhong |  | 3 | 0 | 0 | 1 | 3 | |
| 44 | H.E. Mr. Sok An |  | 0 | 2 | 0 | 1 | 2 | |
| 45 | H.E. Mrs. Ly Kimlieng |  | 1 | 0 | 0 | 1 | 1 | |
| Total |  =22 |  =13 |  =10 | 692 (54%) | 363 (29%) | 212 (17%) | 169 Times | 1267 (100 %) |

Figure3: Comparison of quality of each party MPs' tone towards the government



COMFREL found that MPs from CPP and FUNCINPEC mostly showed their support and views on positive points of the government for 287 minutes. Moreover, MPs from SRP who joined the sessions for only 9 times among the total of 18 sessions of this semester mostly viewed negative points and criticized the government for 120 minutes.

MPs from CPP showed positive points of the Royal Government. For instance, H.E. Ek Sam Oi (CPP, Prey Veng) showed that, *“the year 2005 is the greatest year in order for the government implementing its 73 platforms project. The adoption of the Budget Law is very important as it is an instrument for 3 year planning of the Royal Government.”* In addition, he also appreciated the government and all citizens because everything has been in good process though there was a small government deadlock for a short while. MPs from FUNCINPEC also positively viewed the government. However, they also raised some worries that the government should take action to get better management and to increase the national budget. An example of neutral trends viewed by H.E. Mr. Ly Thuch (FUNCINPEC, Pursat), *“the government should anyways succeed in the war against corruption. The government should maximize the amount of tax collected especially from football gambling companies such as Cambo Six.”* In this debate, MPs from the opposition party viewed negative points including weak points of the government and corruption issues. Indeed, H.E. Mr. Eng Chhai Eang (SRP, Battambang) expressed that, *“about revenues and expenses, previous governmental measures are inefficient.”* Meanwhile, the opposition party also expressed neutral views about the government, as in the case of H.E. Mr. Sam Rainsy (SRP, Kampong Cham) who said, *“Actually, I’m not always against. I will agree on good things but I shall observe.”* Although, there are critics of the government’s weak points and corruption issues, the National Budget Law for the year 2005 was adopted with 96/97 in favour with almost nothing adjusted.

National Assembly Session (3rd Legislature)



2. Actions of MPs

2.1. Missions of MPs⁴

During the monitoring period, from October 2004 to March 2005, we observed that 104 elected MPs, equal to 85% of 123 MPs from the three elected parties went on missions for a total of 1021 times to constituencies throughout the country in order to visit citizens who are voters. Compared to the previous period’s total of 445, missions doubled and increased very sharply if compared to the first semester total of only 190.

Among the MPs who went on missions to 24 provinces/cities this semester, we observed that 22 MPs from SRP led by a total of 526 times, 61 CPP MPs went on missions 419 times and 21 FUNCINPEC MPs only 76 times.

⁴ “Missions of MPs” aimed the right to the missions of MPs to their own and other constituencies in order to: intervene and solving problems, visiting, gifts giving and projects inaugurations, attending public forums or strengthening internal party, and accompanying leaders, etc.

2.1.1. Relations between MPs and citizens

Although MPs' missions to constituencies increased compared to previous semesters, we found that the relations between citizens who are voters and MPs was still insufficient and inefficient. COMFREL was informed about citizens' complains and difficulties in contacting MPs to intervene in their concerns. In fact, citizens said, *"I've never seen the faces of MPs who I voted for."* Another difficulty was that almost all MPs' offices in provinces/cities are not yet fully functioning, as there is only one or two permanent staff there. We were informed that some MPs do not know other MPs in the same constituency especially if they are from another party. This makes citizens lose more confidence in their MPs to work together to solve their problems.

2.1.2. MPs of each party who went on missions

Figure 4: Percentage of each party's MPs who went on missions compared to the seats of each party.

A total of 104 missions:




-  92% of 24 SRP MPs went on missions.
-  84% of 73 CPP MPs went on missions.
-  81% of 26 FUNCINPEC MPs went on missions.

Figure4

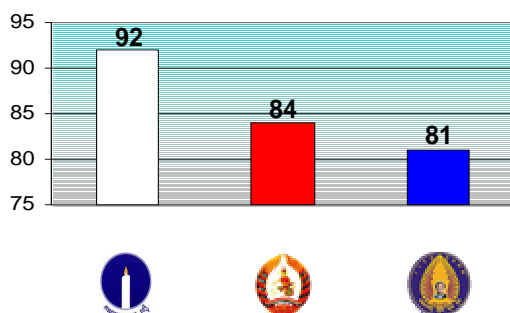


Figure5: Number of MP missions for each party.

A total of 1021 missions:




-  SRP 526 missions
-  CPP 419 missions
-  FUNCINPEC 76 missions

Figure5

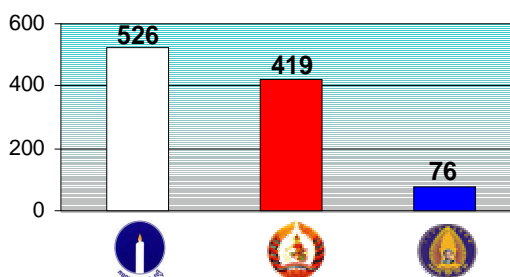



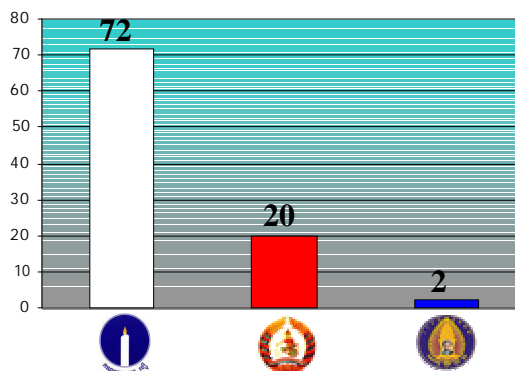
Figure6: Number of MP missions for intervention in people's concerns, with examples.

A total of 94 missions:

-  SRP: 72 times.

On 25th January 2005 H.E. Mr. Chrea Sochenda (Kandal) intervened in a land dispute at Ampov Prey Commune, Kandal Stueng District, Kandal Province where the Seng Rong Company abused 170 families' land. On his mission, the MP promised to send an intervention letter to the court of Kandal province and find a lawyer for those citizens.

Figure6



On 3rd February 2005, he returned to that district to process the solutions for the citizens.



CPP: 20 times.

On 4th October 2004 H.E. Mr. Suos Kanan (Sihanoukville) intervened to find solutions for a dispute between workers and Ray Yon Garment Company located at Group 5, Village 5, Sangkat 4, Mittapheap District, Sihanoukville. He directly appealed to the Office of Social Affairs, Vocational Training and Youth Rehabilitation and Sihanoukville's authorities to examine and immediately solve the problem.



FUNCINPEC: 2 times.

For instance, on 22nd March 2005 H.E. Mr. Monh Saphan (Kampong Cham), H.E. Mr. Khieu San (Kandal), and H.E. Mr. Lam Phu An (Banteay Meanchey) went to Kbal Spean Village, Paoy Peat Commune, Ou Chrov District, Banteay Meanchey province in order to meet citizens who suffered in an article's implementation and also give them some gifts.

Figure7: Number of MP missions for visiting, gift giving and project inauguration, with examples.

A total of 630 missions:



CPP 308 times:

On 28th February 2005 H.E. Mr. Sok An (Takeo) went to Trapeang Koul Mean Leak temple located at Ta Phem Commune, Tram Kak District, Takeo Province to inaugurate a Junior High School named Sok An Trapeang Koul. This was his own gift in response to his promise made in previous missions.



SRP 278 times:

On 28th February 2005 H.E. Mr. Ngor Sovann (Kandal) visited and gave some gifts to the 8 villages of Chhean Laeung Commune in Sameakki Mean Chey District, Kampong Chhnang Province. He distributed 185 boxes of noodles and medicine to the citizens who were facing starvation.



FUNCINPEC 44 times:

On 2nd March 2005 H.E. Mr. Sim Soly (Kampong Thom) went to Damban Beoung Santoung Village, Banteay Stoung Commune, Stoung District, Kampong Thom Province to provide 2 water-pumping machines to citizens who had requested since the previous month distributed rice seed for growing dry-season rice.

Figure7

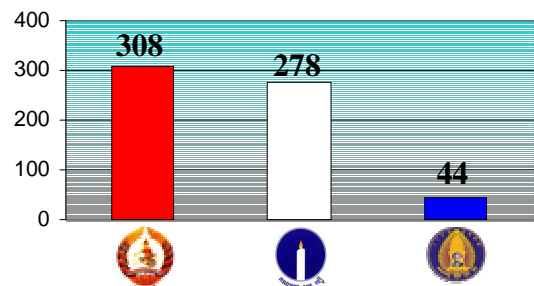


Figure8: Number of MP missions for strengthening party networks, with examples.

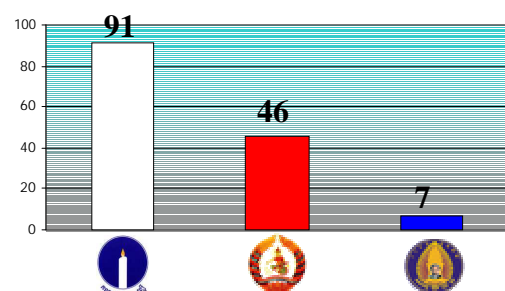
A total of 145 missions:



SRP 91 times:

On 12th November 2004 H.E. Mr. Eng Chhai Eang (Battambang) went to strengthen party networks at Toul Sneang Village, Ruessei Krang and Kampong Pring Commune, Moung Ruessei and Sangkae District, Battambang

Figure8



Province. He met the provincial council of the party and assistants to the chiefs of communes at party offices in order to strengthen their affairs and plan new strategies.



CPP 46 times:

On 10th March 2005 H.E. Mr. Chea Soth (Prey Veng) went to strengthen party networks in a ceremony at Kampong Leav Commune, Kampong Leav District, Prey Veng Province, where a new provincial governor replaced the old party chief. Provincial officials attended along with 69 other people.



FUNCINPEC 7 times:

On 15th January 2005 H.E. Mr. Khek Vandy (Takeo) went to the party office at Roka Commune, Doun Kaev District, Takeo Province to announce the names of newly elected governors of FUNCINPEC for Takeo province in the third mandate, and he also talked about strategies and policies of the party.

Figure9: Number of MP missions for attending public forums organized by national and international NGOs, with examples.

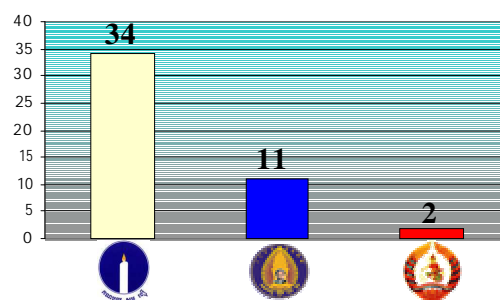
Figure9

A total of 47 missions:



SRP 34 times:

On 29th February 2005 H.E. Mr. Kieng Vang (Kampot) attended a public forum at Ro Sours, Boeng Tuk Commune, Kampot District, Kampot Province. The forum organized by COMFREL had the aim of solving people's concerns such as land disputes, fishery problems relating to the threats from Commune Chiefs to citizens, corruption and environmental issues. On 29th March 2005, H.E. Mr. Sok Pheng (Kampong Thom) attended a public forum at Damrei Chean Khla Village, Damrei Chean Khla Commune, Stueng Saen District, Kampong Thom Province. The forum organized by COMFREL with the intention of solving people's concerns, such as traffic problems before Khmer New Year and land disputes of citizens in Stoung district, whose rice fields were dug over in the construction of a water channel, affecting their ability to grow rice.



FUNCINPEC 11 times:

On 18th February 2005 H.E. Mr. Khieu San (Kandal) and H.E. Mr. Lam Phu An (Banteay Meanchey) attended a public forum at Preah Ponlea Commune, Serei Saophoan District, Banteay Meanchey Province, organized by COMFREL, named *"Members of Parliament and Voters."*



CPP 2 times:

On 16th December 2004 H.E. Mr. Sman Teath (Pursat) attended a forum organized by the Center for Social Development (CSD) at Srah Srang Village, Prey Gni Commune, Sampov Meas District, Pursat Province. The forum was about the solutions to land and forest issues. Citizens were in conflict with powerful people grabbed land and forest citizens had owned since 1979. On 26th January 2005, H.E. Mr. Peou Savoeun (Siem Reap) attended a forum organized by CSD at Trapeang Ses Village, Kouk Chak Commune, Siem Reap District about *"Members of Parliament"*. (For this semester, COMFREL received information on only these two MPs from CPP)

Figure10: Number MP missions accompanying their leaders, with examples

A total of 105 missions:



SRP 51 times:

On 1st February 2005 H.E. Mr. Thak Lany (Kampong Cham) accompanied H.E. Mr. Sam Rainsy (Kampong Cham) while he went to Dak Por Village, Kandaol Chrum Commune, Ponhea Kraek District, Kampong Cham Province in order to visit and distribute some medicine to citizens, and to publish the roles and duties of Members of Parliament.



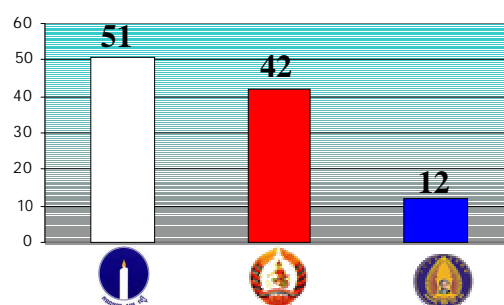
CPP 42 times:

On 11th October 2004 H.E. Mrs. Chounh Sochhay (Battambang) accompanied H.E. Mr. Sar Kheng (Battambang) to Samraong Khnong Village, Samraong Khnong Commune, Aek Phnum District, Battambang Province to distribute funds and some equipment to 400 citizens and retired people.






FUNCINPEC 12 times:

On 2nd February 2005 H.R.H. Norodom Sirivuth (Kandal) accompanied H.R.H. Samdech Krom Preah Norodom Ranariddh (MP for Kampong Cham constituency and NA President) to Thma Pechr Commune, Tboung Khmum District, Kampong Cham Province in order to give gifts to 150 nuns, 14 professors and 400 poor people, and also talked about the party's alliance with CPP.

Figure10

2.1.3. Breakdown of reasons

Table 2: Comparison of reasons for each mission for each party

| Breakdown of Reasons of all 1021 missions | Party | | | Total in percentage by Reason |
|--|---|---|---|-------------------------------|
| |  |  |  | |
| Intervention in people's concerns | 20 (5%) (21%) | 2 (3%) (2%) | 72 (14%) (77%) | 94 (100%) |
| Visiting, gift giving and project inauguration | 308 (73%) (49%) | 44 (58%) (7%) | 278 (53%) (44%) | 630 (100%) |
| Strengthening internal party networks | 47 (11%) (32%) | 7 (9%) (5%) | 91 (17%) (63%) | 145 (100%) |
| Attending public forums | 2 (1%) (4%) | 11 (14%) (23%) | 34 (6%) (73%) | 47 (100%) |
| Group missions and accompanying leaders | 42 (10%) (40%) | 12 (16%) (11%) | 51 (10%) (49%) | 105 (100%) |
| Total in percentage by Party | 419 (100%) | 76 (100%) | 526 (100%) | 1021 missions |

In the third semester report, COMFREL noted the activities of the three parties as following:

Comparison of MPs' missions of the three parties by reason (horizontal data in percentage in table 2)

Among 1021 missions of MPs:

- Intervention in people's concerns 94 times: SRP lead with 77%, followed by CPP 21% and FUNCINPEC only 2%.
- Visiting, gift giving and project inauguration 630 times: CPP lead with 49%, followed by SRP 44 % and FUNCINPEC only 7%
- Strengthening internal party networks 145 times: SRP lead with 63%, followed by CPP 32% and FUNCINPEC only 5%
- Attending public forums 47 times: SRP lead with 73 %, followed by FUNCINPEC 23% and CPP only 4 %
- Group missions and accompanying leaders 105 times: SRP lead with 49%, followed by CPP 40% and FUNCINPEC only 11%

Comparison of the activities of MPs' missions of the three parties by party (Vertical data in percentage in Table 2)

Among 1021 missions of MPs:



MPs from SRP scored highest in going to constituencies 526 missions (14% intervention in people's concerns, 53% visiting, gift giving and project inauguration, 17% strengthening party networks, 6% attending public forums, 10% group missions and accompanying their leaders).



MPs from CPP went on 419 missions (5% intervention in people's concerns, 73% visiting, gifts giving and project inauguration, 11% strengthening party networks, 6% attending public forums, 10% group missions and accompanying their leaders).































MPs from FUNCINPEC went on 76 missions (2% intervention in people's concerns 2%, 58% visiting, gift giving and project inauguration, 9% strengthening party networks, 14% attending public forums, 16% group missions and accompanying their leaders 16%).










2.1.4. Number of missions of each MP


















Table3 provides information about each MP's activities in c onstituencies. However, COMFREL could not access information for 19 MPs. Therefore, their names are not included in the table. Article 77 of the Cambodian Constitution stipulates, *"The deputies in the National Assembly shall represent the entire Khmer people, not only Khmers from their constituencies,"* COMFREL observed that only 79 of 104 MPs (76%) only went to their constituencies.




Table 3: Names of MPs who visited their constituencies (Data of descending sorted number of missions from 1st October 2004 to 31st March 2005)

| No | MPs Names | Constituency | Party | In- Constituency | Out- Constituency | Total |
|----|-------------------------|--------------|-------|---------------------|----------------------|-------|
| 1 | H.E. Mr. Chrea Sochenda | Kandal | | 63 | 4 | 67 |
| 2 | H.E. Mr. Kuoy Bunroeun | Takeo | | 47 | 18 | 65 |
| 3 | H.E. Mr. Ngor Sovann | Kandal | | 46 | 16 | 62 |
| 4 | H.E. Mr. Sok Pheng | Kampong Thom | | 54 | 5 | 59 |
| 5 | H.E. Mr. Eng Chhai Eang | Battambang | | 18 | 14 | 32 |

| | | | | | | |
|----|--------------------------|------------------|---|----|----|----|
| 6 | H.E. Mr. Chan Cheng | Kandal |  | 32 | 0 | 32 |
| 7 | H.E. Mr. Moa Monyvann | Kampong Cham |  | 31 | 0 | 31 |
| 8 | H.E. Mr. Kimsour Phirith | Banteay Meanchey |  | 30 | 0 | 30 |
| 9 | H.E. Mrs. Chounh Sochhay | Battambang |  | 28 | 0 | 28 |
| 10 | H.E. Mrs. Ke Sovannroth | Siem Reap |  | 28 | 0 | 28 |
| 11 | H.E. Mr. Sar Kheng | Battambang |  | 18 | 9 | 27 |
| 12 | H.E. Mr. Seang Nam | Siem Reap |  | 26 | 0 | 26 |
| 13 | H.E. Mr. Nhim Vanda | Prey Veng |  | 21 | 4 | 25 |
| 14 | H.E. Mrs. Ly Kimlieng | Battambang |  | 20 | 0 | 20 |
| 15 | Samdech Hun Sen | Kandal |  | 8 | 10 | 18 |
| 16 | H.E. Mr. Tes Heanh | Battambang |  | 17 | 0 | 17 |
| 17 | H.E. Mr. Suos Kanan | Sihanouk Ville |  | 16 | 1 | 17 |
| 18 | H.E. Mrs. Troeung Thavy | Kratie |  | 17 | 0 | 17 |
| 19 | H.E. Mr. Hguon Nhel | Kampong Thom |  | 17 | 2 | 16 |
| 20 | H.E. Mr. Pal Samoeurn | Banteay Meanchey |  | 16 | 0 | 16 |
| 21 | H.E. Mr. Sam Rainsy | Kampong Cham |  | 12 | 3 | 15 |
| 22 | H.E. Mr. Cheam Channy | Kampong Cham |  | 15 | 0 | 15 |
| 23 | H.E. Mr. Khem Veasna | Prey Veng |  | 15 | 0 | 15 |
| 24 | H.E. Mr. Kheav Horl | Kampong Thom |  | 13 | 0 | 13 |
| 25 | H.E. Mr. Sok An | Takeo |  | 8 | 5 | 13 |
| 26 | H.E. Mrs. Thak Lany | Kampong Cham |  | 12 | 1 | 13 |
| 27 | H.E. Mr. Sim Soly | Kampong Thom |  | 12 | 0 | 12 |
| 28 | H.E. Mr. Tan Vanthara | Battambang |  | 6 | 6 | 12 |
| 29 | H.E. Mr. Chea Poch | Prey Veng |  | 10 | 2 | 12 |
| 30 | H.E. Mr. Muy Chat | Battambang |  | 12 | 0 | 12 |
| 31 | H.E. Mr. Ahmad Yahya | Kampong Cham |  | 11 | 0 | 11 |
| 32 | H.E. Mr. Un Ning | Kampong Thom |  | 11 | 0 | 11 |
| 33 | H.E. Mr. Ho Vann | Phnom Penh |  | 3 | 7 | 10 |

| | | | | | | |
|----|--|----------------|---|---|---|---|
| 34 | H.E. Mr. Kieng Vang | Kampot |  | 8 | 0 | 8 |
| 35 | H.E. Mr. Min Sean | Prey Veng |  | 8 | 0 | 8 |
| 36 | H.E. Mrs. Men Sam An | Svay Rieng |  | 7 | 1 | 8 |
| 37 | H.E. Mr. Sin Pinsen | Prey Veng |  | 8 | 0 | 8 |
| 38 | H.E. Mr. Ly Narun | Pursat |  | 8 | 0 | 8 |
| 39 | H.E. Mr. Cheam Yeap | Prey Veng |  | 7 | 0 | 7 |
| 40 | H.E. Mr. Doeun Sophal | Kratie |  | 7 | 0 | 7 |
| 41 | H.R.H. Samdech Krom Preah Norodom Ranariddh | Kampong Cham |  | 3 | 3 | 6 |
| 42 | H.E. Mr. Monh Saphan | Kampong Cham |  | 5 | 1 | 6 |
| 43 | H.E. Mr. Mey Nan | Pursat |  | 6 | 0 | 6 |
| 44 | H.E. Mr. Roth Sarem | Mondul Kiri |  | 6 | 0 | 6 |
| 45 | H.R.H. Princess Norodom Sirivuth | Kandal |  | 1 | 4 | 5 |
| 46 | H.E. Mr. Nuth Romduol | Kampong Speu |  | 5 | 0 | 5 |
| 47 | H.E. Mr. Sam San | Pailin |  | 5 | 0 | 5 |
| 48 | H.E. Mrs. Ky Lum Ang | Battambang |  | 5 | 0 | 5 |
| 49 | H.E. Mr. Paing Ponnyamin | Kampong Chhang |  | 5 | 0 | 5 |
| 50 | H.E. Mr. Sman Teath | Pursat |  | 5 | 0 | 5 |
| 51 | H.E. Mr. Ek Sam Ol | Prey Veng |  | 5 | 0 | 5 |
| 52 | H.R.H. Princess Sisowath Santa | Prey Veng |  | 5 | 0 | 5 |
| 53 | H.E. Mr. Kong Sam Ol | Kampong Chhang |  | 4 | 0 | 4 |
| 54 | H.E. Mr. Ly Thuch | Pursat |  | 4 | 0 | 4 |
| 55 | H.E. Mr. Tea Banh | Siem Reap |  | 4 | 0 | 4 |
| 56 | H.E. Mr. Nhem Thavy | Kampong Thom |  | 4 | 0 | 4 |
| 57 | H.E. Mrs. Nin Saphon | Takeo |  | 4 | 0 | 4 |
| 58 | H.E. Mrs. Duong Vanna | Svay Rieng |  | 4 | 0 | 4 |
| 59 | H.E. Mr. Ai Khon | Koh Kong |  | 3 | 0 | 3 |
| 60 | Pou Sothearak | Seam Reap |  | 3 | 0 | 3 |
| 61 | H.R.H. Princess Norodom Rottanadevi | Kratie |  | 3 | 0 | 3 |

| | | | | | | |
|----|-----------------------------------|------------------|---|---|---|---|
| 62 | H.E. Mr. Pok Samell | Kampong Chhang |  | 3 | 0 | 3 |
| 63 | H.E. Mr. Suk San Eng | Preah Vihear |  | 3 | 0 | 3 |
| 64 | H.E. Mr. San Inthor | Stung Treng |  | 3 | 0 | 3 |
| 65 | H.E. Mr. Vong Kann | Banteay Meanchey |  | 3 | 0 | 3 |
| 66 | H.E. Mr. Lam Phu An | Banteay Meanchey |  | 3 | 0 | 3 |
| 67 | H.E. Mrs. Peou Savoeun | Siem Reap |  | 3 | 0 | 3 |
| 68 | Samdech Heng Samrin | Kampong Cham |  | 3 | 0 | 3 |
| 69 | H.E. Mr. Hem Khon | Kampong Speu |  | 2 | 1 | 3 |
| 70 | H.E. Mr. Khieu San | Kandal |  | 2 | 0 | 2 |
| 71 | H.E. Mr. Chea Soth | Prey Veng |  | 2 | 0 | 2 |
| 72 | H.E. Mrs. Chhun Sarim | Svay Rieng |  | 2 | 0 | 2 |
| 73 | H.E. Mrs. Khuon Sudary | Kandal |  | 2 | 0 | 2 |
| 74 | H.E. Mrs. Kong Hach | Kampong Speu |  | 2 | 0 | 2 |
| 75 | H.E. Mr. Koy Dok | Banteay Meanchey |  | 2 | 0 | 2 |
| 76 | H.E. Mrs. Som Kimsuor | Kampot |  | 2 | 0 | 2 |
| 77 | H.E. Mr. Hul Savorn | Svay Rieng |  | 2 | 0 | 2 |
| 78 | H.E. Mr. Hong Sok Hieng | Takeo |  | 2 | 0 | 2 |
| 79 | H.E. Mr. Nuon Sok | Kampong Chhang |  | 2 | 0 | 2 |
| 80 | H.E. Mr. Hor Namhong | Kampong Cham |  | 1 | 1 | 2 |
| 81 | H.E. Mrs. Ho Naun | Kandal |  | 1 | 1 | 2 |
| 82 | H.E. Mr. Son Chhay | Phnom Penh |  | 1 | 1 | 2 |
| 83 | H.E. Mr. Bou Thong | Ratanak Kiri |  | 1 | 0 | 1 |
| 84 | H.E. Mr. Pen Pannha | Prey Veng |  | 1 | 0 | 1 |
| 85 | H.E. Mr. Keo Remy | Phnom Penh |  | 1 | 0 | 1 |
| 86 | H.E. Mr. Mom Chimhuy | Kandal |  | 1 | 0 | 1 |
| 87 | H.R.H. Princess Norodom Vacheahra | Phnom Penh |  | 1 | 0 | 1 |
| 88 | H.E. Mrs. Krouch Sam An | Phnom Penh |  | 1 | 0 | 1 |
| 89 | H.E. Mrs. Im Run | Kampong Cham |  | 1 | 0 | 1 |

| | | | | | | |
|-------|---|----------------|---|-----|-----|------|
| 90 | H.E. Mrs. Chem Savay | Kampong Cham |  | 1 | 0 | 1 |
| 91 | H.E. Mrs. Tiulong Saumura | Phnom Penh |  | 1 | 0 | 1 |
| 92 | H.E. Mr. You Hockry | Kampong Cham |  | 1 | 0 | 1 |
| 93 | H.E. Mr. Ly Son | Kampong Speu |  | 1 | 0 | 1 |
| 94 | H.E. Mr. Chhim Seikleng | Kampong Cham |  | 1 | 0 | 1 |
| 95 | H.E. Mr. Ney Pena | Kampot |  | 1 | 0 | 1 |
| 96 | H.E. Mr. Keat Chhon | Phnom Penh |  | 1 | 0 | 1 |
| 97 | H.E. Mr. An He | Kep |  | 1 | 0 | 1 |
| 98 | H.E. Mr. Than Sina | Kampot |  | 1 | 0 | 1 |
| 99 | H.E. Mr. Khek Vandy | Takeo |  | 1 | 0 | 1 |
| 100 | H.E. Mr. Veng Sereyvuth | Prey Veng |  | 1 | 0 | 1 |
| 101 | H.E. Mr. Som Chen | Kampot |  | 1 | 0 | 1 |
| 102 | H.E. Mr. Phay Bunchhoeun | Kandal |  | 1 | 0 | 1 |
| 103 | H.E. Mr. Neov Sam | Oddar Meanchey |  | 1 | 0 | 1 |
| 104 | H.E. Mr. Say Chum | Kampong Speu |  | 1 | 0 | 1 |
| Total |  =61 MPs  =22 MPs  =21 MPs | | | 898 | 123 | 1021 |

2.1.5. Provinces/Cities MPs visited

According to COMFREL's database of MPs in this semester, Kandal constituency got most visits by MPs (193), followed by Battambang constituency (153). Constituencies visited the least were Kep, Rattanakiri and Oddor Meanchey.

2.2. MP's Commitment Implementation

Through our observation, MPs made more promises in addition to those they had made during the election period. MP's visits responded to few of their promises in addressing to constituents' concerns. There were new promises to solve citizens' problems made in 30 cases when MPs went on missions, in which only 23 cases were responded to.

Promises effectively followed through by MPs during the period are as follows:


- Construction of infrastructure like schools, roads, pagodas, and irrigation systems
- Intervention in land disputes and insecurities of citizens in the constituencies
- Donation of funds and medicines to poor citizens
- Donation of wells, toilets, and restoration of canals
- Donation of gifts to citizens who suffered privations by giving of water-pumping machines etc

- Requests for intervention by the Royal Government to prepare and provide land demarcation details to citizens who live in border areas
- Requests to the Royal Government and MPs to intervene in disputes relating to the AZ Company's toll charges on national road number 4


3. MP's Intervention Activities

This semester, COMFREL did not get information from CPP and FUNCINPEC about their MPs' public letters requesting intervention from the Royal Government and other institutions. We could only get information from MPs from the SRP. At least 11 SRP MPs sent 47 letters demanding some intervention from governmental institutions such as the King, the Royal Government⁵, the Cambodian Red Cross and so forth. There were few responses from the relevant institutions. For instance, MPs from the opposition party sent intervention letters to the Prime Minister requesting to control and stop land grabbing, accusing the Minister of Agriculture and his partners in corruption issues, and requests to donate gifts to the poor. They sent letters to the former king, H.R.H. Norodom Sihanouk and the Queen requesting gifts for poor people and to the King, H.R.H. Boromnet Norodom Sihamony requesting intervention to release H.E. Mr. Cheam Channy and return immunity to H.E. Mr. Sam Rainsy and H.E. Mr. Chea Poch with reference to the demands of 1608 citizens in Battambang province. Despite requests and intervention letters to the CPP, we obtained information that MPs from CPP responded to letters and instructed citizens about tactics to solve land disputes. For example, a letter made by H.E. Mr. Ai Khon (Koh Kong) in order to instruct a citizen named Sin Sary who was involved in a land dispute with a police officer named Sovannara and a woman named Hak Khnounly.

Table 4: List of MPs who issued letters in October 2004-March 2005

| No | MPs Names | Constituency | Party | Letters | Responses |
|----|--------------------------|------------------|---|---------|------------------------------|
| 1 | H.E. Mr. Sok Pheng | Kampong Thom |  | 14 | Not yet information received |
| 2 | H.E. Mr. Sam Rainsy | Kampong Cham |  | 6 | Not yet information received |
| 3 | H.E. Mr. Chrea Sochenda | Kandal |  | 5 | Not yet information received |
| 4 | H.E. Mr. Son Chhay | Phnom Penh |  | 6 | 2 |
| 5 | H.E. Mr. Kuoy Bunroeun | Takeo |  | 5 | Not yet information received |
| 6 | H.E. Mr. Eng Chhai Eang | Battambang |  | 4 | Not yet information received |
| 7 | H.E. Mr. Keo Remy | Phnom Penh |  | 2 | Not yet information received |
| 8 | H.E. Mr. Nuth Romduol | Kampong Speu |  | 2 | Not yet information received |
| 9 | H.E. Mr. Ho Vann | Phnom Penh |  | 1 | Not yet information received |
| 10 | H.E. Mr. Kimsour Phirith | Banteay Meanchey |  | 1 | Not yet information received |

⁵ The Royal Government includes the Ministry of Defense, the Ministry of Rural Development, the Ministry of Agriculture, the Ministry of Economic and Finance, the Ministry of Social Actions, the Ministry of Tourism, the Ministry of Education, the Ministry of Health, and provincial governors.

| | | | | | |
|-------|----------------------|-----------|---|----|------------------------------|
| 11 | H.E. Mr. Khem Veasna | Prey Veng |  | 1 | Not yet information received |
| Total | | | | 47 | 2 |

4. Roles and Duties of MPs

The following table shows that by March 2005 the National Assembly and MPs had not yet completely and effectively fulfilled their roles and duties with regard to some articles of the Cambodian Constitution, such as Article 80, 93, and 97. Yet there has not been any call on the Prime Minister and member of the Cabinet Council to answer questions and clarify in an NA meeting. There were only response letters from the Prime Minister. Some lawmakers explained that there were some issues abusing law articles such as the lifting of immunity of the MPs.

[Table 5: Job fulfillment of the MPs with regard to the Cambodian Constitutions](#)

| The Cambodian Constitution | Actual Implementation of the National Assembly |
|--|---|
| <u>Article 80</u> : The deputies shall enjoy parliamentary immunity. No assembly member shall be prosecuted, detained or arrested because of opinions expressed during the exercise of his (her) duties. | There were issues regarding the lifting of immunity of opposition MPs because they expressed opinions that were " <i>genital denouncement</i> ." There was supports and opposition from the National Assembly concerning lifting of MPs immunity on 3 rd February 2005. |
| <u>Article 91</u> : The members of the Senate, the members of the National Assembly and the Prime Minister have the right to initiate legislation. | Even though some MPs attempt to make the laws, most adopted laws were draft laws made by the Royal Government. Some important laws proposed by MPs, such as the proposed Corruption Law by H.E. Mr. Son Chhay, were not debated because they most NA members prefer to wait for draft laws from the Royal Government. |
| <u>Article 94</u> : The National Assembly shall establish various necessary commissions..... | The National Assembly created a special commission in order to amend Internal rules of the National Assembly. |
| <u>Article 96</u> : The deputies have the right to put a motion against the Royal Government. The motion shall be submitted in writing through the Chairman of the National Assembly..... If the case concerns the overall policy of the Royal Government, the Prime Minister shall reply in person..... | Uncompleted implementation However, Prime Minister wrote a response to H.E. Mr. Son Chhay about the tolls imposed by the AZ Company on National Route 4. |
| <u>Article 97</u> : The National Assembly commissions may invite any minister to clarify certain issues under his/her field of responsibility. | There were debates asked about draft laws by relevant commissions. |

5. MP Immunity

5.1. Suspension/lifting of immunity for opposition MPs

On 3rd February 2005, the NA held second plenary sessions, third legislature under the presidency of H.R.H Samdech Krom Preah Norodom Ranariddh, President

of the National Assembly, participated by 115 MPs from the three elected parties. After the first 2 points (of 9) on the agenda were read, the NA Standing committee called for an immediate secret meeting to include into the agenda the lifting of immunity of 3 MPs from the SRP party, namely H.E. Mr. Chea Poch (Prey Veng), H.E. Mr. Cheam Channy (Kampong Cham), and H.E. Mr. Sam Rainsy (Kampong Cham).

Although the majority of MPs from the opposition party left the NA, 6 opposition MPs still participated in the meeting debating the lifting of immunity. 3 of these MPs⁶ expressed their opinion focusing on the Cambodian constitution which stipulates that, *"The deputies shall enjoy parliamentary immunity. No assembly member shall be prosecuted, detained or arrested because of opinions expressed during the exercise of his (her) duties..."* They also requested that NA consider seriously the lifting of immunity of the 3 MPs. With reference to the request of the Ministry of Justice and the court, which alleged the MPs denounced other MPs' reputations and were running an illegal military force to challenge the Royal government, the NA consequently agreed on lifting the immunity of H.E. Mr. Chea Poch (98/103 voting voices), H.E. Mr. Cheam Channy (97/104 voting voices), and H.E. Mr. Sam Rainsy (97/104 voting voices).

After their immunities were lifted, H.E. Mr. Sam Rainsy and H.E. Mr. Chea Poch left the country accompanied by an official of the US embassy in Cambodia. They have not yet returned and they have called for support from the international community. H.E. Mr. Cheam Channy was arrested in Phnom Penh accused of running an illegal military force.

5.2. Other Interactions to MPs' immunity

Adding to the interaction of MPs from opposition party about MPs' immunity, we observed that NGOs⁷, Cambodian citizens, embassies, the US senate, Australian parliamentarians, the EU assembly⁸ and UN special representatives have all raised their concern. They expressed the opinion that this would affect the democratic process and freedom of expression by opposition MPs.

Although there was interaction and intervention from the former King H.R.H Norodom Sihanouk, MPs from the 2 coalition parties considered that, the decision of the NA was right and respected the law. In a joint letter from the President of the NA and Prime Minister Hun Sen, they responded to the former king's letter⁹ stating, *"the lifting of immunity of MPs is to give possibility for the court to judge on relevant cases"*. They also reject the opinion of the former king even though civil society, the international communities and Cambodian citizens supported him.

It should be noted that we have observed that there attempts to find a solution to the cases, particularly by H.E. Mr. Son Chhay, deputy leader of the SRP and H.R.H. Samdech Krom Preah Norodom Ranariddh on the relevant lawsuits.

6. Complaints relating to MPs

COMFREL would like to highlight some cases as follows:

- On 17th February 2005 H.E. Mr. Sam Rainsy, the president of the SRP, accused H.R.H Samdech Krom Preah Norodom Ranariddh, the president of FUNCIPPEC, in a Phnom Penh court, of defamation stating that *"on 3rd*

⁶ H.E. Mr. Kuoy Bunroeun (Takeo), H.E. Mr. Khem Veasna (Prey Veng), and H.E. Mr. Sok Soty (Phnom Penh)

⁷ A joint statement of civic societies about "The lifting immunities of the MPs" dated on 3rd February 2005.

⁸ The decision of EU Assembly dated on 10th March 2005 appealing to release H.E. Mr. Cheam Channy and return immunities for the 3 MPs of opposition party by raising about the punishment if the Royal Government of Cambodia don't change attitude.

⁹ The former king expressed his opinion including 5 point in a letter to H.R.H. Samdech Krom Preah and Prime Minister Hun Sen dated 10th February 2005 appealing for any acceptable solutions and return immunities for the 3 MPs.

February 2003 H.R.H. Samdech Krom Preah Norodom Ranariddh said to a journalist in front of the NA that 'we saw clearly that H.E. Mr. Sam Rainsy was in a car driving at the scene of the Thai embassy riot'

- On 3rd February 2005 senior officials of the SRP accused by the military court alleged Prime Minister Hun Sen and H.E. Mr. Chan Sarun in a corruption case involving a logging company named Phearpinex in Kampong Chhnang and Pursat province.
- On 13th February 2005 H.E. Mr. Eng Chhai Eang, secretary general of the SRP, announced that he had requested as Phnom Penh court to withdraw accusations to Prime Minister Hun Sen and H.R.H. Samdech Krom Preah Norodom Ranariddh. The withdrawals were to aid the return of immunity of the 3 SRP MPs. There were two accusations made by the SRP. The first alleged Prime Minister Hun Sen was behind a grenade attack in 1997 and second alleged H.R.H. Samdech Krom Preah Norodom Ranariddh was involved in a corruption case relating to the construction of the NA.
- On 1st March 2005 H.R.H. Samdech Krom Preah Norodom Ranariddh said, *"I have only the right to send letter to the ministry of court beside letter of H.E. Mr. Sam Rainsy. Moreover, I do not have the right to make any guarantee but I welcome any thing that could upgrade political atmosphere. I want to confirm that H.E. Mr. Cheam Channy's case would depend on the court's decision."*
- Lawsuits about the NA's security regarding H.E. Mr. Cheam Channy's alleged attempts to run an illegal military force

7. Conclusion

With reference to the request of the Ministry of Justice and the court, the NA consequently agreed on lifting the immunity of 3 MPs from the SRP party on 23rd February 2005, namely H.E. Mr. Chea Poch (Prey Veng), H.E. Mr. Cheam Channy (Kampong Cham), and H.E. Mr. Sam Rainsy (Kampong Cham). Afterward, H.E. Mr. Sam Rainsy and H.E. Mr. Chea Poch left the country. H.E. Mr. Cheam Channy was arrested in Phnom Penh accused of running an illegal military force. Even there was interaction and intervention from the former King H.R.H. Norodom Sihanouk and national and international communities, MPs from the 2 coalition parties considered that the decision of the NA was right and respected the law, and aimed to give possibility for the court to judge on relevant cases

It was raised that there was frequently insufficient quorum for NA sessions while MPs from the opposition party were still boycotting meetings. H.R.H. Samdech Krom Preah Norodom Ranariddh and the Prime Minister thus agreed to request reducing the number needed to make a quorum¹⁰ in order to facilitate and smooth the process of NA sessions. Some law experts explained the Constitutional defined "*quorum*" as "*the condition on required number of MPs' present needed to adopt a law, not the required number of MPs' present for a meeting.*" On the other hand, the implementation in Cambodia, quorum is set as the number present for a meeting. Nonetheless, some explained that this problem was not only due to boycotts by opposition MPs. Some MPs were busy in their constituencies or abroad, some are government officials, or because of health problems, personal duties, and private business.

Within this period, there were 18 NA sessions, which adopted 13 draft laws. This is compared to the second semester when there were only 3 NA sessions which adopted a draft law. During the 18 sessions 45 MPs (equal to 36% of total MPs) expressed their opinions on the draft laws. 22 were CPP MPs (30% of CPP MPs), 13

¹⁰ according to the speech of H.R.H. Samdech Krom Preah Norodom Ranariddh

were FUNCINPEC MPs (50% of FUNCINPEC MPs) and 10 were SRP MPs (41% of SRP MPs).

104 elected MPs, equal to 85% of 123 MPs from the three elected parties went on missions for a total of 1021 times to constituencies throughout the country in order to visit citizens who are voters. Compared to the previous period's total of 445, missions doubled and increased very sharply if compared to the first semester total of only 190. Among the MPs who went on missions, 22 MPs from SRP led by a total of 526 times, 61 CPP MPs went on missions 419 times and 21 FUNCINPEC MPs only 76 times. Most mission were for visiting, gift giving and project inauguration 630 times, followed respectively by Strengthening internal party networks 145 times, group missions and accompanying leader 105 times, intervention in people concerns 94 times, and attending public forums 47 times.

Although MPs' missions to constituencies increased compared to previous semesters, we found that the relations between citizens who are voters and MPs was still insufficient and inefficient. COMFREL was informed about citizens' complains and difficulties in contacting MPs to intervene in their concerns.

For more detailed information regarding this report on Parliamentary Watch read the following chapter and/or contact:

1. Mr. Koul Panha, Executive director of Comfrel
2. Mr. Mar Sophal, Monitoring Coordinator of Comfrel

References:

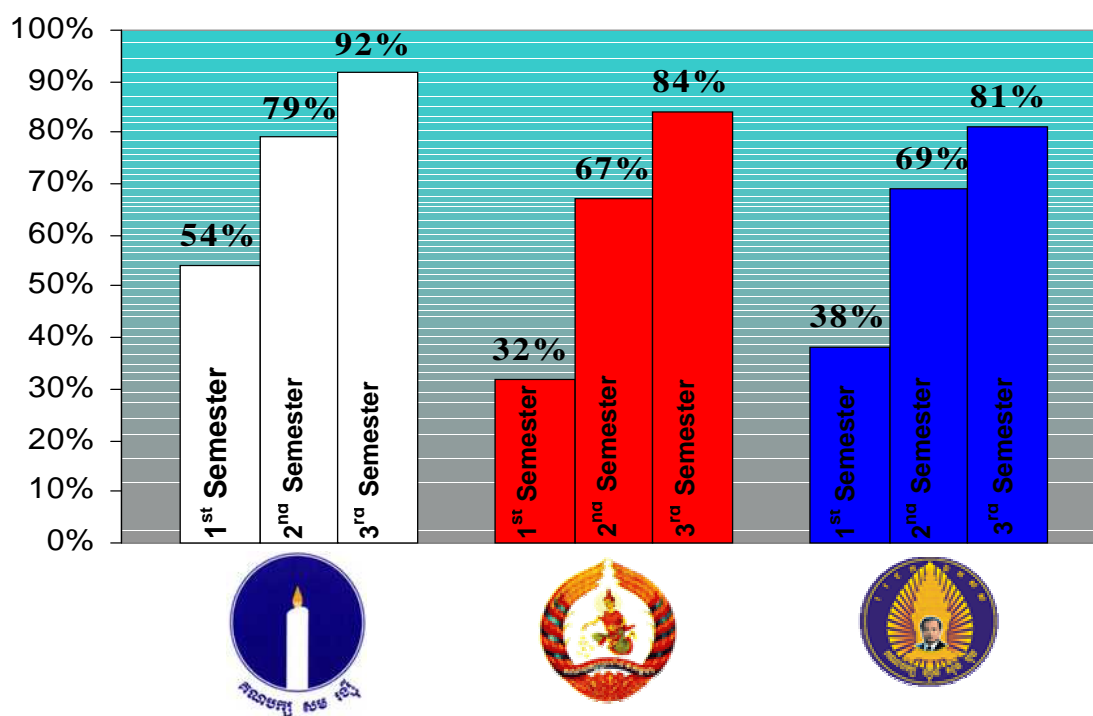
1. Constitution of the Kingdom of Cambodia, 1993
2. The bylaw of the National Assembly
3. Cambodia daily News, Reasmey Kampuchea and Koh Santipheap News and other news
4. Directory of the Third National Assembly of the Kingdom of Cambodia 2003-2008
5. Other letters and statements

Annexes

8. Annexes and other information

Figure11: Comparison of MPs' activities by party between the first, second and third semester

Figure11



7.1. Comparison of MPs' activities by party in the three semesters

Table 6: Comparison of MPs missions by party in each semester




| Party | First Semester Report | | Second Semester Report | | Third Semester Report | |
|---|-----------------------|-----|------------------------|-----|-----------------------|-----|
|  | 13 MPs | 54% | 19 MPs | 79% | 22 MPs | 92% |
|  | 23 MPs | 32% | 49 MPs | 67% | 61 MPs | 84% |
|  | 10 MPs | 38% | 18 MPs | 69% | 21 MPs | 81% |
| Total | 46 MPs | | 84 MPs | | 104 MPs | |

Figure12: Comparison of the number of MPs who went on missions by semester
(There were 123 MPs in the third mandate)

Figure12

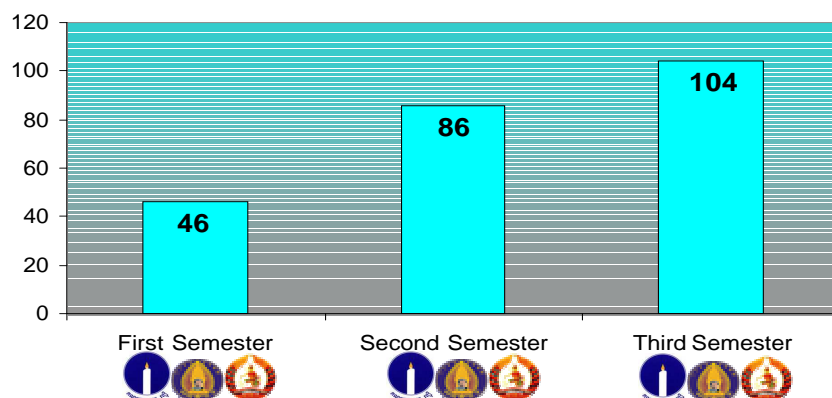
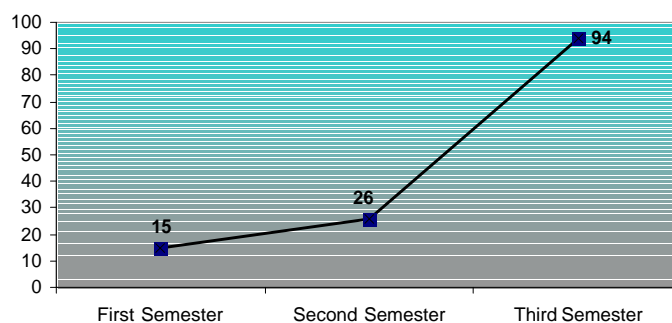


Figure13: Comparison of number of MPs’ missions for intervening in people’s concerns in the three semester reports by COMFREL

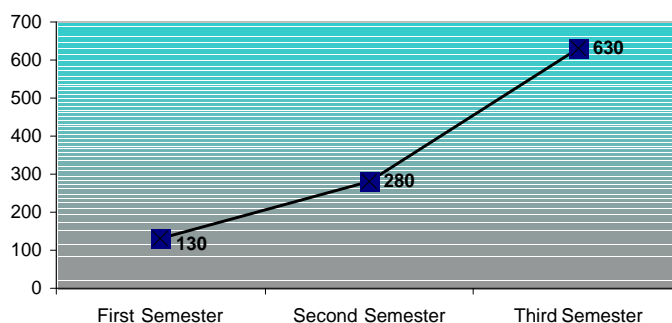
Figure13



Only 15 missions intervened in people’s concerns in the first semester, increasing to 26 missions in the second semester and to 94 missions in the third semester.

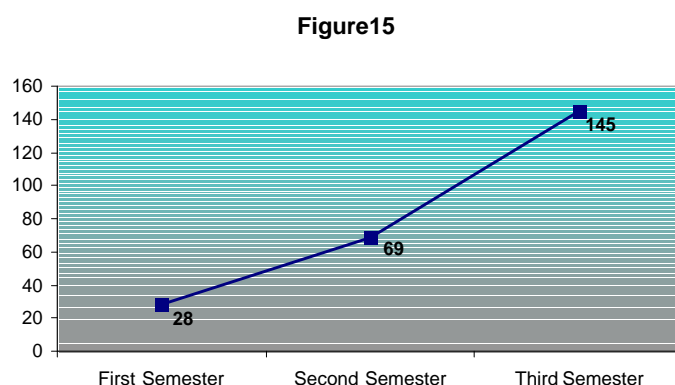
Figure14: Comparison of number of MPs’ missions for visiting, gift giving and project inauguration by MPs in the three semester reports by COMFREL

Figure14



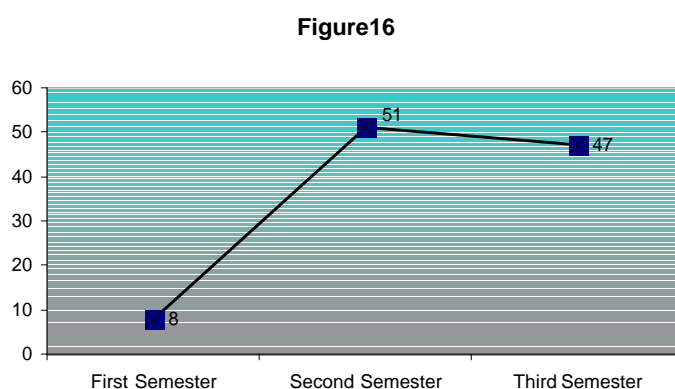
There were only 130 missions of this type in the first semester, increasing to 280 in the second semester and to 630 missions in the third.

[Figure15](#): Comparison of number of MPs' missions strengthening internal party networks in the three semester reports by COMFREL



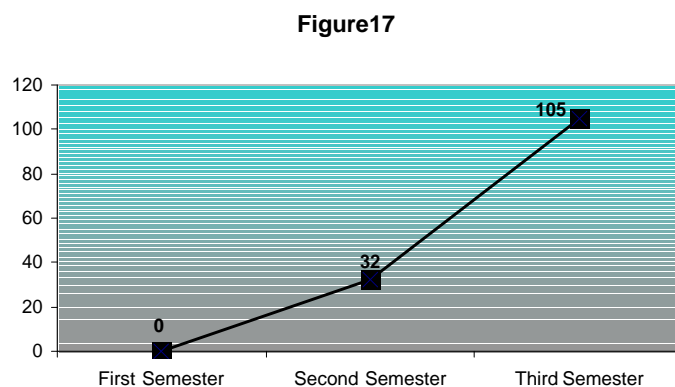
In the first semester, only 28 missions were for this purpose, increasing to 69 missions in the second semester and to 145 missions in the third semester.

[Figure16](#): Comparison of the number of NGO public forums attended by MPs and voters in the three semester reports of COMFREL



Public forums were attended 8 times in the first semester, increasing to 51 in the second semester and to 46 in the third semester.

[Figure17](#): Comparison of the number of missions accompanying leaders by MPs in the three semester reports of COMFREL



There is no information for the first semester. There were 32 missions in the second semester and 105 missions in the third semester.

7.2. Replacement of MPs

From October 2004 to March 2005, a MP from FUNCINPEC was replaced. H.E. Mr. Pou Sothearak (Siem Reap) was replaced by H.E. Mr. Khin Yean because he was chosen to be an ambassador of the Royal Government of Cambodia in Japan, according to the announcement in the 2nd NA session 3rd legislature on 14th March 2004.

7.3. Name Changes to NA Expert Commissions

According to the amendment of new articles 2, 3, 4, 5, 6, 7, 9, 10, 14, 15, 17, 22 & 31 and articles 33, 40, 41, 48, 51, 55, 56, 58 and 60 of the Cambodian Constitution, and articles 83 of the Internal Rules of the NA in the 2nd NA session 3rd legislature adopted on 14th February 2005, there were some changes to the names of the 9 expert commissioners as issued in article 6 of the New Internal Rules of the NA:




1. Commission on Human Rights, Complaints, Investigation, and National Assembly-Senate Relations
2. Commission on Economics, Finance, Banking, and Auditing
3. Commission on Planning, Investment, Agriculture, Rural Development, Environment, and Water Resources
4. Commission on Interior, National Defense, Investigation, Anti-Corruption, and Civil Service Administration
5. Commission on Foreign Affairs, International Cooperation, Information, and Media
6. Commission on Legislation, and Justice
7. Commission on Education, Youth, Sport, Religious Affairs, Culture and Tourism
8. Commission on Health, Social & Veterans' Affairs, Youth Rehabilitation, Labor, Vocational Training & Women's Affairs
9. Commission on Public Works, Transport, Telecommunication, Post, Industry, Mines, Energy, Commerce, Land Management, Urban Planning and Construction




























7.4. Female MPs published the objectives of basis development


Female MPs from the main parties attended a program organized by the social development program of the UNDP in Cambodia in Siem Reap province on 17th March 2004. They visited women with HIV. The event was very important because female MPs could acknowledge the problems of citizens especially issues relating to women in order to achieve the objectives of community development in Cambodia.

7.5. Agendas of draft laws adopted in the third semester

Table 6: Agendas of draft laws adopted in 2nd NA session 3rd legislature from 4th October 2004 to 17 March 2005

| Date | Agenda/Draft Law | Presence | | | Adoption |
|--------------------|--|--|---|---|----------|
| | | CPP | FCP | SRP | |
| 04 October 2004 | -Vote of confidence for H.E. Mr. Klock Butdy as new Vice-Chairman of NEC to replace Mr. Gner Chhay Leng who had resigned | 66  | 22  | 22  | 90/110 |
| 04-05 October 2004 | -Agreement between Royal | 64 | 21 | 13 | 107/107 |

| | | | | | |
|---------------------|---|--|---|---|--|
| | Government of Cambodia and the United Nations concerning the prosecution of crime committed during the period of Cambodian Democratic |  |  |  | |
| 06-08 October 2004 | -National Budget Law for year 2004 | 67  | 20  | 13  | 88/99 |
| 08 October 2004 | -Law on organizing and functioning of Council of Throne | 69  | 21  | 13  | 103/103 |
| 20 October 2004 | -Law on the title and privileges to the former King and the queen of the Kingdom of Cambodia | 68  | 22  | 15  | 105/105 |
| 26 October 2004 | -Adoption Law on establishment of the Ministry of Labor and Vocational Training | 57  | 23  | 16  | 82/91 |
| 27 October 2004 | -Adoption Law on establishment of the Ministry of Social Affairs, Veterans and Youth Rehabilitation | 57  | 23  | 14  | No Information Received |
| 27 October 2004 | -Adoption Law on establishment of the Ministry of Women's affairs | 57  | 23  | 16  | No Information Received |
| November 2004 | No NA sessions and NA vacation | | | | |
| 20-22 December 2004 | -National Budget Law for year 2005 | 64  | 21  | 17  | 96/97 |
| January 2005 | No NA sessions and Na vacation | | | | |
| 03 February 2005 | <p>-Letter of the King of the Kingdom of Cambodia Boromnet Noromdom Sihamoni to second NA sessions third legislature</p> <p>-Report on the MPs' activities between first and second NA sessions third legislature</p> <p>-Lifted the immunities of 3 MPs from SRP including H.E. Mr. Sam Rainsy, H.E. Mr. Cheam Channy and H.E.Mr. Chea Poch</p> <p>-Vote of confidence for H.E. Mr. Than Sythan as secretariat general of the Ministry of Water Resources and Meteorology replace H.E. Mrs. Chea Ratha who had resigned</p> <p>-Vote of confidence for H.E. Mr. Chea Chan Boribo as secretariat general of</p> | <p>Total MPs of the three elected parties was 115.</p>    | | | <p>-97/104</p> <p>-98/103</p> <p>-No Information Received</p> <p>- No Information Received</p> |

| | | | | | |
|---------------------|--|--|---|---------|-------|
| | the Ministry of Information replaced H.E. Mr. Than Sythan who had resigned | | | | |
| 04-08 February 2004 | -National Budget Law for year 2002 | 66  | 24  | boycott | 89/89 |
| 08 February 2005 | -Convention on Chemical Weapon | 67  | 22  | boycott | 88/88 |
| 09 February 2005 | -Law on the Extradition between the Kingdom of Cambodia and People Democratic Lao | 66  | 22  | boycott | 87/88 |
| 09-04 February 2005 | -Amendment of the National Assembly's Internal Rules on the Principle 2 3 4 5 6 7 8 9 10 14 17 22 new principle 31 33 40 41 48 51 55 58 60 82 and 83 | 66  | 22  | boycott | 87/87 |
| 15 February 2005 | -National Budget Law for year 2001 | 66  | 22  | boycott | 88/88 |
| 24 February 2005 | -Vienna Convention on Consular Relations | 67  | 22  | boycott | 89/89 |
| 24 February 2005 | -International Charter on Migration | 67  | 23  | boycott | 89/90 |
| 24 February 2005 | -Amendment on Agreement on ASEAN Industry Cooperation (AICO) | 67  | 24  | boycott | 87/88 |
| 25 February 2005 | -Cambodia's accession into Convention in 1961 -Cambodia's accession into Convention on Physical Affects in 1971 -Cambodia's accession into Convention on combating against Drug Smuggling and Physical Affects in 1988 | 67  | 24  | boycott | 90/90 |
| 14 March 2005 | -Law on Statistics | 66  | 22  | boycott | 88/88 |
| 17 March 2005 | -Amendment on Drug Control Law | 68  | 19  | boycott | 87/87 |