

Report on Parliamentary Watch

December 2004-February 2005

I. Observation on performance of the National Assembly (NA):

1. NA Expert Commission Meeting:

Pursuant to the principle 21 of the NA Internal Rules of Procedure, the Permanent Committee of the National Assembly at least checked 9 of drafting laws and then sent to relevant expert commissions for checking before debating in the 2nd Plenary Session of the 3rd Legislature in the month of January 2005. There were some debates between the Expert Commissions and the government's representatives over the drafted laws, however, it was reported that the discussions were mainly focused on correcting/changing few terminologies and their meaning.

2. NA Session for the 2nd Session of the 3rd Legislature:

There were 12 bills, National Assembly's amended Internal Rules, and other seven agendas were passed in this period (December 2004-February 2005) including "Lifting parliamentary immunity of three opposition's Members of Parliament".

- ✚ National Budget Law for the Year 2005;
- ✚ Bill on the State's budget payment for the 2002 spending;
- ✚ Convention on Chemical weapons;
- ✚ Bill on the Extradition between the Kingdom of Cambodia and People Democratic of Lao.
- ✚ Bill on the State's budget payment for the 2001 spending;
- ✚ Vienna Convention on Consular Relations;
- ✚ International Charter on Migration;
- ✚ Revision on the Agreement on ASEAN Industry Cooperation (AICO);
- ✚ Cambodia's accession into Drug 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.
- ✚ Amendment of the National Assembly's Internal Rules on the Principle 2, 3, 4, 5, 6, 7, 8, 9, 10, 14, 15, 17, 22, 31 (new), 33, 40, 41, 48, 51, 55, 60, 82, and 83;

After December ordinary Session to pass National Budget Law for the Year 2005, on 03 February 2005, the National Assembly opened its first meeting of the 2nd Session, 3rd Legislature, under the presidency of Samdech Krom Preah Norodom Ranariddh. In the meeting, there were 115 Members of Parliament (MPs) from the three elected parties participated. The President of the NA called for a surprising urgently meeting of the NA Permanent Committee to discuss on three agendas-lifting parliamentary immunity of three opposition MPs; Sam Rainsy (Kampong Cham), Chea Poch (Prey Veng), and Cheam Channy (Kampong Cham) regarding to long-time defamation complaints and illegal military shadow-as suggested by the Ministry of Justice clearing for court proceedings.

On the day, most of the opposition MPs left the NA building immediately, however, there were 6 remaining of which 3 suggested for exception of the lifting immunity of the three MPs, raising the Article 80 of the Cambodian Constitution which prevents any MP from arresting, detaining-that is; "*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.*" As a result, the NA dominated by the CPP and FUNCINPEC MPs decided overwhelmingly to suspend the three opposition MPs' immunity successively; Chea Poch by 98/103 votes, Cheam Channy by 97/104 votes and Sam Rainsy by 97/103 votes.

After the parliamentary immunity were lifted, the opposition leader Sam Rainsy, and Chea Poch went abroad to appeal for, what they had called, “international community support”, while Cheam Channy were detained by military tribunal.

This event created a strong reaction and concerns made by local and international communities including: civil society, U.S. Embassy and Senators, EU and Australian parliamentarians, and the special representative of the UN General Secretary who condemned the act would affect a backward democratic process and reduction of voice of the opposition party in Cambodia.

However, in their joint letter replied to the former King Norodom Sihanouk’s comments, both Hun Sen and Samdech Krom Preah Norodom Ranariddh said that, “*the decision for lifting the opposition MPs’ immunity is to open for court proceeding in terms of relevant complaints. The procedure parallels all regulations which states in the Cambodian Constitution,*” and rejected even it was supported strongly by civil society and the people.

3. MP’s expression during debate:

The Members of Parliament from the opposition party had better chance to voice their concerns in the December session discussing the National Budget Law for the year 2005 from 20 through 22 December 2005 to pass 2005 National Budget Law with the proposed \$792 million by the government.

Though there was heated question and answer session between the opposition lawmakers and Minister of Economy and Finance, the NA passed the draft, which allowed the government to use this budget for running the country’s spending in 2005.

In this session, 12 MPs debated on the bill which mainly related to the government, in which 5 from the FUNCINPEC, 5 from the SRP and 2 from the CPP (some of them spoke twice) took a total of 251 minutes for 16 times. The tone of speaking was notified that, neutral was for 101 minutes (40%), positive was for 80 minutes (32%), and negative was for 70 minutes (28%).

No Session held in January 2005 due to the lack of quorum and it was the holiday for the MPs. Until February 3rd, the National Assembly held Second Session of the Third Legislature in which there were 22 MPs (13 from the CPP and 9 from FUNCINPEC), though the opposition lawmakers had boycotted due to the lifting of parliamentary immunity. Since then only the lawmakers from the coalition party had joined the session successively debating eleven drafted laws within a total of 380 minutes¹. The speaking tone was notified as positive to the government and some questions had been asked to the government representatives concerning the drafted laws to be passed.

Table: MPs who spoke during December 2004-February 2005 Session

No.	Name	Party	Constituency	Time/speaking tone (Neutral)
1	H.E. Ek Sam Ol	CPP	Prey Veng	45 minutes
2	H.E. Khieu San	FCP	Kandal	59 min
3	H.E. Monh Saphan	FCP	Kampong Cham	67 min
4	H.E. Suos Kanan	CPP	Sihanoukville	5 min
5	H.E. Sim Soly	FCP	Kampong Thom	23 min
6	H.E. Ly Thuch	FCP	Pursat	72 min

¹ We count only the MPs’ expression, not including speaking of President, vice-presidents of the NA as well as Chairmen of commission who read the drafted laws in the debate.

7	H.E. Cheam Yeap	CPP	Prey Veng	48 min
8	H.E. Hou Sry	CPP	Phnom Penh	6 min
9	H.E. Pen Pannha	CPP	Prey Veng	50 min
10	H.E.Mrs. Ho Naun	CPP	Kandal	11 min
11	H.E. Sar Kheng	CPP	Battambang	11 min
12	H.E. Neav Sithong	FCP	Kampong Cham	6 min
13	Norodom Sirivudh	FCP	Kandal	12 min
14	H.E. Un Ning	CPP	Kampong Thom	10 min
15	H.E.Mrs. Men Sam An	CPP	Svay Rieng	6 min
16	H.E. You Hockry	FCP	Kampong Cham	19 min
17	H.E.Mrs. Khuon Sudary	CPP	Kandal	5 min
18	H.E. Hem Khon	CPP	Kampong Speu	7 min
19	H.E.Mrs. Ly Kimlieng	CPP	Battambang	1 min
20	H.E. Som Chen	CPP	Kampot	6 min
21	H.E. Than Sina	FCP	Kampot	5 min
22	H.E. Hong Sunhuot	FCP	Kampot	7 min
23	H.E. Sam Rainsy ²	SRP	Kampong Cham	35 min
24	H.E. Son Chhay	SRP	Phnom Penh	25 min
25	H.E. Yim Sovann	SRP	Phnom Penh	20 min
26	H.E. Keo Remy	SRP	Phnom Penh	18 min
27	H.E. Eng Chhai Eng	SRP	Battambang	30 min
28	H.E. Pou Sothireak	FCP	Siem Reap	20 min
29	H.E. So Victor	FCP	Svay Rieng	8 min
Total				629 minutes

Almost in every drafted legislation debate, most of the CPP MPs expressed their positive points of views supporting the drafts while some of the FCP MPs raised some questions and concerns to the government representatives and the whole MPs.

The session in February, there were at least 4 female CPP MPs expressed their views which was remarkably as their first time since the 3rd legislature started. They voiced particularly on a draft on Drug and raised concerns on the negative affect to the people's health, especially the youth who have been victimized.

The above chart shown that, in December Session there were 12 lawmakers from the three party spoke during the whole session in which the opposition MPs took most of the speaking time (108 minutes), followed by the FCP (88 minutes) and CPP (35 minutes).

For the February Session, 9 FCP lawmakers spoke about 280 minutes out of the total of 380 minutes which is more than the CPP MP's expression. The SRP was not shown in the February session due to the fact that the lawmakers boycotted to participate after the parliamentary lifting of three MPs. However, at least it was told that 6 SRP MPs spoke in the closed door session on February 03, 2005 at mid the observers were not allow to observe. Therefore, COMFREL could not know time taken by the opposition lawmakers who were speaking in that Session.

Almost every meeting held in this month, two FCP MPs; Khieu San (Kandal) and Monh Saphan (Kampong Cham) spoke mostly while the other two CPP MPs of Prey Veng constituency; Cheam Yeap and Ek Sam Ol, often talked also in the debates, if compared to the other MPs who were speaking. Both Khieu San and Cheam Yeap voiced about the effect of chemical weapons during Vietnam War that the United States had bombed partly in Cambodia by posing question to the Cambodian government. So they are very much concerned about, "*what should the government*

² All six MPs below Sam Rainsy are those who also spoke in December Session on the National Budget Law for the Year 2005.

do to prevent and stop such chemical using?” if it could happen again and “how to take action again those who use the chemical weapons?”

II. Observation of MPs' activities:

1. Visits to constituency:

1.1. MPs visited to constituency:

During this period, there were 79 MPs went to their constituencies visiting the citizens for 4 visits in total. The SRP MPs' visits scored highest percentage comparing with its own MP number.

- ❖ 18 MPs (75% of the total SRP MPs) from the SRP visited 239 times;
- ❖ 46 MPs (63% of the total CPP MPs) from the CPP, visited 171 times;
- ❖ 15 MPs (58% of the FCP MPs) from the FUNCINPEC, visited only 30 times.

Only two constituencies; Kep and Oddor Meanchey, had no visits observed or reported during this period.

1.2. Purposes of visits/missions:

Out of all purposes of MP visits, visiting and gift giving scored highest followed by strengthening party's structure, accompanying leaders, addressing to people's issues, and attending public forums.

All the missions made by all MPs from the three elected parties are equal to 440, and which are classified into five main purposes as follows:

- ✚ *Addressing in people's concerns for 49 times (11%):* The SRP MPs is the leading among the three parties who dealt with intervention to resolve some people's issues. Mostly their activities dealt with land grabbing/conflicting resolution, land violation at the border with Vietnam, sellers and market boss dispute, dispute over crossing payment of the taxi drivers against Road concession AZ Investment Co., Ltd.
- ✚ *Visiting/gift giving and project inauguration for 238 times (54%):* Most of CPP and FCP MPs gave gifts to people such as: scarf, clothes, and money to the monk for building pagodas in the constituencies. Likewise, the SRP MPs distributed medicines, money for repairing local roads and pumping machines to the people also.
- ✚ *Attending public forum for 14 times (3%):* Like the previous months, none of the CPP MPs attended in public forums organized by COMFREL as well as other NGOs, while only two each of the FCP and SRP MPs attended in such event.
- ✚ *Strengthening party networks for 71 times (16%):* These actions mostly found, especially the SRP MPs had contacted with their local party activists and informed the party's policy as well as the steps to be taken. On the other hand, the CPP MPs participated in its party's Anniversary, a so-called “7 January”.
- ✚ *Accompanying leaders for 68 times (15%):* The leaders in this context mainly refers to top leaders of the three elected parties and those who have functions either in parliamentary and government positions, like: Norodom Ranariddh, Hun Sen, Sar Kheng, Norodom Sirivuth, Sam Rainsy, etc.

It is noticed that, among the total MP's visits, they acted as MPs for 87 times, political parties for 28 times and as government representatives for 7 times. **H.E. Chrea Sochenda** (SRP, Kandal) was the leading MP in going to constituencies for a total of 34 visits, followed by **H.E. Mrs. Chuonh Sochhay** (CPP, Battambang) made 14 visits and **H.E. Monh Saphan** (FCP, Kampong Cham) did 4 visits.

2. Fulfillment of MP's promises:

Out of the total visits, people raised their concerns to the MPs at least 137 cases and 132 of which were accepted by the MPs to resolve. It was obviously observed that at least 20 of previous promises were totally resolved in this period, for instance:

- H.E. Mr. Mey Nan (CPP, Pursat), on December 07, 2004 donated some pumping machines to the people who have been facing difficulty after he had promised in the previous time.
- On 28 February, 2005 H.E. Sok An (CPP, Takeo) inaugurated a Junior High School in Trankok district, Takeo, after his promise was made in previous missions.
- On February 01, 2005, H.E. Mr. Sam Rainsy (SRP, Kampong Cham) gave his personal money at amount of \$250 to the local people for repairing local path as well as irrigation system. In addition, he had promised to bring people's concerns and requests to the government for fulfilling them.
- H.E. Sok Pheng had given pumping machine to villagers in Kampong Thom in response to his previous mission's promise.
- H.E. Mr. Monh Saphan (FCP, Kampong Cham), on December 29, 2004 he met with people in the constituencies and promised to bring their issues like; building irrigation system, repairing local paths. In response to the request, he promised to bring the issue to the government to take further step.

3. People's requests:

The following requests were made during this period:

- Resolve land dispute/grabbing;
- Build water cannel system;
- Decrease the rising prices of fuel, water supply and other commodity goods by the government;
- Frequency of the MPs' visits to constituencies;
- Build and repair irrigation, path system;
- Intervention to resolve dispute between people and AZ Company over the payment of driving on National Road No.4.
- Prevent illegal forest cutting, fishing;
- Maintain commune security;
- Increase teachers' salaries;
- Donation of pumping machines for farming,
- Help prevent human rights abuses;
- Issue land occupation certificate;

4. Other intervention activity:

Beside the NA session and field visits, there were at least few SRP MPs wrote 15 intervention letters to the government and relevant institutions requesting for immediate action to help people, appealing to the King intervene in calling for the government to release H.E. Cheam Channy, who was detained immediately after his parliamentary immunity suspended in the early month. No response has been made during this time.

III. Conclusion:

In short, COMFREL acknowledged that the three-month period, 79 MPs from the three elected political parties went visiting their own and other constituencies for several reasons, especially visiting/give gifts to the constituents as well as ceremonial one.

It should be noticed that in this period, the number of visit made by the opposition MPs scores the highest while the CPP become second and the FCP falls down. Therefore, based on the result shown, the number of each party MPs does not parallel with number of their visit, but in a reverse direction.

MPs' visits made citizens in the constituencies felt so happy, but still their few concerns had been addressed. However, some of MPs had committed to fulfill their promises by their field visits to the constituencies.

List of MPs who visited constituencies

From 01/12/2004 to 28/02/2005

	<i>Name of MPs</i>	<i>Constitution (Cons)</i>	<i>Party</i>	<i>In Cons</i>	<i>Out Cons</i>
1	- H.E. Chrea Sochenda	Kandal	SRP	31	3
2	- H.E. Kuoy Bunroeun	Takeo	SRP	28	8
3	- H.E. Sok Pheng	Kampong Thom	SRP	22	2
4	- H.E. Mao Monyvann	Kampong Cham	SRP	21	
5	- H.E. Chan Cheng	Kandal	SRP	17	
6	- H.E. Kimsour Phirith	Banteay Meanchey	SRP	16	
7	- H.E. Ngor Sovann	Kandal	SRP	14	6
8	- H.E. Cheam Channy	Kampong Cham	SRP	14	
9	- H.E.Mrs. Chuonh	Battambang	CPP	14	
10	- H.E. Sam Rainsy	Kampong Cham	SRP	12	1
11	- H.E. Ahmad Yahya	Kampong Cham	SRP	11	
12	- H.E. Nhim Vanda	Prey Veng	CPP	10	
13	- H.E.Mrs. Thak Lany	Kampong Cham	SRP	10	1
14	- H.E. Seang Nam	Siem Reap	CPP	9	
15	- H.E. Pal Samoeun	Banteay Meanchey	CPP	9	
16	- H.E. Tes Heanh	Battambang	CPP	8	
17	- H.E. Suos Kanan	Preah Sihanouk	CPP	7	
18	- H.E.Mrs. Ly Kimlieng	Battambang	CPP	6	
19	- H.E. Roth Sarem	Mondul Kiri	CPP	6	
20	- H.E. Un Ning	Kampong Thom	CPP	6	
21	- H.E. Muy Chat	Battambang	CPP	5	
22	- H.E. Nguon Nhel	Kampong Thom	CPP	5	1
23	- H.E. Sar Kheng	Battambang	CPP	5	5
24	- H.E. Eng Chhai Eang	Battambang	SRP	5	
25	- H.E.Mrs. Troeung Thavy	Kratie	CPP	5	
26	- H.E. Sok An	Takeo	CPP	5	2
27	- H.E.Mrs. Ke Sovannorth	Siem Reap	SRP	4	
28	- H.E. Monh Saphan	Kampong Cham	FUN	4	
29	- H.E. Chea Poch	Prey Veng	SRP	4	2
30	- H.E. Mey Nan	Pursat	CPP	4	
31	- H.E. Ly Narun	Pursat	CPP	4	
32	- H.E. Sim Soly	Kampong Thom	FUN	4	
33	- H.E. Kong Sam Ol	Kampong	CPP	3	
34	- H.E. Tea Banh	Siem Reap	CPP	3	
35	- H.E. Kheav Horl	Kampong Thom	CPP	3	
36	- H.E. Paing Ponnyamin	Kampong	CPP	3	
37	- H.E. Pou Sothirak	Siem Reap	FUN	3	
38	- H.E. Suk Sameng	Preah Vihear	CPP	3	
39	- H.E. Sman Teath	Pursat	CPP	3	
40	- H.E. San Inthor	Stung Treng	CPP	3	
41	- H.E. Cheam Yeap	Prey Veng	CPP	3	

42	- H.E. Nhem Thavy	Kampong Thom	CPP	3	
43	- H.E. Nuth Rumduol	Kampong Speu	SRP	3	
44	- H.E. Sin Pinsen	Prey Veng	FUN	2	
45	- H.E. Vong Kann	Banteay Meanchey	CPP	2	
46	- H.E. Khem Veasna	Prey Veng	SRP	2	
47	- H.E. Doeun Sophal	Kratie	CPP	2	
48	- Samdach Hun Sen	Kandal	CPP	2	2
49	- H.E.Mrs. Men Sam An	Svay Rieng	CPP	2	
50	- H.E.Mrs. Peou Savoeun	Siem Reap	CPP	2	
51	- Princess Sisowath Santa	Prey Veng	FUN	2	
52	- H.E. Kieng Vang	Kampot	SRP	1	
53	- H.E. Ek Sam Ol	Prey Veng	CPP	1	
54	- H.E. Ney Pena	Kampot	CPP	1	
55	- H.E. Hem Khon	Kampong Speu	CPP	1	
56	- H.E. Phay Bunchheun	Kandal	CPP	1	
57	- H.E. Pok Samell	Kampong	FUN	1	
58	- H.E. Bou Thong	Rattanak Kiri	CPP	1	
59	- H.E. Min Sean	Prey Veng	CPP	1	
60	- Prince Norodom Ranariddh	Kampong Cham	FUN	1	3
61	- H.E.Mrs. Chhun Sarim	Svay Rieng	CPP	1	
62	- H.E.Mrs. Kong Hach	Kampong Speu	FUN	1	
63	- H.E.Mrs. Som Kimsuor	Kampot	CPP	1	
64	- H.E.Mrs. Doung Vanna	Svay Rieng	CPP	1	
65	- H.E. Lam Phu An	Banteay Meanchey	FUN	1	
66	- H.E. Nuon Sok	Kampong	CPP	1	
67	- H.E. Som Chen	Kampot	CPP	1	
68	- H.E. Mom Chimhuy	Kandal	CPP	1	
69	- H.E. Ly Thuch	Pursat	FUN	1	
70	- H.E. Hong Sok	Takeo	FUN	1	
71	- H.E. Hul Savorn	Svay Rieng	CPP	1	
72	- H.E. Ai Khon	Koh Kong	CPP	1	
73	- H.E. Than Sina	Kampot	FUN	1	
74	- H.E. Khek Vandy	Takeo	FUN	1	
75	- H.E. Sam San	Pailin	CPP	1	
76	- H.E. Son Chhay	Phnom Penh	SRP	1	
77	- H.E.Mrs. Ho Naun	Kandal	CPP	1	
78	- H.E. Khieu San	Kandal	FUN	1	
79	- Samdach Norodom Sirivudh	Kandal	FUN	3	
Total				398	42