



COMFREL

THE KINGDOM OF CAMBODIA

ANNUAL REPORT



**ON THE NATIONAL ASSEMBLY
PERFORMANCE**



October 2003 - September 2004



COMMITTEE FOR FREE AND FAIR ELECTIONS IN CAMBODIA

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LIST of ABBREVIATIONS

AD	:	Alliance of Democrats
ADHOC	:	Cambodian Human Rights and Development Association
AIPO	:	ASEAN Inter-Parliamentary Organization
CCHR	:	Cambodian Center for Human Rights
CCPCR	:	Cambodian Center for the Protection of Children's Rights
CDP	:	Cambodian Defenders Project
COMFREL	:	Committee for Free and Fair Elections in Cambodia
CSD	:	Center for Social Development
Forum Syd	:	Swedish NGO Center for Development Co-operation
LAC	:	Legal Aid of Cambodia
MP(s)	:	Member(s) of Parliament
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
NOVIB	:	Netherlands Organization for International Development
NPA	:	Norwegian People's Aid
UNTAC	:	United Nations Transitional Authority in Cambodia
USAID	:	United States Agency for International Development
Vigilance	:	Human Rights Vigilance of Cambodia
WTO	:	World Trade Organization

Political Party Logos used in this report:



SRP : Sam Rainsy Party



CPP : Cambodian People's Party



BLDP : Buddhist Liberal Democracy Party



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

FOREWORD

The Report on the National Assembly Performance is compiled from all findings gathered through the observation of the National Assembly's performance and the actions of all Members of Parliament (MPs) in the 3rd legislature such as parliamentary sessions. Opinions are voiced by raising citizens' concerns in debate in order to find solutions and permit intervention to address the issues, suggestions and other challenging matters, and MPs' visits/missions to the constituencies to fulfill their promises since the pre-election period and previous missions.

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

This is the **first annual report** on the monitoring of parliamentarians by The Committee for Free and Fair Elections in Cambodia (COMFREL). This report will be distributed to Members of Parliament, political parties and the general public.

We would like to express our sincere thanks to the General-Secretariat of the National Assembly for facilitating our staff's observation of the sessions and collection of data.

We 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 well with our staff in providing information.

We also appreciate COMFREL's donors like Forum Syd, NPA, NOVIB, Trocaire Fund, NDI and Oxfam Hong Kong for financing COMFREL's activities.

Thanks very much for kind cooperation of COMFREL's networks, especially local offices such as AHOC, CDP, Vigilance, LAC and CCPCR for contributing to support of facility, administration and advice.

Thanks to Mr. John Vijghen, consultant and his colleagues for their editorial work in this report.

Koul Panha

Executive Director of COMFREL

EXECUTIVE SUMMARY

The Committee for Free and Fair Elections in Cambodia (COMFREL) had monitored the activities of MPs for the 3rd legislature. This report documents significant findings during the period from October 2003 to September 2004, focusing on five main areas:

- 1) *Formation of the National Assembly (NA) and New Government*
- 2) *National Assembly Sessions*
- 3) *Performance of Members of Parliament.*
- 4) *Member of Parliament Actions*
- 5) *Government Influence, Intimidation and Complaints*

The Formation of the National Assembly and New Government

The formation of the NA's leadership and the new government members was seen in an irregular manner different from previous mandates. In the third mandate, the Cambodian People's Party (CPP) and FUNCINPEC agreed on a controversial Additional Constitutional Law that led to the implementation of the package vote procedure to pass votes of confidence to choose the government composition and the NA's leadership. As a result, a 73-point political platform for the new government was produced by the CPP and FUNCINPEC, which had taken almost a year since the election results.

In addition, the package vote procedure showed the dependency of Members of Parliament on the parties because the "**raising of hand vote**" for approving the Additional Constitution Proposing Law emphasized that the MPs could not express different views from their party line, leaders or party interests therefore they would face dismissal from the party's membership and as representatives.

National Assembly performance

Of the nine commissions of the NA, the CPP holds chair positions for five commissions and FUNCINPEC get four with exclusion of the membership of the MPs of the Sam Rainsy Party (SRP) though the protocol of agreement between the coalition parties planned to handle a commission's chairman position of the opposition party. The exclusion of the opposition party was seen differently from what had been done in the previous mandates and that could weaken the "*check and balance mechanism*" of the legislature on the government's performance due to the composition of all commissions being only from the coalition parties. The performance of roles and duties by MPs was particularly inefficient pursuant to the Constitution of Cambodia. (See details on page 1-6)

National Assembly Sessions

During observation after structuring until the end of September 2004, the NA had held three parliamentary sessions successively in the third legislature by ratifying a deal on Cambodia's accession package to enter the World Trade Organization (WTO).

There were only nine MPs expressing their views during the three sessions, in which four from the CPP, three from FUNCINPEC and two other from the SRP for 129 minutes. During the parliamentary session most of MPs from the CPP expressed their view to positively support the adopting law while some of MPs from Sam Rainsy's Party (SRP) and the FUNCINPEC party raised a lack performance by the government and draft law. (See details on page 6-9)

MPs Visit Actions

Most MPs (approximately 78%) made contact with their constituents and intervened to address some issues. Still, few have responded in-depth to people's needs and issues. In the period in question, 96 MPs¹ visited their constituencies and other constituencies a total of 701 visits of which 56 MPs from CPP made 404 visits, followed by the 19 SRP MPs' 210 visits and the 21 FUNCINPEC MPs 87 visits.

Among all visits' purpose, the SRP's MPs assisted people or did something about their problems 28 times, the MPs from CPP did so 12 times and FUNCINPEC MPs only 3 times. The most prominent reason for MPs visiting their constituencies from all three parties was ceremonial and gift-giving, with CPP MPs scoring the highest with 322 times, followed by SRP MPs (116 times) and lastly FUNCINPEC MPs (42 times). The SRP, in particular, scored highest in attending public meetings (37 times) and networking (38 times), followed by FUNCINPEC (19 times, and in networking 17 times). The CPP's MPs visited with networking purposes 38 times and attended public forums or debates only twice.

Table 1: Purposes of MPs Visits





























































Purposes of MPs Visits	Political Parties (No. of visits)			Total
				
Intervention in people's concerns	12 (3%)	3 (3%)	28 (13%)	43 (6%)
Gift giving and project inauguration	322 (78%)	42 (48%)	116 (53%)	480 (67%)
Strengthening party networks	38 (9%)	17 (19%)	38 (17%)	93 (13%)
Attending public forums	2 (1%)	19 (22%)	37 (17%)	58 (8%)
Accompanying their leaders	38 (9%)	7 (8%)	0	48 (6%)
Total	412 (100%)	88 (100%)	219 (100%)	719(100%)

























Table 2: List of MPs who had visited the constituencies from October 2003 - September 2004

























Name of MPs		Constituency	Party	In-Constituency	Out-Constituency
1	H.E. Mr. Seang Nam	Siem Reap		34	
2	H.E. Mr. Sok Pheng	Kampong Thom		27	1
3	H.E. Mr. Eng Chhai Eang	Battambang		27	2
4	H.E. Mr. Sous Kanan	Preah Sihanouk		23	
5	H.E. Mr. Chan Cheng	Kandal		21	
6	H.E. Mr. Chrea Sochenda	Kandal		20	
7	H.E. Mr. Sar Kheng	Battambang		20	10

¹ There are 123 MPs in this mandate (CPP: 73, FUNCINPEC: 26 and SRP: 24). The replacement in July 2004, 22 MPs from CPP and 9 MPs from FUNCINPEC were newly replaced while the number of SRP MPs remains the same due to no replacement. Therefore, a resigned MP and a newly replaced MP was considered as one person. During the observation period, we would like to record all visits done by these MPs.

8	H.E. Mrs. Ly Kim Leang	Battambang		18	
9	H.E. Mr. Ngor Sovann	Kandal		18	1
10	H.E. Mr. Tes Heanh	Battambang		16	
11	H.E. Mr. Chea Poch	Prey Veng		15	
12	Samdach Hun Sen	Kandal		15	19
13	H.E. Mr. Nhim Vanda	Prey Veng		15	6
	H.E. Mr. Suy Sem (Resigned)	Pursat		14	2
14	H.E. Mr. Mao Monyvann	Kampong Cham		14	
15	H.E. Mrs. Ke Sovannroth	Siem Reap		14	
16	H.E. Mr. Nim Thot	Battambang		13	
17	H.E. Mrs. Chuonh Sochhay	Battambang		12	
18	H.E. Mr. Toan Vanthara	Battambang		11	
19	H.E. Mr. Chan Sarun	Takeo		11	7
20	H.E. Mr. Un Ning	Kampong Thom		9	
21	H.E. Mr. Sok San	Kampong Chhnang		9	
22	H.E. Mr. Nguon Nhel	Kampong Thom		8	
23	H.E. Mr. Sorn Inthor	Stung Treng		7	
24	Samdach Heng Samrin	Kampong Cham		7	1
25	H.E. Mr. Cheam Channy	Kampong Cham		7	
26	H.E. Mr. Than Sina	Kampot		7	
27	H.E. Mr. You Hokry	Kampong Cham		7	
28	H.E. Mr. Sim Soly (Replaced H.E. Por Bunsreu)	Kampong Thom		7	
29	H.E. Mrs. Ky Lum Ang	Battambang		6	
	H.E. Mr. Por Bun Sreu (Resigned)	Kampong Thom		6	
30	H.E. Mr. Ly Thuch	Pursat		6	

31	H.E. Mr. Chhim Seakleng	Kampong Cham		6	
32	H.E. Mr. So Khun	Takeo		6	
33	H.E. Mr. Nhem Thavy (Replaced H.E. Por Try)	Kampong Thom		5	
34	H.E. Mr. Min Sean	Prey Veng		5	
35	H.E. Mr. Cheam Yeap	Prey Veng		5	
36	H.E. Mrs. Som Kimsour	Kampot		5	
37	H.E. Mr. Kieng Vang	Kampot		5	
	H.E. Mr. Por Try (Resigned)	Kampong Thom		5	
38	H.E. Mr. Kuoy Bunreun	Takeo		4	
39	H.E. Mr. Mey Norn	Pursat		4	
40	H.E. Mr. Monh Saphan	Kampong Cham		4	
41	H.E. Mr. Pou Sothirak	Siem Reap		4	
	H.E. Mr. Thong Khon (Resigned)	Kampong Thom		4	2
42	H.E. Mr. Kimsour Phirith	Banteay Meanchey		3	
43	H.E. Mr. Khieu Horl (Replaced H.E. Thong Khon)	Kampong Thom		3	
44	H.E. Mr. Sam Rainsy	Kampong Cham		3	5
45	H.E. Mr. Keat Chhon	Phnom Penh		3	
46	H.E. Mr. Sok An	Takeo		3	11
47	H.E. Mr. An He	Kep Municipality		3	
48	H.E. Mr. Ek Sam Ol	Prey Veng		3	
49	H.E. Mr. Tea Banh	Siem Reap		3	1
50	H.E. Mr. Hor Nam Hong	Kampong Cham		3	
51	H.E. Mr. Ear Limsour	Kampot		3	
52	H.E. Mr. Nuth Rumdoul	Kampong Speu		3	2
53	H.E. Mr. Bou Thang	Rattanak Kiri		3	

54	H.E. Mr. Khem Veasna	Prey Veng		2	
55	H.E. Mrs. Men Sam On	Svay Rieng		2	2
56	H.E. Mrs. Thak Lany	Kampong Cham		2	
57	H.E. Mr. Chin Bunsean	Pursat		2	
58	Samdach Krom Preah Norodom Ranariddh	Kampong Cham		2	1
59	Samdach Norodom Sirivudh	Kandal		2	1
60	H.E. Mr. Ney Pena	Kampot		2	
61	H.E. Mr. Som Chen	Kampot		2	
62	H.E. Mr. Son Chhay	Phnom Penh		2	
63	H.E. Mr. Ly Narun (Replaced H.E. Suy Sem)	Pursat		2	
64	H.E. Mr. Sin Pinsen (Replaced H.E. Kuoch Ky)	Prey Veng		2	
65	H.E. Mr. Nhep Bunchin (Resigned)	Banteay Meanchey		2	
	H.E. Mr. Kuoch Ky (Resigned)	Prey Veng		2	
66	H.E. Mr. Roth Sarem	Mondul Kiri		2	
67	Princess Sisowath Santha	Prey Veng		2	
	H.E. Mr. Sun Chanthol (Resigned)	Kandal		2	
68	H.E. Mr. Pal Sam Oeun	Banteay Meanchey		2	
69	H.E. Mr. Sam San	Pailin		2	
70	H.E. Mr. Kong Sam Ol	Kampong Chhnang		2	2
71	H.E. Mrs. Dougn Vanna	Svay Rieng		1	
72	H.E. Mr. Uk Rabun (Resigned)	Kampong Chhnang		1	
73	H.E. Mr. Peang Pun Yamin (Replaced H.E. Tram Iv Teuk)	Kampong Chhnang		1	
74	H.E. Mr. Neav Sithong	Kampong Cham		1	
75	Samdach Chea Sim (Resigned)	Phnom Penh		1	1
	H.E. Mr. Tram Iv Teuk (Resigned)	Kampong Chhnang		1	3

76	H.E. Mrs. Troeung Thavy	Kratie		1	
77	H.E. Mrs. Nin Saphon	Takeo		1	
78	H.E. Mr. Suk Sam Eng	Preah Vihear		1	
79	H.E. Mr. Chhin Kimsreng	Kampong Cham		1	
80	H.E. Mr. Cham Prasidh (Resigned)	Siem Reap		1	4
81	H.E. Mrs. Kong Hach	Kampong Speu		1	
82	H.E. Mr. Mok Mareth (Resigned)	Takeo		1	2
83	H.E. Mr. Hem Khan	Kampong Speu		1	
84	H.E. Mrs. Chem Savay (Replaced H.E. Ith Prang)	Kampong Cham		1	
85	H.E. Mr. Im Chhun Lim (Resigned)	Kratie		1	3
86	H.E. Mr. Khek Sam On	Kampong Cham		1	
87	H.E. Mr. Ai Khon	Koh Kong		1	
88	H.E. Mr. Chhay Than	Kandal		1	1
89	H.E. Mr. Khun Hang (Resigned)	Svay Rieng		1	
	H.E. Mr. Kong Vibol (Resigned)	Kampong Cham		1	
90	H.E. Mr. Van Seng Ly (Replaced H.E. Im Sithy)	Kampong Cham		1	
91	H.E. Mr. Sok Soty	Phnom Penh		1	
	H.E. Mr. Ith Prang (Resigned)	Kampong Cham		1	
92	H.E. Mr. Say Chhum	Kampong Speu		1	1
93	H.E. Mr. Him Chhem	Svay Rieng		1	
94	H.E. Mr. Samret Pich	Kampong Speu		1	
95	H.E. Mr. Khieu San (Replaced H.E. Sun Chanthol)	Kandal			1
96	H.E. Mr. Kol Pheng (Resigned)	Takeo			1
	H.E. Mr. Im Sethy (Resigned)	Kampong Cham			1
Total				607	94

MP's Intervention Activities

Most representatives were not engaged in other activities other than functioning in Parliament during the few sessions that took place, but a few MPs wrote letters to request clarification on certain events or actions. For instance, 21 MPs from the SRP sent a letter to the Constitutional Council requesting an interpretation of some constitutional articles. These requests were denied. Other MPs prepared in total 79 appeals or requests for intervention by letter to relevant institutions, including government institutions and the Constitutional Council. However, most of these letters have remained without result thus far. (See details on page 10-15)

Government Influence, Intimidation and Complaints

No serious restriction or obstruction was posed by the government authority on the MPs' activities in the constituencies. There was, however, evidence of the suspension of the immunity of a few MPs from the opposition party. Apart from this, complaints between MPs have been going on, especially the FUNCINPEC and the SRP. (See details on page 16-18)

Detailed Report

1. FORMATION OF NATIONAL ASSEMBLY AND NEW GOVERNMENT

1.1 Simultaneous Formation of National Assembly and New Government

There was a controversy in structuring the NA as the protocol of cooperation agreement between the CPP and FUNCINPEC required a **package vote procedure** for structuring the NA and the formation the New Government both at once. Through the first session of the third legislature, which took place on July 8, 2004 under the chairmanship of H.E. Chea Soth -the oldest MP - in which 72 MPs from the CPP and 24 from FUNCINPEC participated, though all of the SRP MPs boycotted. The reason for this boycott was that the SRP's MPs did not agree with the "Additional Constitution Law" which allows the use of a package vote procedure for the formation of the new government and structuring the NA. However, there was a quorum of 96 parliamentarians to approve the *Additional Constitutional Law* (the package vote procedure) with a show-of-hand vote, supported by all the attending MPs.

Regarding this matter, the former King Norodom Sihanouk commented that "*I cannot be responsible for the serious matter which is breaking our nation. I'll let Samdech Chea Sim sign or not sign according to his conscience. The people are the master of power, not the King. The King reigns but has no power. Therefore, the National Assembly, on behalf of the people, should make a referendum so that people can be responsible for this huge matter.*"² A lawyer explained that "*the approval of the Additional Constitution Law had no base in any procedure*"³. A group representing civil society also raised that, "*package vote procedure contradicts to the power separation principle in democracy. This vote violates the NA's bylaw as well.*"⁴

However, the controversial *Additional Constitution Law* was signed by the Acting Chairman of Senate and the acting Head of State H.E. Nhiek Bunchhay, and the article became a law while Samdech Chea Sim went to Thailand, accompanied by General Director of National Police, for his urgent medical check.

After signing out the Additional Constitution, the MPs from the CPP and FUNCINPEC passed a vote of confidence to approve as follow the positions:

- Samdech Krom Preah Norodom Ranariddh, President of NA.
- Samdech Heng Samrin, First Vice-President of NA.
- H.E. Nguon Nhel, Second Vice-President of NA.
- Chairpersons and Vice-Chairpersons of the nine commissions.
- Samdech Hun Sen, Prime Minister of the New Royal Government and the Cabinet's Members.

The formation of the NA, despite the controversy about its legality, ended a nine-month political deadlock.

² The King's letter sent to Comfrel, "*Package vote*", on July 12, 2004

³ An open letter wrote by Dr. Say Bory, a former member of the Constitutional Council, "*All have to follow the Constitution, especially the article 82 and 119*"

⁴ An NGO's letter sent to the King who was in South Korea, dated on July 5, 2004

1.2 Political Platform of the New Government

On July 16, 2004 the new government's members took an oath after their positions were accepted through a show-of-hand vote by 96 members of Parliament. The Cabinet held its first meeting immediately after under the presidency of Samdech Prime Minister Hun Sen to explain strategies to implement the 73-point political platform, which is called the "Rectangular strategy⁵". The elements of this strategy are:

First, the core of Chaktokon (Rectangle) is good governance focused at four reform areas: (1) *anti-corruption*, (2) *legal and judiciary reform*, (3) *public administration reform including decentralization and de-concentration*, and (4) *reform of armed forces, especially demobilization*.

Second, the overall environment for implementation of the strategy: (1) *peace, political stability and social order*, (2) *partnership in development with all stakeholders, including the private sector, donor community and civil society*, (3) *favorable macroeconomic and financial environment*; and (4) *integration of Cambodia into the region and the world*.

Third, the four strategic 'growth rectangles' are: (1) *enhancement of agricultural sector*; (2) *private sector development and employment generation*; (3) *continued rehabilitation and construction of physical infrastructure*; and (4) *capacity building and human resource development*.

Fourth, each strategic 'growth rectangle' has four sides:

- *Rectangle 1: Enhancement of agricultural sector*
- *Rectangle 2: Further rehabilitation and construction of physical infrastructure.*
- *Rectangle 3: Private sector development and employment generation*
- *Rectangle 4: Capacity building and human resource development.*

2. THE NATIONAL ASSEMBLY PERFORMANCE

2.1 NA's Leadership

Neither the Constitution nor the NA bylaws stipulate how power should be shared among parties in parliament. During the first mandate three of the four elected parties shared power. The CPP held the Presidency position, FUNCINPEC got the First Vice-President and the Buddhist Liberal Democracy Party (BLDP) received the Second Vice-President position. However, despite the fact that the SRP got 15 seats in the second mandate, more than the BLDP, MP of this party didn't receive the Vice-President position.

2.2 Formation of NA Commissions

Pursuant to Article 94 of the Constitution, "*the National Assembly is empowered to establish legislative commissions whose functions are specified by the National Assembly's Internal Rules.*" In addition the Principle 6 of the Internal Rules identifies also the nine Commissions. The nine Commissions are listed on the diagram of the National Assembly. Each Commission consists of a Chairperson, Vice-Chairperson, Secretary and at least four members who elected by MPs.

⁵ Royal Government of Cambodia, "Rectangular Strategy", addressed by Samdech Hun Sen at the 1st Cabinet Meeting of the 3rd Legislation of National Assembly, at the office of the Council of Ministers on 16 July 2004.










The formation commission was found controversy while excluding the opposition MPs. The SRP submitted a list with nominees for commissions on 2nd and 3rd of August 2004 to President of the NA, but the MPs of this party are still excluded from any position in any commission⁶. During the 1998-2003 mandate the SRP took part in one commission. The SRP did not receive any top position in the assembly nor got any members in one of the nine commissions despite their 24 seats in parliament of the alliance with FUNCINPEC for the current mandate. On the other hand, the FUNCINPEC with their 26 seats got Chairperson positions in four commissions.

Mr. Chhim Phal Vorun, Constitutional Law Expert, said on 12 August 2004:

“In parliamentary mechanism, the parties that have seats in the NA should be included in the nine Commissions and the NA leadership if Cambodia really wants to follow the Article 51 (new) of the Constitution. They should not link the formation of the New Government and parliamentary mechanism simultaneously because the Article 51 clearly states the separation of power, and Cambodia carries out the parliamentary system in which the representatives (NA) have to vote of confidence to choose the government. Therefore, It doesn't matter how many parties the government is formed (2/3 of 123 parliamentary seats) they could base on the coalition of two parties to cancel three elected parties in the NA because the NA choose the government. The separation of leadership and commission mechanism should consist of tripartite following the election results.”

The number of seats a party has in parliament defines the NA leadership and its influence in parliament. But a party's power in parliament is also influenced by other factors, such as confidence of a party to get support from society. The table 3 illustrates the consistent increase in seats of the CPP (25% increase in 2nd mandate; 14% increase in 3rd mandate), the consistent decrease to less than half of FUNCINPEC (from 58 to 26 seats) and the large increase of the opposition party SRP (60% more in 3rd mandate).

Table 3: Parliamentary Seats of successive mandates










1993-1998		1998-2003		2003-2008	
Parties	Seats	Parties	Seats	Parties	Seats
	58		64		73
	51		43		26
	10		15		24
MNKFP	1	Others	0	Others	0
Total	120	Total	122	Total	123

These changes are obviously a reflection of the support political parties were able to mobilize in society. It would be a sign of real democracy if such tendencies in society would be reflected in the power sharing in parliament. However, the opposition party has no membership in any commission, while FUNCINPEC kept its previous influence in parliament despite its reduced popular support. With lesser seats FUNCINPEC still got control over one more commission than during the second mandate.

⁶ Referring to the 12 August 2004 Session.

It was seen a difference from the previous principle in structuring the NA's leadership and Commissions.

Table 4: Number of chairs of commissions that each party held

1993-1998			1998-2003			2003-2008		
Parties	Chairs	Members ⁷	Parties	Chairs	Members	Parties	Chairs	Members
	4	25		4	31		5	27
	4	25		4	31		4	27 (15 ** persons)
	1	6		1	10		0	0
Total	9	56	Total	9	72	Total	9	54

** (In fact, there are only 26 MPs from FUNCINPEC represented in the NA what is insufficient to occupy all allocated seats in commissions). There are 15 MPs represent 27 position held in the nine Commissions, in which 12 of them hold two commission positions and other three MPs are each in a commission.

The Table 4 shows that a party, who gets fewer seats in the NA, receives chairman position, but none in the current mandate.

2.3 Effect of Exclusion of the SRP and influence in Parliament

Regarding the exclusion of the opposition MPs from the Commissions, an argument was raised because the power sharing with exclusion could affect the parliamentary democratic regime. *"The rejection of including the opposition MPs in the Commissions will seriously affect the multi parties democracy as stated in the 1991 Paris Peace Accord and the 1993 Constitution of Cambodia.....It does not respond to the people's willing also."*⁸

It was not new in a separation of power in the NA. In the previous mandates, the party who got fewer seat or the opposition party were given positions in the NA's Commission at least one.

Article 97 of the Constitution of the Kingdom of Cambodia stipulates that, *"the commissions of the National Assembly may invite any minister to clarify certain issues under his/her field of responsibility"*. The checks and balance mechanism, therefore, will be better implemented if a party that is not in the government has strong legislative power to control government's performance. For an opposition party to gain such power they need influence in important Assembly commissions. This will lead to a weakened checks and balance mechanism in control the government's and parliament's performance.

2.4 Roles and duties of MPs

The table 5 shows that up to September 2004, the NA and MPs had not yet effectively implemented their roles and duties as stated in article 96 of the Constitution of the Kingdom of Cambodia, *"The MPs have the right to put a motion against the Royal Government.....The replies shall be given by one or several*

⁷ **Members** include Vice Chairpersons, Secretaries and members of the commissions. The Number of FUN'INPEC's MPs increase at 27⁷ due to 12 MPs hold two commissions at once.

⁸ The Appeal issued by the Cambodian Human Rights Action Committee, on 10 August 2004.

ministers depending on the matters related to the accountability of one or several ministers. If the case concerns the overall policy of the Royal Government, the Prime Minister shall reply in person. The explanations by the ministers or by the Prime Minister shall be given verbally or in writing..... The explanations shall be provided within 7 days after the day when the question is received....”

However, the NA and MPs had been fulfilled their duty conforming partially to the Constitution, in article 82, 96, 97 and 141, that were observed during this period is shown in the table below.

Table 5: Implementation of NA according to the Constitution of Cambodia

Cambodian Constitution	Actual implementation of the National Assembly	Remarks
Article 82: The National Assembly shall hold its first session no later than sixty days after the election upon notice by the King.	<u>Delay:</u> The first session should be held prior to 27 September 2003 which is 60 days after the election on 27 July 2003. However, the first session was organized on 15 December 2003, under the chairmanship of H.E. Chea Soth, the oldest MP, to declare validity of Parliament's mandate.	The Minister for the Royal Palace wrote letters upon notice inviting the MPs to attend the first session on 27 September 2003. But only 73 MPs out of 123 participated in this session, all from the CPP.
Article 82: Before taking office, the National Assembly shall decide on the validity of each member's mandate and vote separately to choose a Chairman, Vice-Chairmen and members of each Commission by a 2/3 majority vote.	Instead of 'vote separately' for each position the assembly voted for a package conforming to the controversial Additional Constitutional Articles.	96 MPs from the CPP and FUNCINPEC followed the package vote procedure for pass a vote for confidence of the National Assembly's structure and formation of the government.
Article 90: The National Assembly shall approve the national budget, State planning, loans, financial contracts, and the creation, modification and annulment of tax.	Not completed.	The demissioned government signed a loan contract between the Chinese government (without the approval of the National Assembly) ⁹ .
Article 96: The MPs have the right to put a motion against the Royal Government.....The replies shall be given by one or several ministers depending on the matters related to the accountability of one or several ministers.....	Done but no questioning in the NA yet.	H.E. Keo Remy of the SRP sent a letter to Minister of Economy and Finance regarding the rising price of fuel.
Article 97: The National Assembly commissions	Done	

⁹ H.E. Hor Nam Hong, Minister of Foreign Affairs and International Cooperation gave an interview to reporters to announce the signing on 25 April 2004.

<p>may invite any minister to clarify certain issues under his/her field of responsibility.</p>		
<p>Article 141: After promulgation of any law, the King, the President of the Senate, the President of the National Assembly, the Prime Minister, 1/4 of members of Senate, 1/10 of members of National Assembly or the Courts may request the Constitutional Council to review the constitutionality of that law.</p>	<p>Done but not yet effective.</p>	<p>21 SRP MPs – about 17% of the membership - had written letters to the Constitutional Council to interpret some articles of the Constitution and the Additional Constitutional Law but no replied.</p>

3. NATIONAL ASSEMBLY SESSIONS
3.1 Session Process

The article 83 of the Constitution states: “The National Assembly shall hold its ordinary Sessions twice a year. Each Session shall last at least three months. The National Assembly Sessions shall be held in public, but will meet in closed Sessions at the request of the President of the National Assembly.” Between the National Assembly Sessions, the Permanent Standing Committee of the National Assembly shall manage the work of the Assembly.



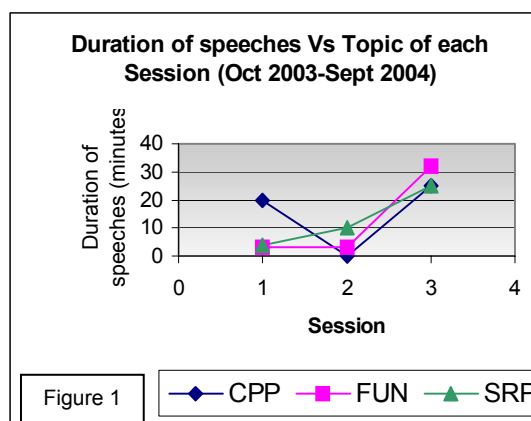
Photo1: NA Session, on 15 July 2004, after package voting

Further, parliamentary rules define that:

- The President of the NA shall be the Chairperson of the Permanent Standing Committee.
- The Permanent Standing Committee of the NA and the Expert Commissions of the NA shall serve the same legislative term as that of the NA.
- The Expert Commissions shall review the draft laws of the Royal Government and the proposed laws of the NA.

3.2 Views expressed during Sessions

During this period, there were only three parliamentary sessions were observed by COMFREL in which 9 MPs expressing their opinions. The observers measured the time required by each MP to express their views during their speeches in “minutes”. No female MPs debated in any of these sessions observed by COMFREL. Figure 1 shows that CPP MPs during the first session spoke the longest while not speaking at all during the second session. All parties used about the same time during the third session.



An example is the issue of Cambodia's Membership of the World Trade Organization: six MPs raised their concerns about Cambodia's full membership and the challenge of competition between domestic and foreign products that the country will face. While the current government demonstrates a poor achievement to find markets for local products or fails to encourage farmers to produce as much as they can for the markets. In addition, corruption and bureaucracy is another constraint that keeps investors away.



Photo 2: MPs raised their hands supporting WTO








Most of CPP's MPs supported overwhelmingly in any debate and law approval while some of FUNCINPEC and the SRP criticized lack of the government's performance in such debate.

H.E. Ek Sam Ol (MP from CPP for Prey Veng) showed his support to the draft law that, *"this is a new achievement that Cambodia integrated into the global trade while the country is walking on peace, national reconciliation towards future prosperity and development under shadow of King Norodom Sihanouk."*

H.E. Khieu San (FUNCINPEC, Kandal) was talking about the possibility for the Royal government to compete as a member in this world organization. He suggested the government has to eliminate all kinds of corruption and bureaucracy, and to increase the export of domestic products. H.E. Pou Sothirak, Vice-Chairman of the 7th Commission (FUNCINPEC, Siem Reap) raised his concern about protection of local agricultural products as well as the intellectual rights.

Challenging the government's representative H.E. Cham Prasidh, Senior Minister of Commerce, H.E. Son Chhay (SRP, Phnom Penh) questioned the government's commitment. He raised that *"what is benefit from being a member of the WTO, it in fact is an obligation to do so in order to have a clear decision making for positive success."* He suggested the government to avoid monopoly in the export area and he suggested to improve infrastructures and punish corrupt persons if found.

Table 6: List of MPs who expressed their views

Date	Name of MPs	Party	Duration (min)	Time(s)
2 August 2004	H.E. Mr. Son Chhay		4	1
	H.E. Mr. Ek Sam Ol		10	1
	Samdech Hun Sen		10	1
	H.E. Mr. Monh Saphan		3	1
12 August 2004	H.E. Mr. Sam Rainsy		10	1
31 August 2004	H.E. Mr. Sam Rainsy		19	1
	H.E. Mr. Khieu San		10	1

	H.E. Mr. Keat Chhon		15	1
	H.E. Mr. Pou Sothirak		22	1
	H.E. Mr. Son Chhay		16	1
	H.E. Mr. Ek Sam Ol		10	1

3.3 General Assembly of the ASEAN Inter-Parliamentary Organization




The NA is the State's supreme institution. This institution has relations with foreign Parliaments in order to build good connections between itself and other assemblies.¹⁰ The NA maintains two kinds of international relations: bilateral and multilateral.

For example, the NA hosted the 25th Asian Inter-Parliament Organization (AIPO) General Assembly held from 12 to 17 September 2004 aiming at strengthening the cooperation and enforcing the work performance within the ASEAN's framework. The process of the meeting went smoothly but the spending (\$1.2 million) was criticized by the opposition party's MPs, which was more than spending in few countries like in Thailand (\$ 0.4 million in 2001) and in Indonesia (\$0.6 million)¹¹. The representative of the NA replied to the critique that more spending due to Cambodia had no necessary equipments for proceeding the meeting, including security fees, accommodation fees, travel expenses to visit Angkor Wat Temple; etc. The meeting offered a positive result to Cambodia, in terms of regional cooperation, development and prosperity boiling towards a splendid and strong democracy.

¹⁰ "National Assembly's Text Book", published by General-Secretariat of the NA, September 2003, p.16

¹¹ H.E. Son Chhay's view in The Cambodia Daily: "Phnom Penh hosts Annual Asean Summit", dated 13 September 2004, p.12 (English version).

Table 7: Parliamentary Sessions held after the formation of the new government (from 2 August to the end of September 2004)

DATE	NA SESSIONS	ATTENDANCE			RESULT OF DISCUSSION	NO. OF MPS ADOPTED
						
Aug 2, 2004	The NA discussed the approval of the existing NA's bylaw	72	22	22	The NA's bylaw	94/116
Aug 12, 2004	The NA discussed three main topics: <ol style="list-style-type: none"> 1. Vote for the Members of the nine Commissions of the NA (Only the MPs from CPP and FUNCINPEC). 2. Approval for the creation of a new special commission for preparing and reviewing the existing bylaw, which consists of 14 MPs. 3. Vote for new Members of the Constitutional Council. 	67	22	23	Completely done	1. ¹² 2. ¹³
Aug 31, 2004	The NA discussed the ratification of Cambodia' accession to enter the World Trade Organization (WTO). This is the first law ratified by the MPs since the formation of the new government.	66	22	21	The bill was ratified by the MPs.	106/107
Sept 2004	No Session.					

¹² Commission 1st approved by majority votes 87/110, 2nd: 88/110, 3rd: 87/88, 4th: 90/90, 5th: 89/90, 6th: 88/90, 7th: 90/90, 8th: 89/90 and 9th: 89/89. The difference due to separated votes for each commission. All SRP's MPs left the National Assembly after they had voted for only two commissions.

¹³ The article 94 of the Constitution states that, "The National Assembly shall establish various necessary commissions..."

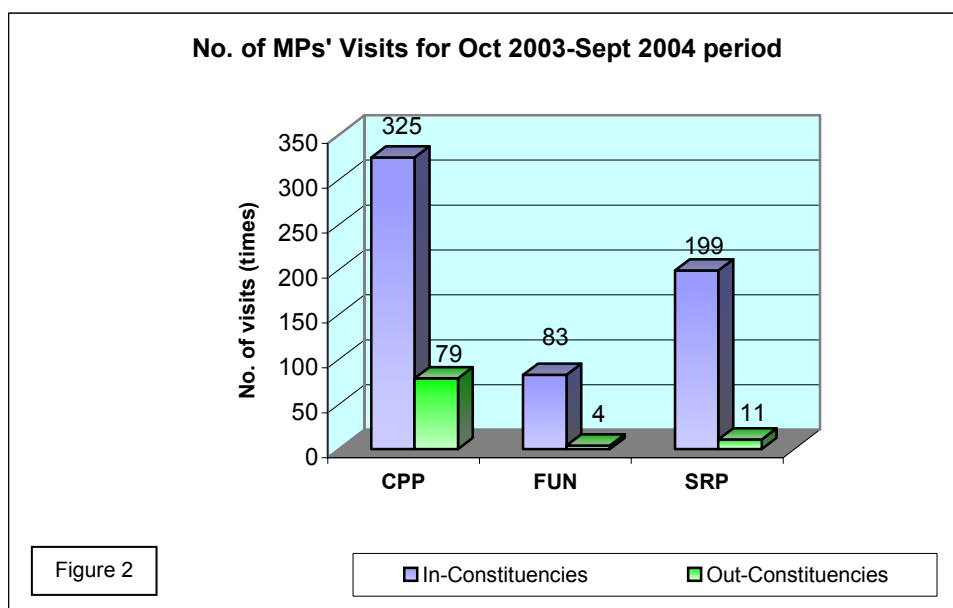
4. MEMBERS OF PARLIAMENT ACTIONS

Three aspects of MP relationships will be addressed in this chapter: Visits to constituents, issues raised by people and other activities outside parliament by MPs.

4.1 Visits to Constituencies

Article 77 of the Constitution stipulates that, "The deputies in the National Assembly shall represent the entire Khmer people, not only Khmers from their constituencies." Therefore, in order to assess how MPs adhere to this article missions and visits of MPs were observed in every constituency since October 2003 till September 2004.

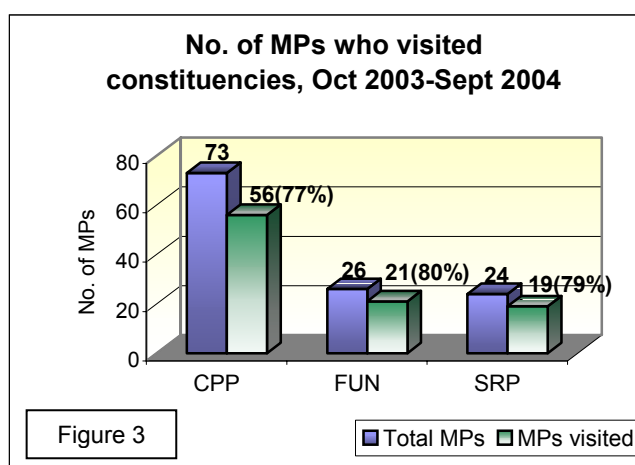
96 MPs (78%) out of the total MPs made a total of 701 visits to their and other constituencies. (See for a breakdown by party figure 2). In total 607 visits were made to own constituencies and 94 visits to other constituencies¹⁴.



4.1.1 MPs who visited constituencies

There were **96** MPs in total made **701** visits, which did not concern with personal visits, but we focused on visits that were made as an elected official. The obtained information showed that during the October 2003 – September 2004 period:

- **56** out of total MPs from CPP (**77%**) went on mission to their constituencies.
- **21** out of total MPs from FUNCINPEC (**80%**) went on mission to their constituencies.
- **19** out of total MPs from SRP (**79%**) went on mission to their constituencies.






¹⁴ In-constituency refers to the MPs' constituency they represent and out-constituency refers to other constituency where the MPs visited beside their own one.

Exemplary MPs

H.E Sieng Nam (CPP, Siem Reap) visited his constituency **34** times in the course one year followed by **H.E. Eng Chhai Eang** (SRP, Battambang) **29** times. FUNCINPEC's MP for Kampong Chhnang, **H.E. Sok San** visited his constituency **9** times, which makes him the leading MP in his party. **Samdech Hun Sen** (CPP, Kandal) made **34** visits and **H.E. Sar Kheng** (CPP, Battambang) made **30** visits, but many of these visits must be attributed to their leading positions and roles in both Parliament and Government.

Three female MPs were very active visiting constituencies, to know: **H.E. Mrs. Ly Kimlieng** (CPP's MP, Battambang): **18** visits **H.E. Mrs. Ke Sovannroth** (SRP, Siem Reap): **14** visits and **H.E. Mrs. Ky Lum Ang** (FUNCINPEC, Battambang): **6** visits.

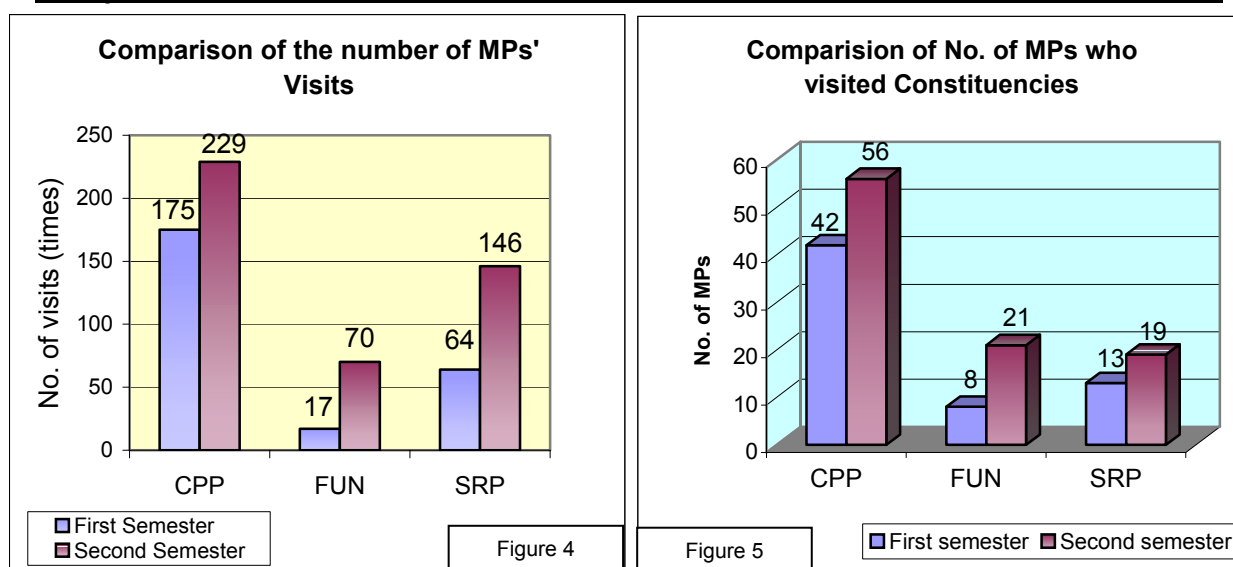
Table 8: Comparison of number of MPs visits in the first and second semester

Party	Total of MPs	First Semester (Oct 2003-Apr 2004)		Second Semester (May-Sept 2004)	
		MPs visited	No. of Visits	MPs visited	No. of Visits
	73	42	175	49	229
	26	8	17	18	70
	24	13	64	19	146
Total	123	63	256	88	445

Improved Performance

The purpose of this comparison is to show how MPs perform their roles as representatives of the constituents. For example, in the first semester the number of MPs who visited the constituencies is less than during the second one. This is likely due to the reasons listed below.

Comparison between 1st and 2nd Semester Visits and number of MPs who had visited



Variations in frequency of missions/visits as shown in the two charts above are in our view due to the following reasons:




- COMFREL's publication about MPs in the first semester report.
- Reaction from the King in His letter dated on 28 May 2004 (Pyung Yang, North Korea) saying that: *"Nowadays, there are observers who are interested in MPs activities after the 2003 Elections. They observed that:*
 - *MPs from the SRP mostly visited citizens who had various matters.*
 - *MPs from the CPP addressed in inaugurating projects for the Nation as well as offering social and humanitarian assistance to the people.*
 - *MPs from the FUNCINPEC did not spread their activities largely in serving people and the nation.'*
- MPs commitment due to their roles and duties defined in the Constitution.
- Encouragement by their parties.

4.1.2 The Purposes of Visits

In this report we organize the reasons for the visits in five main areas:

1. Intervention in regard of people's concerns: this means when MPs listen to people's problems and try to do something about it (or at least promised to do something)
2. Visiting, gift giving and project inauguration: these included all kinds of ceremonial activities
3. Strengthening party networks: this included arranging party internal affairs
4. Attending discussions/public forums organized by civil society organizations;
5. Accompanying their leaders, such as NA (Vice) President, Prime Minister or Deputy Prime Minister.

Table 1: Number of Purposes of MPs Visits¹⁵

Purposes of MPs Visits	Political Parties (No. of visits)			Total
				
Intervention in people's concerns	12 (3%)	3 (3%)	28 (13%)	43 (6%)
Visiting/gift giving and project inauguration	322 (78%)	42 (48%)	116 (53%)	480 (67%)
Strengthening party networks	38 (9%)	17 (19%)	38 (17%)	93 (13%)
Attending public forums	2 (1%)	19 (22%)	37 (17%)	58 (8%)
Accompanying their leaders	38 (9%)	7 (8%)	0	48 (6%)
Total	412 (100%)	88 (100%)	219 (100%)	719(100%)

¹⁵ The number of purpose of MP's visits may be different from the number of visits made by MPs because one visit may has two purposes.

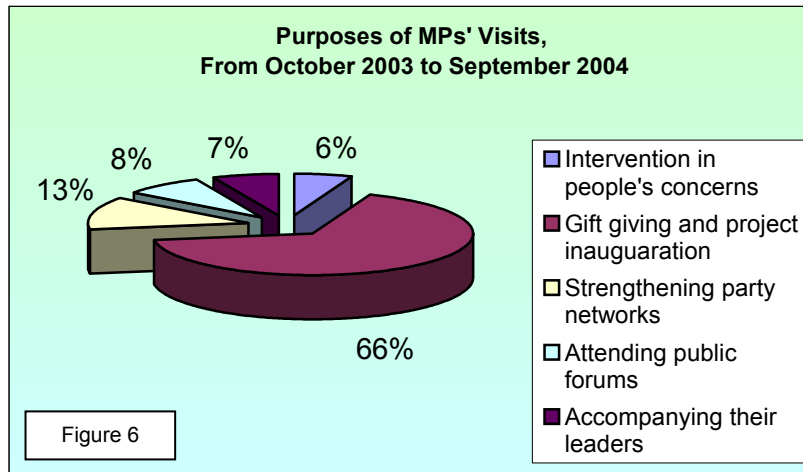


Figure 6

Explanation of breakdown of visits/missions made by MPs from each party



Among all visits' purposes made by CPP's MPs to the constituencies (412 times), most of the party's MPs dealt with visiting, gift giving and project inauguration for 322 times (78%), followed by strengthening the party's network for 38 times (9%), accompanying the leaders for 38 times (9%), intervention in people concerns for 12 times (3%) and only 2 times (1%) attending public forum organized by NGOs.



Photo 3: Samdech Hun Sen visited citizens in the constituency



Among all visits' purposes made by CPP's MPs to the constituencies (219 times), most of the party's MPs dealt with visiting, gift giving for 116 times (53%), followed by strengthening the party's network for 38 times (17%), attending public forum organized by NGOs for 37 times (17%) and intervention in people concerns for 28 times (13%). No accompanying their leaders were observed.



Photo 4: H.E. Sam Rainsy met with citizens & party's members in the constituency.



Among all visits' purposes made by CPP's MPs to the constituencies (88 times), most of the party's MPs dealt with visiting, gift giving and project inauguration for 42 times (48%), followed by attending public forum organized by NGOs for 19 times (22%), strengthening the party's network for 17 times (19%), accompanying the leaders for 7 times (8%) and a few of them intervened in people concerns only for 3 times (3%).

Problem solving



Photo 5: President of the NA, Norodom Ranariddh visited citizens in the constituency

MPs from the SRP were seen four times more active than from CPP or FUNCINPEC when addressing people's concerns. The MPs from SRP mostly addressed land disputes, factory workers' problems and reduction of fuel's price. The MPs from CPP mostly addressed water drainage (canals), pond digging and building roads issues. The MPs from FUNCINPEC mostly addressed digging ponds, land disputes and medicine distribution.

Visiting/gift giving and Inaugurations

The CPP scored highest in proportion of visits for inauguration of projects or structures, like schools, wells, pagodas, irrigation system, roads, handing out gifts and other ceremonial activities with three quarters of all visits (322 times). The SRP was a good second with more than half of their visits (116 times) in term of visiting and gift giving. The FUNCINPEC scored just under half of their total visits for this purpose (42 times).

The CPP MPs mostly visited for ceremonial reasons and donated gifts to people. These ceremonies were often showed on TV or heard on radio or printed on newspapers, especially when they accompanied their leaders, for instance Samdech Hun Sen or H.E. Sar Kheng. During each of CPP's missions constituents were well informed by local authorities. Likewise, MPs of FUNCINPEC mostly dealt with visiting, gift giving and accompanying their leader, for example Samdech Krom Preah Norodom Ranariddh. SRP MPs were more active in meeting with people. Most SRP MPs visits to their constituency were without their leader.

Networking

Each visit of MPs of the three parties had also dealt with strengthening their internal affairs and party's networks. For example, some MPs had joined in the 53th Birthday Celebration (CPP) and meeting with party's members for 38 times, paid respect to dead who died on 5-6 of July 1997 (FUN) and met with party activists for 17 times and visited the Party's members (SRP) for 38 times.

Public Meetings

While the MPs from SRP (37 times) and FUNCINPEC (19 times) were active in attending in public forums/debates organized by civil society (COMFREL, CSD, CCHR and NDI), only a few CPP MPs did (2 times). They did not participate in such forums because other activities got priority. The CPP's Central Committee said that: "*CPP's MPs can not attend the public forums or debates due to their concerns to people's local issues.*"¹⁶

4.1.3 Breakdown of Reasons for Visits

Out of 701 visits there were only 409 visits where MPs acted as representatives. Of the rest 119 visits were related to political party affairs and 173 visits concerned government action. Below are listed the findings resulting from our observations during the October 2003 through September 2004 period.

4.2 People's impression during the visits

People felt happy when they saw their representatives come to visit them. Obvious reasons for their happiness were for example:

- They were given gifts.
- The MPs visits showed concern for their living.
- They had chances to discuss with and getting to know their representatives.
- New roads, wells, bridge, pagoda, etc. were built or promised.

¹⁰ Letter of CPP sent to COMFREL, No.506 dated 24 August 2004.

- Some of their local issues were addressed MPs.

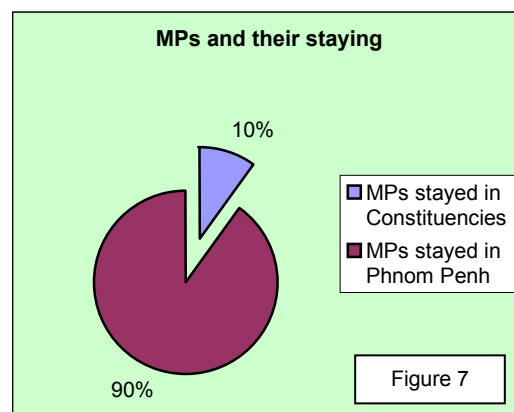
Locations of MP Visits

Visits where MPs contacted their constituents occurred in virtual all constituencies as observed by COMFREL. Only in Oddor Mean Chey constituency¹⁷ was no visits observed¹⁸. However, the frequency and purpose of the visits varied much between the constituencies (See list of MPs who visited).

MPs and Constituents

People from several constituencies often complained that communicating with parliamentarians to ask for interventions or providing information to them was very difficult. Our observers noted from own experience that indeed:

- Almost all provincial offices of MPs did not function properly. Only a few staff were working there who mostly could not provide the information asked for and had little or no contact with the MP.
- Approximately 90% of MPs live permanently in Phnom Penh so that it is difficult for people in the constituency to meet them unless they go to the capital or the MP comes to them.



For instance, many citizens living along Mekong River in Koh Prak village, Phum Thum commune, Kien Svay district, Kandal province appealed to their representatives and the government to assist them immediately when their lands and houses were flooded. They asked that their representatives would come to resolve their difficulties and so they would get to know them after the elections time. However, they saw few MPs who went to that constituency, but indeed at least one MP from each party met with the victims. The concerned MPs were H.E. Khieu San (FUNCINPEC), H.E. Mrs. Ho Non (CPP) and H.E. Chrea Sochenda (SRP).

4.3. MP's Commitment implementation

Through our observation, the members of parliament had committed to fulfill their promises made during the election period. However, among the MP's total visits, we had observed that the MPs had responded to few of their promises in addressing to the constituents' concerns.

Several promises were fulfilled by the MPs during this period.

- Built local infrastructure like schools, roads, pagoda, irrigation system;
- Intervened to land grabbing and land disputes in the constituencies;
- Intervened to the governmental authorities to secure for citizen's security;
- Supported funds to some poor citizens in the constituency;
- Distributed medicines to the citizens.

4.4. MPs Intervention Activities

¹⁷ Perhaps there was visit to the constituency, but this case no mention had been made.

At least 21 SRP MPs sent at least 79 letters demanding some intervention, appealing and asking questions to the King, to the Constitutional Council for interpretation of laws, to government institution¹⁸ and the Cambodian Red Cross. There were few responses from the relevant authorities or institutions. Despite requests we did not get information from the other two parties about their MPs activities besides the normal parliamentary work or visits.

Table 9: List of MPs who issued letters in October 2003-September 2004 Period

No.	Name of MPs	Party/ Constituency	Appeal/ Intervention	Question	Reply
1	Group of SRP's MPs	SRP	14	4	
2	H.E. Mr. Son Chhay	SRP, Phnom Penh	13	1	
3	H.E. Mr. Sok Pheng	SRP, Kampong Thom	12		
4	H.E. Mr. Keo Remy	SRP, Phnom Penh	11		2
5	H.E. Mr. Eng Chhai Eang	SRP, Battambang	6		
6	H.E. Mr. Chrea Sochenda	SRP, Kandal	4		
7	H.E. Mr. Chea Poch	SRP, Prey Veng	3		
8	H.E. Mr. Yim Sovann	SRP, Phnom Penh	2		
9	H.E. Mr. Mao Monyvann	SRP, Kampong Cham	2		
10	H.E. Mr. Nuth Rumduol	SRP, Kompong Speu	1		
11	H.E. Mr. Ngor Sovann	SRP, Kandal	1		
12	H.E. Mr. Kuy Bunreun	SRP, Takeo	1		
13	H.E. Mr. Ho Vann	SRP, Phnom Penh	1		
14	H.E. Mrs. Ke Sovannroth	SRP, Siem Reap	1		
15	H.E. Mr. Kimsour Phirith	SRP, Banteay Meanchey	1		
Total			74	5	2

During this period only two responses from the Ministers were noted. On September 15, 2004, Minister of Economy and Finance H.E. Keat Chhon responded to the letter of H.E. Keo Remy dated on September 2004 regarding the high price of fuel.¹⁹

The Minister of Agriculture, Forestry and Fishery accepted to answer MP H.E. Keo Remy's question in the NA's session focusing on the low turnout of fishery yields.

5. GOVERNMENT INFLUENCE, INTIMIDATION AND COMPLAINTS

¹⁸ Those letters were sent not only to His Majesty King Norodom Sihanouk and Her Majesty Norodom Monineat Sihanouk, but also to the Prime Minister, Constitutional Council, Ministry of Interior, Rural Development, Agriculture, Forestry & Fisheries, Economy & Finance, Social Affairs & Labor, Tourism, Education, Youth & Sports Health, Provincial Governors and Municipal Governor.

¹⁹ The Cambodia Daily, Volume 30 Issues 09, dated September 28, 2004. The minister replied that the rise of fuel due to the ongoing conflict in the Middle East, especially war in Iraq.

5.1 Government Influence

The Constitution and other existing laws are unclear about who is in charge of the NA budget. There is not yet a system to regulate how expenses for performance of the NA will be claimed. As long as this issue is unresolved the new Assembly is hampered to control the current government effectively.

There are no indications that government officials in any way obstructed field visits made by MPs. Also no other activities, such as inaugurations or speeches, were obstructed in the past by government authority.

No serious restrictions were imposed on MPs activities by the local authorities during their visits. But on 4 September 2004, a SRP parliamentarian for Phnom Penh, H.E. Sok Soty was forced to stop his activity by a market security chief and forced to go to their office while he was distributing leaflets to vendors in Phsar Thum Thmey. The SRP MP lodged a complaint to the municipality governor, but the response from the municipality was that the activity of the MP caused social disorder and that therefore the market security chief was correct to stop the activity of the MP.

5.2 Intimidation:

After the assassination of a popular workers union leader, Mr. Chea Vichea (who was deemed to be pro-SRP) on 22 January 2004, a black list surfaced with the names of three MPs and two others who were threatened to be killed²⁰:

- Prince Norodom Sirivudh, Secretary-General of FUNCINPEC (Kandal)
- H.E. Sam Rainsy, President of the SRP (Kampong Cham)
- H.E. Eng Chhai Eang, Secretary-General of the SRP (Battambang)
- Mr. Kem Sokha, Chairman of Cambodia Center for Human Rights
- Mr. Rong Chhun, Chairman of Cambodian Independent Teachers Association

Two more MPs were threatened with death in this period:

- Former H.E. Leu Laysreng, FUNCINPEC (Kandal) was threatened through an electronic mail saying that, *"I'll kill you no later than 28 February 2004."*
- H.E. Sok Pheng, SRP (Kompong Thom) was intimidated by a gunman after he had lodged a complaint against Minister of Posts and Telecommunication of bribery from Mobitel Telecommunication Company.

There was generally no serious impression over the MPs existed. However, after the formation of the new government, there was information of withdrawing/postponing the opposition MPs immunity. For instance, H.E. Cheam Channy (SRP, Kampong Cham) was alleged by the Prime Minister of running an illegal military organization to challenge the government. The Prime Minister said that the government had enough evidence to bring those on the governments' black list to trial. H.E. Cheam Channy of the SRP was accused of being the chief of SRP's Committee No.14 and others were accused to conspire with him [Military Region no. 14 group of the SRP is part of a shadow ministry modeling British and Australian opposition party that scrutinizes the

²⁰ This threat (rumor) happened before the formation of the new government.

corresponding ministry's performance]. The Prime Minister appealed to "the SRP members to admit guilty and switch sides – those who would do this before the ultimatum date would not be tried. For those who did not do so the military court would investigate the case on the basis of evidence provided by the military Intelligence'. But H.E. Cheam Channy rejected the accusation and asked the international parliament to intervene.

5.3 Complaints

During this period leaders of the three parties lodged the following major complaints:

- On 4 November 2003, Samdech Hun Sen lodged a complaint against Prince Norodom Ranariddh for defamation. This was related to the Prince's accusations about who caused the killing of Mr. Chour Chetharith, news editor of pro-FUNCINPEC, Ta Prohm Radio Station, on 18 October 2003.
- Consequently, on 1 December 2003, Prince Norodom Ranariddh filed a complaint against Prime Minister Hun Sen of provoking the assassination of Mr. Chour Chetharith.
- On 30 January 2004, Samdech Hun Sen lodged a complaint against H.E. Sam Rainsy of defamation. He demanded a compensation of \$5 million from H.E. Sam Rainsy. After the formation of the new government and the demise of the Alliance of Democrats, the court started to investigate the lawsuit that had been frozen for several months. Eight months later, on 2 September 2004 the opposition leader was invited by the municipal judge for questioning.
- On 2 February 2004, H.E. Sam Rainsy filed a complaint against the Prime Minister for conspiracy in an attempted killing of him on 30 March 1997 and requested \$50 million in compensation. Six months later, on 19 August 2004, a day after his return from France, Samdech Hun Sen was questioned by the municipal judge at his cabinet regarding to the lawsuit.
- On 31 August 2004, FUNCINPEC filed a lawsuit against H.E. Sam Rainsy for taking a bribe (\$30 million) from Samdech Hun Sen. On 13 August 2004, H.E. Sam Rainsy and H.E. Chea Poch together sent a letter to the Constitutional Council with the request to decide whether article 63 of the 1992 UNTAC Criminal Law – on which the lawsuit filed by FUNCINPEC against them (as MPs) was based - overrides the Constitution (article 80 protects the MPs).
- Two weeks later, clearly in response to the FUNCINPEC lawsuit, on 13 September 2004, H.E. Sam Rainsy filed a lawsuit against the Prince. On 24 of August 2004 the Prince said in a ceremony welcoming a group of SRP members who switched to his party that: "If I had not resolved the issue prior to the date of adoption of the package vote procedure (on 12 July 2004) the members of

FUNCINPEC and SRP would have beheaded." This was reason for H.E. Sam Rainsy to file a complaint accusing the Prince of conspiracy for an attempted killing.

- 2 September 2004, FUNCINPEC filed a lawsuit against H.E. Chea Poch (SRP MP, Prey Veng) and Mr. Kem Sokha, Chairman of Cambodian Center of Human Rights for defamation by saying that the party took a helicopter as bribe from Prime Minister Hun Sen for agreeing with the new government composition. The party demanded 100 million Riel in compensation from the accused. Being accused, Mr. Kem Sokha and H.E. Chea Poch were summoned by the municipal judge on 8 August and 14 September 2004 successively

CONCLUSION

Primarily, this period was notable for the irregularity, controversy and public critics over the formation the new government and creation of the National Assembly (NA)'s structure.

Members of the Parliament (MPs) from the Cambodian People's Party (CPP) and FUNCINPEC Party agreed to adopt the "**Additional Constitutional Law**" allowing **package votes by showing hand** to vote for confidence for leadership of the NA and government at the same time. However, the foundation of the NA and government ended the 9 month-political deadlock. The MPs from the opposition party, who did not join in the package vote, have not been included in the NA's leadership and commissions.

At least, three (03) MPs from the Sam Rainsy Party (SRP) have been being accused by the court and faced suspending of immunity.

Even though the above problems, 96 MPs (78% of all MPs) from the three elected parties (of each party's seats, SRP: 79%, FUNCINPEC: 80 %, CPP: 76%) visited the constituencies, intervened and solved problems. But these activities were limited in responding to the people's need.

The quality of the MPs activities can be observed:

- Most actions of the three parties' MPs, especially, the CPP had visited their constituencies, given gifts, inaugurated achievements and accompanied their leaders (322 times equaling to 78% of their total visits' purposes).
- SRP's MPs lead in intervention to address problems facing the constituencies following the direct actions and letters (28 times equaling to 13% of their total visits' purposes).
- Almost FUNCINPEC and SRP's MPs participated in public forums on "MPs and People" organized by civil society.
- Even if the NA has not implemented their roles and duties effectively according to some article of the Constitution of the Kingdom of Cambodia including article 82, 96, 97 and 141, COMFREL would like to congratulate the MPs for their efforts in discussing and adopting the bill such as ratification Cambodia's Accession to enter the World Trade Organization (WTO) which serves the economic development and to promote rule of law in Cambodia.

Recommendations

To the National Assembly

- MPs should follow the Constitution and address more of their constituencies' concerns rather than political party interests.
- MPs of all parties should support that any elected political party will be included in NA commissions in order to assure that any minority voice will be heard in this institution.
- The NA should expand its role to include an assessment of the performance of the government in the framework of the political platform. This means that MPs should question the Prime Minister and other government officials about their actions to assure that the agreements stated in the political platform will be kept.
- The NA should introduce a legal framework to limit the duration of government formation and structuring the National Assembly to avoid a lengthy and unpredictable delay of formation or functioning.
- The NA should open civil society's input to discuss draft laws especially the proposed amendment of the NA's bylaw.
- The NA should strengthen services of MPs offices in order to improve the communication between people and MPs.

To the political parties

- Political parties should design a clear policy on dismissal of MPs or retracting membership from the party.
- MPs should keep their MP position for the whole mandate even if they are no longer member of any political party. Political parties should propose amendments to the Constitution to that effect.
- Political parties should encourage MPs more to maintain a personal contact with the parliamentary observers and be more open to express opinions or to provide information about their activities.

For more detailed information regarding this Report on the National Assembly Performance read the following chapters and/or contact:

1. *Mr. Koul Panha, Executive Director of COMFREL*
2. *Mr. Mar Sophal, Monitoring Coordinator*

Reference:

1. Constitution of the Kingdom of Cambodia, 1993
2. The bylaw of the National Assembly
3. Book of the National Assembly, compiled by General-Secretariat in 2003
4. A letter of King Norodom Sihanouk, dated 12 July 2004
5. Cambodia Daily News, Reaksmey Kampuchea and Koh Santipheap News
6. Other letters and statements

Annex 1: GOAL, OBJECTIVES and METHODOLOGY

1. Goal:

In the spirit of promoting the democracy in Cambodia elections are very important events for COMFREL. However, similarly important is the observation of the performance of elected officials²¹ and how they fulfill their electoral mandate. Responsibility of elected officials is one of the key indicators for the success of democracy.

Given that transparency of elected official performance also depends to a large extent on the effectiveness of monitoring and the effective participation of local citizens in the process of democratization, observing the work of Members of Parliament is required. The ongoing monitoring of what MPs actually do will be an important tool to inform constituents about how MPs fulfill their promises and about the accountability of elected officials.

To accomplish this COMFREL observed activities of elected officials after the elections. The first result is the 2nd Semester Report on the National Assembly Performance that covers the period after the last national elections from May till September 2004. The Report contains observations about activities of MPs-elect who visited constituencies and acted on behalf of people, and observations of sessions of the 3rd legislature held by the National Assembly (NA). However, the latter part covers only a very brief period because the assembly met since the October 2003 swearing-in only three times, after the formation of the new government in August 2004. The Report focuses therefore mostly on the composition of the NA's leadership, the formation of commissions and visits to constituencies.

2. Objectives

In order to increase the transparency about MPs mandated activities and how election promises are kept the Report will:

- Increase awareness among people about the power sharing process at the NA.
- Provide information to constituents about their MPs; this should also encourage MPs to keep their promises and behave like representatives.
- Illustrate the kind of relationship that exists between people and their representatives.
- Document the purposes of visits of MPs to their and other constituencies.
- List the kinds of concerns and issues that people in constituencies bring to the attention of their representatives.

3. Methodology:

The techniques used to obtain the information for the report are practiced by COMFREL's staff, such as contacting office staff of MPs, attending missions made by MPs, listening to people's requests and demands, attending NA sessions or reviewing documentation provided by or concerning MPs.

A team work was set up and assigned to compile the report which led by Mr. MAR Sophal, Monitoring Coordinator of COMFREL. Staff and volunteers have contributed to the production of this book including: Mr. OEUNG Jeudy as report writer, Mr. KORN Savang, Mr. NEANG Sovann as assistants, Mr. SAM Narith Mr. HOR Daluch, Mr. SENG Daravuth and COMFREL's provincial/municipal coordinators and secretaries through out the country. Besides, two major approaches guided the information collection for the Report on the National Assembly Performance, namely observation of NA sessions and observation of MP visits to constituencies.

²¹ Elected officials are here synonym to Members of Parliament

3.1 National Assembly Sessions

COMFREL assigned two observers observe each session held by the National Assembly. The observers completed for each session the Session Observation Checklists (Agenda, Views expressed by MPs)²².

3.2 Field Visits

All 23 trained COMFREL observers²³ were deployed to observe the activities of each MP in each constituency. These observers were assigned to communicate directly with MPs, political party branch offices and staff at MPs offices in each constituency. The observers were required to complete the Observation Checklists provided by COMFREL²⁴. All collected information was entered into a database²⁵.

3.3 Information Sources

This report is and meant to be impartial and wherever possible data is based on firsthand evaluation of actual performance by parliamentarians. However, often parties or MP offices could or would not provide information on request²⁶.

In those instances where no firsthand information from the Member of Parliament, their party or our observers was available we based our assessment on secondary data, e.g. the press. Despite our efforts to be exhaustive in our reporting it might be that some public visits and activities of MPs are not included.

The observers faced some challenges in performing their tasks. It was very difficult to collect information at the offices of MPs and political parties, especially in provinces or municipalities. FUNCINPEC and SRP were very cooperative with the observers to provide information. However, CPP offices – especially in the provinces – often refused to respond to information requests. Elected officials from FUNCINPEC and SRP participated in public forums organized by COMFREL, CCHR, CSD, NDI and others. The observers could glean much information from such debates, but because CPP MPs rarely joined they got less information about these politicians' views.

²² See the attached Session Observation Checklist.

²³ For the purpose of COMFREL Report, the small municipality Kep is included in Kampot province

²⁴ Form for observers used to collect data relating to MPs.

²⁵ The data base is maintained at COMFREL for documenting all the information related to MPs including MPs' visits observations checklists, National Assembly's observation checklist and MPs CV.

²⁶ See letter No. 006 dated 20 January 2004 by the CPP.

Annex 2: Process of Formation of New Government

Only three political parties got seats in the National Assembly after the national election held on 27 July 2003: CPP (73 seats), FUNCINPEC (26 seats) and the SRP (24 seats) with 123 seats in total. The CPP was 9 seats short of two-third absolute majority (82 seats) needed for forming a government without coalition partner²⁷. The FUNCINPEC and the SRP stated publicly during the formation period that they would not join a coalition government with the CPP if Samdech Hun Sen Hun Sen would remain Prime Minister. These two parties formed the “Alliance of Democrats (AD)” and said they would only join a coalition government together.

Interjection by the King

When no solution seemed in sight for a formation of a new government, after the election results was announced officially, the King invited the three parties to meet under His chairmanship. The King requested the leaders of the three political parties to join a meeting to discuss the formation of a new government. The first summit for such negotiation took place on 5 of November 2003 at the Royal Palace. The summits chaired by the King at the Royal Palace were attended by all three parties. FUNCINPEC and SRP agreed that a top official proposed by the CPP would become the next Prime Minister of the Royal Government as long as this official would not be Samdech Hun Sen. At these meetings the CPP agreed in principle to form a triparty coalition government, but they did not accept the exclusion of Samdech Hun Sen. After four consecutive discussions by working groups from the three parties and a final meeting under the chairmanship of the King, on December 19, 2003 no agreement was achieved and there remained a political deadlock.

Excluding SRP

On March 15, 2004, the President of FUNCINPEC, Samdech Krom Preah Norodom Ranariddh, met with CPP Vice-President Samdech Hun Sen at Vealsbov Royal Residence to find a resolution to the deadlock. As a result the two parties agreed on establishing a new working group comprised of members of the CPP and FUNCINPEC only to prepare the composition of the commissions, especially the chairmanship, and other issues regarding the functioning of the NA. There were 16 important meetings between the working groups of the CPP and FUNCINPEC held by the end of June 2004. They agreed on the composition of the new government with Samdech Hun Sen as Prime Minister and Samdech Krom Preah Norodom Ranariddh again presiding over the NA.

They also agreed on the issue of what to do with the other member of the Alliance of Democrats, the SRP that was excluded from these coalition formation meetings. Samdech Hun Sen agreed with the Prince to give opportunities to the SRP members to take up positions in the new government. However, he left it to the FUNCINPEC to allocate a part of the FUNCINPEC positions to the SRP. The CPP did thus not regard SRP as a coalition partner but as a party linked to the FUNCINPEC.

The Process

The process of formation of the new government took 9 months for discussion, negotiation and working out the agreement. Below are some interesting aspects of this process:

- The process was more transparent and media access to discussions was increased when compared to the government formation in 1993 and 1998.

²⁷ Article 90-8 of the Constitution states that the National Assembly shall pass a vote of confidence in the Royal Government by a two-third majority of all members of the entire National Assembly membership.

- Discussions focused on political issues, raised by each party during the election campaigns, such as:
 - ❑ Anti-corruption
 - ❑ Judicial reform to ensure a good court system,
 - ❑ National independence sovereignty and territorial integrity,
 - ❑ A nationality law and an effective immigration law implementation.
 - ❑ Salary increases for civil servants, police, military personnel, and workers/employees,
 - ❑ Management of natural resources such as forests, fisheries, etc.
- The discussion also responded to recommendations made by some civil society organizations, for example:
 - ❑ Establishment of new institutions such as a Human Rights Committee, a National Elections Committee and an Anti-Corruption Committee.
 - ❑ Approval of new laws for transparency and accountability such as an Anti-Corruption Law.
 - ❑ Strengthening the legislative power to examine the government functioning.

Contrary to the situation in 1998, FUNCINPEC's working groups seem to have had an equal position during the negotiations about the points of the political platform. However, the power sharing is unequal between CPP and FUNCINPEC with a 60% respectively 40% distribution of positions in the new Government Cabinet. The CPP holds minister positions in 15 Ministries and got one Secretariat. FUNCINPEC holds 9 Ministries and one Secretariat. The Ministries of Interior and National Defense are led by Co-Ministers from both parties. This distribution does not reflect the parliamentary seat distribution (73% respectively 27%) and it therefore *seems* as if FUNCINPEC has gained in the process. However, one has to look at the influence level of the positions allocated to the parties and the programmatic program to know who gained most in the process. Both coalition partners agreed on 73 points for the new government's platform. Because it is no public fact which points were included on demand of which coalition partner we do not know who really holds the power.

Summary of the Process

First there were meetings held between the three parties, after the emergence of the Alliance of Democrats. When these meetings failed the CPP and FUNCINPEC started to discuss the sharing of power in the National Assembly and new government. There were five *milestones* on the road to forming a new government:

- Two summits were held at the Royal Palace between the three main parties presided over by the King.
- Three meetings of the tri-party working group were held under chairmanship of the King;
- Three summits were organized between the President of FUNCINPEC Prince Norodom Rannaridh and the Vice-President of the CPP, Samdech Hun Sen²⁸.
- The summits were followed by 16 main official meetings of the two working groups between the CPP and FUNCINPEC.
- A statement was given by the coalition partners that an agreement was reached on 30 June 2004.

²⁸ Three main summits held on the following date; 15th March, 2nd June and 26th June 2004

Annex 3: MP's Profile and list of MPs post changing

The resolution of the conflicts in Cambodia through the Paris peace accord of 23 October 1991 provided that the elections were held in order to establish the rule of law and to create a governing institution of the country. In this respect, three National Assembly Members elections were held successively in 1993, 1998 and 2003. The National Assembly Members are directly elected by Cambodian citizens in 24 constituencies and serve a five-year term. During the second mandate, after a short political crisis, the Constitution was amended to allow for the establishment of a Senate, which is the upper House of the Nation's legislative body (Cambodian Parliament) and play a coordination role between the National Assembly and the Royal Government. In this regard, the legislative power is shared between the National Assembly and the Senate.

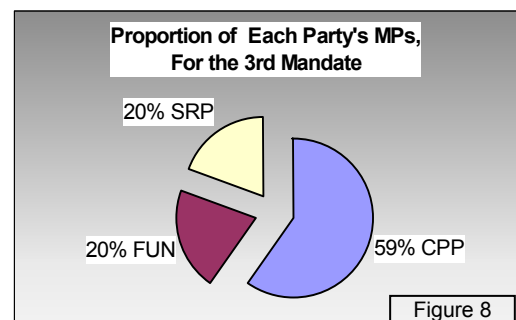
1. Profile of Members of Parliament

The current National Assembly began its life as the **Constituent Assembly**, which was established by the UNTAC electoral law of 1993. The elected candidates of the election of 1993 formed the Constituent Assembly and their first and only task was to adopt a new Constitution for Cambodia. Following the enactment of the Constitution in 1993 the *Constituent Assembly* was changed to the *National Assembly* although its membership remained the same.

The Primary function of the National Assembly is to adopt laws. According to the Constitution these laws can be proposed by MPs, Senators or the Executive branch. After being adopted by the National Assembly, the King signs a "Kram" to promulgate these laws following which the Royal Government of Cambodia (Executive Branch) has the duty to administer and enforce them.

In addition to these "law making" powers the National Assembly, as mentioned previously, also has a number of other functions fundamental to the operation of parliament.

Three political parties have succeeded to cross the threshold and are now participating in parliament after the 2003 national elections. In this mandate, the CPP has 73 members, the FUNCINPEC has 26 members and the SRP has 24 members, total 123 members of parliament. A large proportion of MPs from the previous period returned. Some MPs did not return to parliament because they died, resigned or were replaced by their party. Figure 8 illustrates the proportion of MPs for each party.



1.1. Replacement of MP-elect

Article 79 of the Constitution of the Kingdom of Cambodia stipulates that: *"The National Assembly mandate shall be incompatible with the holding of any active public function and of any membership in other institutions provided for in the Constitution, except when the assembly member(s) is (are) required to serve in the Royal Government...."*

Since the official declaration of the election results on 30 August 2003, 41 MP-elect were replaced by their political parties, 30 from CPP and 11 from FUNCINPEC.

1.2. Female MPs

The number of female representatives increased to 22 women or 18%. According to the official results announced by the NEC, only 10% or 12 members of parliament were female, 6 female MP-elect out of 73 MP-elect from the Cambodian People's Party, 3 female MP-elect out of 26 MP-elect from FUNCINPEC and 3 female MP-elect out of 24 MP-elect from the Sam Rainsy Party.

The table below shows the proportion of female MPs that entered as member of parliament for each party.

Table 10: Breakdown of the 123 MPs elected in July 2003*

Party	MPs-elect		Replaced MPs		All members	
	Male	Female	Male	Female	Female	All
CPP	37	6	22	8	14 (19%)	73
FUNCINPEC	12	3	9	2	5 (19%)	26
SRP	21	3	0	0	3 (12%)	24
Total	65	12	31	10	22 (18%)	123

Nomination

The proportion of female nomination was similar for all parties. However, only 6 out of 14 female nominees of CPP, 3 out of 15 female nominees of FUNCINPEC were elected, while 3 out of 14 female nominees of SRP became MP-elect (see Table below).

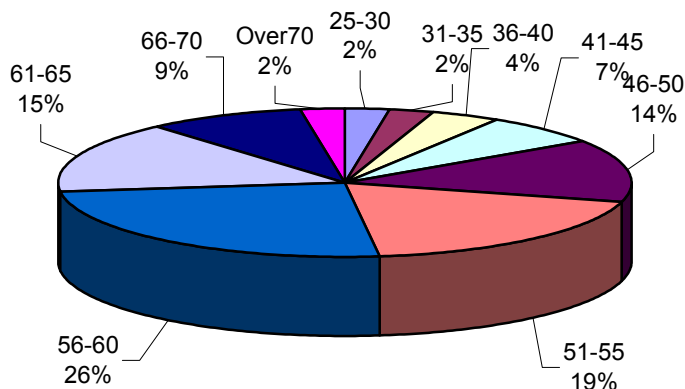
Table 11: Nominated versus Elected Female MPs

Party	Female Nominees	Female MP-elect
CPP	14 (11.4%)	6 (4.87%)
FUNCINPEC	15 (12.2%)	3 (2.43%)
SRP	14 (12.2%)	3 (2.43%)
Total	44	12

Source: NEC, 2003 National Assembly Elections

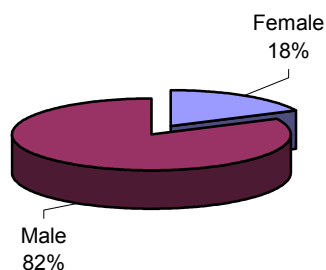
Number of MPs sorted by age

Age	Percentage
25-30	2.44%
31-35	2.44%
36-40	4.07%
41-45	6.50%
46-50	13.82%
51-55	18.70%
56-60	25.20%
61-65	15.45%
66-70	8.94%
Over70	2.44%
Total	100.00%



Number of MPs sorted by gender

Gender	Count
Female	22
Male	101
Total	123



2. List of MPs replacement**Table12: List of MPs replacement**

No.	Date	Constituency	New MPs	Old MPs	Party
1	12/Sep/03	Battambang	H.E.Mrs. Ky Lum Ang	H.E. Nhek Bunchhay	FUN
2	29/Sep/03	Battambang	H.E. Tes Heanh	H.E. Ngin Khorn	CPP
3	29/Sep/03	Battambang	H.E. Chhunh Sokchhay	H.E. Dul Koeun	CPP
4	29/Sep/03	Kandal	H.E. Mrs. Khuon Sodary	H.E. Tep Ngorn	CPP
5	29/Sep/03	Phnom Penh	H.E. Hou Sry	H.E. Sim Ka	CPP
6	29/Sep/03	Pailin	H.E. Sam San	H.E. Y Chhien and Nam Tom	CPP
7	23/Mar/04	Kamong Cham	H.E. Chhin Kimsreng	H.E. Math Ly (died)	CPP
8	30/Mar/04	Kampot	H.E. Ea Limsuor	H.E. Mom Bunnieng	FUN
9	19/May/04	Kep	H.E. An He	H.E. Kea Samhan (died)	CPP
10	02/Jul/04	Kamong Cham	H.E. Mrs. Im Run	H.E. Chhour Leang Huot (resigned)	CPP
11	02/Aug/04	Banteay Meanchey	H.E. Koy Dok	H.E. Yim Chhaily (resigned)	CPP
12	02/Aug/04	Banteay Meanchey	H.E. Lam Phu An	H.E. Nhep Bunchin (resigned)	FUN
13	02/Aug/04	Battambang	H.E. Muy Chat	H.E. Nim Thot (resigned)	CPP
14	02/Aug/04	Kamong Cham	H.E. Mrs. Chem Savay	H.E. Ith Praing (resigned)	CPP
15	02/Aug/04	Kamong Cham	H.E. Van Seng Ly	H.E. Im Sethy (resigned)	CPP
16	02/Aug/04	Kamong Cham	H.E. Khek Sam On	H.E. Khieu Kanharith (resigned)	CPP
17	02/Aug/04	Kamong Cham	H.E. Neav Sithong	H.E. Kong Vibol (resigned)	FUN
18	02/Aug/04	Kamong Chhnang	H.E. Nuon Sok	H.E. Uk Rabun (resigned)	CPP
19	02/Aug/04	Kamong Chhnang	H.E. Peang Pon Yamin	H.E. Traing Ivtek (resigned)	CPP

20	02/Aug/04	Kampong Chhnang	H.E. Pok Sam El	H.E. Sok San (resigned)	FUN
21	02/Aug/04	Kampong Thom	H.E. Khieu Horl	H.E. Thong Khon (resigned)	CPP
22	02/Aug/04	Kampong Thom	H.E. Nhem Thavy	H.E. Por Try (resigned)	CPP
23	02/Aug/04	Kampong Thom	H.E. Sim Soly	H.E. Por Bunsreu (resigned)	FUN
24	02/Aug/04	Kampot	H.E. Som Chen	H.E. Chay Saing Yun (resigned)	CPP
25	02/Aug/04	Kandal	H.E. Phay Bunchheun	H.E. Chhay Than (resigned)	CPP
26	02/Aug/04	Kandal	H.E. Khieu San	H.E. Sun Chanthol (resigned)	FUN
27	02/Aug/04	Kratie	H.E. Doeun Sophal	H.E. Im Chunlim (resigned)	CPP
28	02/Aug/04	Kratie	H.E. Troeung Thavy	H.E. Chhan Saphan (resigned)	CPP
29	02/Aug/04	Phnom Penh	H.E. Mrs. Kruoch Sam An	Samdech Chea Sim (resigned)	CPP
30	02/Aug/04	Prey Veng	H.E. Sin Pinsen	H.E. Kuoch Ky (resigned)	FUN
31	02/Aug/04	Pursat	H.E. Ly Narun	H.E. Suy Sem (resigned)	CPP
32	02/Aug/04	Pursat	H.E. Sman Teat	H.E. Chhin Bunsean (resigned)	CPP
33	02/Aug/04	Siem Reap	H.E. Mrs. Pov Savoeun	H.E. Cham Prasidh (resigned)	CPP
34	02/Aug/04	Siem Reap	H.E. Sam Heang	H.E. Keo Saphal (resigned)	CPP
35	02/Aug/04	Svay Rieng	H.E. So Victor	H.E. Khun Haing (resigned)	FUN
36	02/Aug/04	Svay Rieng	H.E. Mrs. Chhun Sarim	H.E. Him Chhem (resigned)	CPP
37	02/Aug/04	Takeo	H.E. Chao Saphon	H.E. So Khun (resigned)	CPP

38	02/Aug/04	Takeo	H.E. Prak Thuch	H.E. Mok Mareth (resigned)	CPP
39	02/Aug/04	Takeo	H.E. Ing Bunhov	H.E. Chan Sarun (resigned)	CPP
40	02/Aug/04	Takeo	H.E. Hong Sok Heang	H.E. Khol Pheng (resigned)	FUN
41	12/Aug/04	Kampong Speu	H.E. Mrs. Kong Hach	H.E. Leu Laysreng (resigned)	FUN

3. List of MPs Post Changing

Below is the list of Members of Parliament after the changing of membership for the National Assembly of the third mandate.

Table 13: List of MPs Post Changing

Constituency	No.	Name of MPs	Age	Party
Banteay Meanchey (6 Seats)	1	H.E. Mr. Koy Dok	55	CPP
	2	H.E. Mr. Vong Kan	63	
	3	H.E. Mr. Pal Sam Oeun	59	
	4	H.E. Mr. Try Chheang Huot	60	
	5	H.E. Mr. Lam Phu An	49	FUN
	6	H.E. Mr. Kimsour Phirith	44	SRP
Battambang (8 Seats)	7	H.E. Mr. Sar Kheng	54	CPP
	8	H.E. Mr. Muy Chat	68	
	9	H.E. Mr. Tes Heanh	58	
	10	H.E. Mrs. Ly Kim Leang	55	
	11	H.E. Mrs. Chuonh Sochhay	49	FUN
	12	H.E. Mrs. Ky Lum Ang	55	
	13	H.E. Mr. Eng Chhai Eang	38	
	14	H.E. Mr. Tan Vanthara	41	
Kampong Cham (18 Seats)	15	Samdech Heng Samrin	70	CPP
	16	H.E. Mr. Chhin Kimsreng	64	
	17	H.E. Mr. Hor Nam Hong	69	
	18	H.E. Mrs. Im Run	62	
	19	H.E. Mr. Khek Sam On	53	
	20	H.E. Mr. Van Seng Ly	64	
	21	H.E. Mr. Yos Son	62	
	22	H.E. Mrs. Chem Savay	50	

	23	Samdech Krom Preah Norodom Ranaridh	60	FUN	
	24	H.E. Mr. You Hockry	59		
	25	H.E. Mr. Chhim Seakleng	63		
	26	H.E. Mr. Neav Sithong	55		
	27	H.E. Mr. Monh Saphan	55		
		28	H.E. Mr. Sam Rainsy	56	SRP
		29	H.E. Mr. Mao Monivann	42	
		30	H.E. Mrs. Thak Lany	50	
		31	H.E. Mr. Cheam Channy	44	
		32	H.E. Mr. Ahmad Yahya	51	
Kampong Chhnang (4 Seats)	33	H.E. Mr. Kong Sam Ol	68	CPP	
	34	H.E. Mr. Nuon Sok	70		
	35	H.E. Mr. Peang Pun Yamin	49		
	36	H.E. Mr. Pok Sam El	70	FUN	
Kampong Speu (6 Seats)	37	H.E. Mr. Say Chhum	59	CPP	
	38	H.E. Mr. Hem Khorn	53		
	39	H.E. Mr. Ly Son	55		
	40	H.E. Mr. Samret Pich	62		
	41	H.E. Mrs. Kong Hach	54	FUN	
	42	H.E. Mr. Nuth Rumdoul	58	SRP	
Kampong Thom (6 Seats)	43	H.E. Mr. Nguon Nhel	62	CPP	
	44	H.E. Mr. Un Ning	62		
	45	H.E. Mr. Khieu Horl	55		
	46	H.E. Mr. Nhem Thavy	54		
	47	H.E. Mr. Sim Soly	61	FUN	
	48	H.E. Mr. Sok Pheng	30	SRP	
Kampot (6 Seats)	49	H.E. Mr. Nay Pena	56	CPP	
	50	H.E. Mr. Sam Chen	56		
	51	H.E. Mrs. Som Kimsour	55		
	52	H.E. Mr. Than Sina	56	FUN	
	53	H.E. Mr. Ear Lim Sour	65		
	54	H.E. Mr. Kieng Vang	57		SRP
Kandal (11 Seats)	55	Samdech Hun Sen	53	CPP	
	56	H.E. Mrs. Khuon Sodary	52		
	57	H.E. Mr. Phay Bunchheun	50		
	58	H.E. Mr. Mom Chim Huy	65		

	59	H.E. Mrs. Ho Non	57	
	60	Samdech Norodom Sirivudh	53	FUN
	61	H.E. Mr. Hong Sun Huot	57	
	62	H.E. Mr. Khieu San	64	
	63	H.E. Mr. Chan Cheng	47	
	64	H.E. Mr. Chrea Sochenda	32	SRP
	65	H.E. Mr. Ngor Sovann	34	
Koh Kong (1)	66	H.E. Mr. Ai Khon	48	CPP
Kratie (3 Seats)	67	H.E. Mr. Doeun Sophal	58	CPP
	68	H.E. Mrs. Troeung Thavy	53	
	69	Princess Norodom Rottana Devi	30	FUN
Monduliri (1 seat)	70	H.E. Mr. Roth Sarem	63	CPP
Phnom Penh (12 Seats)	71	H.E. Mrs. Kruoch Sam An	51	CPP
	72	H.E. Mr. Hou Sry	62	
	73	H.E. Mr. Keat Chhon	70	
	74	H.E. Mr. Um Nhanh	61	
	75	Princess Norodom Vacheahra	59	FUN
	76	H.E. Mr. Khy Taing Lim	68	SRP
	77	H.E. Mrs. Tioulong Somura	54	
	78	H.E. Mr. Yim Sovann	40	
	79	H.E. Mr. Son Chhay	48	
	80	H.E. Mr. Keo Remy	41	
	81	H.E. Mr. Ho Vann	57	
	82	H.E. Mr. Sok Soty	75	
Preah Vihear (1seat)	83	H.E. Mr. Suk Sam Eng	49	CPP
Prey Veng (11 Seats)	84	H.E. Mr. Chea Soth	76	CPP
	85	H.E. Mr. Nhim Vanda	57	
	86	H.E. Mr. Cheam Yeap	58	
	87	H.E. Mr. Ek Sam Ol	60	
	88	H.E. Mr. Pen Panha	63	
	89	H.E. Mr. Min Sean	59	
	90	H.E. Mr. Veng Sereyvuth	46	FUN
	91	H.E. Mr. Sin Pinsen	57	FUN
	92	Princess Sisowath Santha	62	
	93	H.E. Mr. Chea Poch	30	SRP

	94	H.E. Mr. Khem Veasna	43	
Pursat (4 Seats)	95	H.E. Mr. Ly Narun	43	CPP
	96	H.E. Mr. Sman Teat	52	
	97	H.E. Mr. Mey Nan	69	
	98	H.E. Mr. Ly Thuch	38	FUN
Siem Reap (6 Seats)	99	H.E. Mr. Bou Thong	66	CPP
	100	H.E. Mr. Tea Banh	58	
	101	H.E. Mrs. Pov Savoeun	57	
	102	H.E. Mr. Seang Nam	46	
	103	H.E. Mr. Sam Heang	49	FUN
	104	H.E. Mr. Pou Sothirak	47	
	105	H.E. Mrs. Ke Sovannaroth	42	SRP
Sihanouk Ville (1)	106	H.E. Mr. Suos Kanan	59	CPP
Svay Rieng (6 Seats)	107	H.E. Mr. San Inthor	49	CPP
	108	H.E. Mrs. Men Sam An	51	
	109	H.E. Mrs. Chhim Sarem	54	
	110	H.E. Mr. Hul Savorn	52	
	111	H.E. Mrs. Duong Vanna	51	FUN
	112	H.E. Mr. So Victor	39	
Takeo (8 Seats)	113	H.E. Mr. Sok An	54	CPP
	114	H.E. Mr. Chao Sophon	55	
	115	H.E. Mr. Prak Thuch	56	
	116	H.E. Mr. Ing Bunhov	33	
	117	H.E. Mrs. Nin Saphon	56	
	118	H.E. Mr. Khek Vandy	69	FUN
	119	H.E. Mr. Hong Sok Heang	56	SRP
	120	H.E. Mr. Kuy Bunroeun	36	
Kep (1 seat)	121	H.E. Mr. An He	59	CPP
Pailin (1 seat)	122	H.E. Mr. Sam San	57	CPP
Odor Meanchey (1 seat)	123	H.E. Mr. Nov Sam	49	CPP

Annex 4: Composition in the Permanent Standing Committee of the NA:

A. Permanent Standing Committee

Table 14: List of MPs in Permanent Committee

No	MPs Name	Position in NA	Position in Permanent Committee
1	H.R.H. Norodom Ranariddh	President of the NA	Chairman
2	Samdech Heng Samrin	First Vice President	1 st Vice Chairman
3	H.E. Nguon Nhel	Second Vice President	2 nd Vice Chairman
4	H.E. Pen Pannha	Chairman of 1 st Commission	Member
5	H.E. Cheam Yeap	Chairman of 2 nd Commission	Member
6	H.E. Ly Thuch	Chairman of 3 rd Commission	Member
7	H.E. Monh Saphan	Chairman of 4 th Commission	Member
8	Samdech Norodom Vacheara	Chairman of 5 th Commission	Member
9	H.E. Ek Sam Ol	Chairman of 6 th Commission	Member
10	H.E. Mom Chim Huy	Chairman of 7 th Commission	Member
11	H.E. Mrs. Ho Non	Chairman of 8 th Commission	Member
12	H.E. Mrs. Ky Lum Ang	Chairman of 9 th Commission	Member

B. Expert Commissions of the National Assembly

Table 15: List of MPs in Expert Commissions of the National Assembly

No.	Name	Position	Party
1. Commission on protection of Human Rights and Complaint Reception			
1	H.E. Pen Pannha	Chairman	CPP
2	H.E. Ear Limsour	Vice-Chairman	FUN
3	H.E. Samret Pich	Secretary	CPP
4	H.E. Van Seng Ly	Member	CPP
5	H.E. Mrs. Khoun Sodary	Member	CPP
6	H.E. Chhim Seakleng	Member	FUN
7	H.E. Khieu San	Member	FUN
2. Commission on Finance and Banking			
1	H.E. Cheam Yeap	Chairman	CPP
2	H.E. Than Sina	Vice-Chairman	FUN
3	H.E. Ai Khon	Secretary	CPP
4	H.E. Mrs. Chhun Sarem	Member	CPP
5	H.E. Mrs. Ly Kim Leang	Member	CPP
6	H.E. Neav Sithong	Member	FUN
7	H.E. Sor Victor	Member	FUN
3. Commission on Economy, Planning, Investment, Agriculture, Rural Development and Environment			
1	H.E. Ly Thuch	Chairman	FUN
2	H.E. Try Chheang Huot	Vice-Chairman	CPP
3	H.E. Sem Soly	Secretary	FUN
4	H.E. Pok Sam El	Member	FUN
5	H.E. Hong Sok Heang	Member	FUN
6	H.E. Muy Chat	Member	CPP

7	H.E. Suk Sam Eng	Member	CPP
4. Commission on Interior, National Defense, Investment and Anti-Corruption			
1	H.E. Monh Saphan	Chairman	FUN
2	H.E. Pal Sam Oeun	Vice-Chairman	CPP
3	H.E. Hong Sok Heang	Secretary	FUN
4	H.E. Ear Limsour	Member	FUN
5	H.E. Sin Pinsen	Member	FUN
6	H.E. Koy Dok	Member	CPP
7	H.E. Hul Savoan	Member	CPP
5. Commission on Foreign Affairs, International Cooperation, Propaganda and Information			
1	Samdech Norodom Vacheahra	Chairman	FUN
2	H.E. Un Ning	Vice-Chairman	CPP
3	H.E. Neav Sithong	Secretary	FUN
4	Princess Sisowath Santha	Member	FUN
5	H.E. Sem Soly	Member	FUN
6	H.E. Yos Son	Member	CPP
7	H.E. Hou Sry	Member	CPP
6. Commission on Legislation			
1	H.E. Ek Sam Ol	Chairman	CPP
2	H.E. Khek Vandy	Vice-Chairman	FUN
3	H.E. Ly Son	Secretary	CPP
4	H.E. Min Sean	Member	CPP
5	H.E. Mrs. Krouch Sam An	Member	CPP
6	H.E. Chhim Seakleng	Member	FUN
7	H.E. Khieu San	Member	FUN
7. Commission on Education, Religious Affairs, Culture and Tourism			
1	H.E. Mom Chim Huy	Chairman	CPP
2	H.E. Pou Sothirak	Vice-Chairman	FUN
3	H.E. Saom Chen	Secretary	CPP
4	H.E. Tes Heanh	Member	CPP
5	H.E. Mrs. Pov Savoeun	Member	CPP
6	H.E. Sin Pinsen	Member	FUN
7	H.E. Mrs. Kong Hach	Member	FUN
8. Commission on Public Health, Social Actions, Labor and Women's Affairs			
1	H.E. Mrs. Ho Non	Chairwoman	CPP
2	Princess Sisowath Santha	Vice-Chairman	FUN
3	H.E. Mrs. Im Run	Secretary	CPP
4	H.E. An He	Member	CPP
5	H.E. Mrs. Chuonh Sokchhay	Member	CPP
6	H.E. Lam Phou An	Member	FUN
7	H.E. Mrs. Kong Hach	Member	FUN
9. Commission on Public Works, Transport, Post and Telecommunication, Industry, Energy and Commerce			
1	H.E. Mrs. Ky Lum Ang	Chairwoman	FUN
2	H.E. Mrs. Nin Saphon	Vice-Chairwoman	CPP
3	H.E. Sor Victor	Secretary	FUN
4	H.E. Pok Sam El	Member	FUN
5	H.E. Lam Phou An	Member	FUN
6	H.E. Chhin Kimsreng	Member	CPP
7	H.E. Khieu Horl	Member	CPP

Appendix 5: Observation forms and other letters

A. NA Session Observation Form



**Checklist on
Observing the Session
of the National Assembly, 3rd Mandate
2003—2008**

Session: Mandate: 3rd Date: Time: Start: End:

Agenda:

1.....	
2.....	
3.....	
4.....	
5.....	

Participants:	CPP	FUNCINPEC	SRP	<i>Total</i>
Female:	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>
Male:	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>
<i>Total:</i>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>

Has quorum Has no quorum (Article 88: "...The National Assembly meeting shall be considered as valid provided there is a quorum of 7/10 of all members.")

1. Is/are there MP(s) absent without permission from the NA President?
 Yes No If yes, how many?
2. Is/are there MP(s) speak far beyond the mentioned subject
 Yes No If yes, how many?
3. Is/are there MP(s) speak without asking for or getting permission from the NA President or the session chairman?
 Yes No If yes, how many?
4. Is/are there MP(s) interrupt other MPs?
 Yes No If yes, how many?
5. Is/are there MP(s) humiliate individuals?
 Yes No If yes, how many?
6. Is/are there MP(s) express any action that leads to disorder?
 Yes No If yes, how many?

- Results of the today meeting:**
- Nothing (It is discussing)
 - Approve the national budget;
 - Approve state planning;

- Approve loans;
- Approve financial contracts;
- Approve the creation, modification and annulment of taxes;
- Approve administration accounts;
- Approve the creation of institutions;
- Adopt the law on the general amnesty;
- Adopt or repeal treaties and International Conventions;
- Adopt the law on proclamation of war.
- Amendment
- Approve other bills. Please specify:.....

Opinions expressed by each parliamentarian during the session:

Name of parliamentarian: Sex:

From party: Constituency: Turn of Speaking:

Start: End: Duration:

Topic:

Meaning of expressing opinions, relating to:

Meaning when he/she expresses	Neutral	Positive	Negative	Time(min)
1-Suggestion/opinions	1-1 <input type="checkbox"/>	1-2 <input type="checkbox"/>	1-3 <input type="checkbox"/>
2-Prime Minister	2-1 <input type="checkbox"/>	2-2 <input type="checkbox"/>	2-3 <input type="checkbox"/>
3-Government	3-1 <input type="checkbox"/>	3-2 <input type="checkbox"/>	3-3 <input type="checkbox"/>
4-President of National Assembly (NA)	4-1 <input type="checkbox"/>	4-2 <input type="checkbox"/>	4-3 <input type="checkbox"/>
5-National Assembly	5-1 <input type="checkbox"/>	5-2 <input type="checkbox"/>	5-3 <input type="checkbox"/>
6-Commission on NA	6-1 <input type="checkbox"/>	6-2 <input type="checkbox"/>	6-3 <input type="checkbox"/>
7-Chairman of Senate	7-1 <input type="checkbox"/>	7-2 <input type="checkbox"/>	7-3 <input type="checkbox"/>
8-Senator	8-1 <input type="checkbox"/>	8-2 <input type="checkbox"/>	8-3 <input type="checkbox"/>
9-His/her Political Party	9-1 <input type="checkbox"/>	9-2 <input type="checkbox"/>	9-3 <input type="checkbox"/>
10-Other political party	10-1 <input type="checkbox"/>	10-2 <input type="checkbox"/>	10-3 <input type="checkbox"/>
11-As Parliamentarian herself/himself	11-1 <input type="checkbox"/>	11-2 <input type="checkbox"/>	11-3 <input type="checkbox"/>
12-As other Parliamentarian(s)	12-1 <input type="checkbox"/>	12-2 <input type="checkbox"/>	12-3 <input type="checkbox"/>
13-His/her constituency	13-1 <input type="checkbox"/>	13-2 <input type="checkbox"/>	13-3 <input type="checkbox"/>
14-Other constituency	14-1 <input type="checkbox"/>	14-2 <input type="checkbox"/>	14-3 <input type="checkbox"/>
15-Court system	15-1 <input type="checkbox"/>	15-2 <input type="checkbox"/>	15-3 <input type="checkbox"/>
16-Women matters	16-1 <input type="checkbox"/>	16-2 <input type="checkbox"/>	16-3 <input type="checkbox"/>
17.....	17-1 <input type="checkbox"/>	17-2 <input type="checkbox"/>	17-3 <input type="checkbox"/>
18.....	18-1 <input type="checkbox"/>	18-2 <input type="checkbox"/>	18-3 <input type="checkbox"/>
19.....	19-1 <input type="checkbox"/>	19-2 <input type="checkbox"/>	19-3 <input type="checkbox"/>
20.....	20-1 <input type="checkbox"/>	20-2 <input type="checkbox"/>	20-3 <input type="checkbox"/>

Details:

.....

.....

.....

.....

B. Mission Observation Form



**Checklist on
The Members of Parliament Activities
3rd Legislature (2003-2008)**

Name of Observer:.....Sex:.....Tel:.....Commune/Sangkat:.....
District/Khan:.....Province/Municipality:.....Signature of Supervisor:.....

Detailed information:

1. Visit/mission No.:
2. Name of Parliamentarian:
3. Position in other institutions: Yes No Specify:
4. Parliamentarian from: CPP FUNCINPEC SRP
5. Duration of visit/mission:
Start (time/date): End:
6. Place of visit/mission: village: Commune/Sangkat:
District/Khan: Province/Municipality:
7. Purpose of visit/mission: With whom does he/she meet?
 Authority People Personal (if choose this box please do not continue)
Specify the purpose of visit:

.....
.....
.....
8. Purpose and activity of the parliamentarian, on behalf of: (choose only one)
 Political Party Parliamentarian Government Official
(Please specify opinions, purpose and activity of the representative during his/her visit)

.....
.....
.....
.....
.....
9. Promises of the parliamentarian: Does the representative promise something?
a. Promises during his/her previous visit (Since October 2003)

Yes No Do not know

If yes, please specify. If no, please continue to No. 10

b. Promises during the visit: Yes No Do not know

If yes, please specify:

.....

10. Visit/mission activity and previous promises:

Address all Some No Do not know

11. Constituency's Requests/Suggestions to the parliamentarian during his/her visit:

Yes No Do not know If yes, please specify:

.....

12. Parliamentarian's responses to people's requests/suggestions during the visit/mission:

He/ she: Accepts Does not accept Does not know

Specify the reasons:

.....

13. People's impression on the visit: Happy Not happy Do not know

Specify the reasons:

.....

14. Other information beside the description in this report format:

.....

C. Other Letters:**1. COMFREL's letter sent to CPP:**

COMMITTEE FOR FREE AND FAIR ELECTIONS IN CAMBODIA
Central Office: #138, St. 122, Teuk Laak I, Tuol Kork, Phnom Penh,
Cambodia, P.O.Box: 1145, Tel: (855) 23 884 150/12 942 109,
Fax: (855) 23 883 750, E-mail: comfrel@bigpond.com.kh
E-mail: Comfrel@forum.org.kh.

No. 83/04 COMFREL

Phnom Penh, 15 January 2004

To:

H.E. Say Chhum

Secretary-General of Cambodian People's Party

Subject: Request for information and monthly reports on activities of CPP parliamentarians who visited their constituencies.

Further to the above subject, I have the honor to inform you that COMFREL has a plan for observing the activities of the third mandate parliamentarians for information and for citizens' attention to them. So therefore, COMFREL needs necessarily the information that related to the parliamentarians from their swearing at the Royal Palace on 4 October 2003 and after the validity declaration of the first opening session under H.E. Chea Soth, the oldest parliamentarian, on 15 December 2003.

Please Your Excellency kindly permit COMFREL to communicate and implement its tasks successfully.

Please Your Excellency accepts my highest assurance.

Executive Director

Koul Panha

(Unofficial translation by COMFREL)

2. CPP's letter sent to COMFREL

*Cambodian People's Party
Democracy*

*Central Committee
No. 006 Central Committee*

Independence, Peace, Liberty,

Neutrality and Social Development



Phnom Penh, 24 August 2004

To:

Executive Director of COMFREL

Subject: Request for participating in a public forum, "Citizen and Members of Parliament"

Reference: -Letter No. 730/04 dated 24 August 2004

Further to the above subject and reference, we have great honor to inform you that: each CPP's Members of Parliament is busy at visiting citizens in his/her own constituency in order to know concerns and help to resolve those issues following the role and duty. It has become a habit for the CPP's Members of Parliament to meet and resolve the citizens' issues.

Therefore, CPP's Members of Parliament cannot participate in such organized public forum.

Please, the executive director, accept my sincere assurance.

Chairman of the Central Committee

(Signed and sealed)

Say Chhum

(This letter is original Khmer language. So this is an unofficial translation done by COMFREL only)