



Phnom Penh, Date Feb 18, 2016

**Press Release Statement**

**On**

**National Assembly and Parliamentarian Watch for 2<sup>nd</sup> Year of the 5<sup>th</sup> Mandate**

The report on Parliamentary Watch in year II of the 5<sup>th</sup> mandate, 2015 revealed that some provisions of the Internal Regulation of the National Assembly were amended and improved. The working activities of the expert commissions and numbers of parliamentarians who had expressed their opinion in plenary sessions of the National Assembly increased comparing to the previous year, 2014. However, the number of visits to constituencies by NA's members actually decreased.

In this second year of the fifth mandate, opposition party's members were subjected to threats, harassment, violence and abuse of parliamentarian immunity and the depriving of membership parliamentarian of the opposition party.

Mr. **Koul Panha**, executive director of COMFREL stated that "in fact, this year of the mandate, there were great opportunities for both parties' parliamentarians to following or exercising provisions of the constitution. Also the expression of the political agreement of the two parties which was made last year in which the parliamentarians might function well their duties, roles and powers to ensure effective democratic accountability of the NA."

The numbers of constituencies visits made by MPs from both parties from November 2014 to October 2015, was 91 amounted to 1004 times. The rate decreased compared to 2014-report when there were 1274 visits by 96 members of both parties' It is reported that the decreasing of numbers of constituencies visits of MPs, particularly those who belong to CPP, due to some of the following reasons; (1) Lacking of cooperation of reporting the cases from MPs of the CPP on their field visits and activities at the national assembly, (2) Some CPP's MPs did not really focus on their constituencies visits because they thought that jobs have been done by their executive officials such as local authorities, working groups, Government officials, and (3) the Offices of MPs have not worked well.. Partly, it was discovered that the numbers of field visits of MPs from CNRP increased because there were little work and tasks to be done at the National Assembly, after the removal form the NA of the CNRP top leadership. This led to boycotting of some several meeting sessions of the National Assembly and therefore, freeing up more time for them to make filed visits.

Between November 2014 and October 2015 COMFREL reported about field visits of MPs from CNRP were more than CPP's. Forty two CNRP's MPs made field visits, 774 times (18 times

Vision: A democratic society that democratization in particular democratic elections are promoted and qualified to bring benefits to people.

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on average for each parliamentarian) and 49 CPP's MPs amounting to 230 visits (4 times on average for each MP).

The National Assembly's Plenary Sessions Processes: The National Assembly opened its ordinary sessions twice and the other two extraordinary sessions were called for meeting. The two meeting sessions (ordinary and extraordinary summed up together accounted for 23 times of debate sessions and majority of the sessions were a full of a single morning session. There were twenty five session's agendas picked out debate and approval including; seven proposed drafted laws, 10 submitted draft laws from the Cabinets, 7 times voted to giving confidence on proposed candidates for offices and 1 time voted to dismissal of first Vice-president of the National Assembly post.

Amongst all those meeting sessions, forty three (43) MPs had expressed their opinion of the issues and it took (one thousand one hundred and ninety nine (1199) minutes in total. It's found increase if comparing to the 2014-report (first year report of the 5th mandate) which had only twenty three (23) parliamentarians expressed their opinion on the matters and times consuming accounted for six hundreds and ninety three (693) minutes in total.

Amongst the forty three (43) MPs who had been named for expression of opinion, twenty one (21) parliamentarians were CPP and twenty two (22) were CNRP. It was reported that the numbers of CNRP's MPs who were named to express opinion increased when compared with the previous year' which showed that only four (4) MPs had been named to express their opinion. The reason for the increase is attributed to the fact that in August 2014, all fifty five (55) CNRP's MPs took their seats in the National Assembly.

In spite of the fact that the numbers of parliamentarians from the CNRP who had expressed their opinion had increased, on many occasions during the the debate and approval of the proposed draft laws and drafted laws were reported as less transparent. , questions of quality of the passed bills and were pushed to be passed immediately , especailly the following things: the proposed draft law on the Organization and Functioning of the National Election Committee, the proposed draft law on Election of Members of the National Assembly, LEMNA, and the proposed draft law on Election of Commune/Sangkat Council. The three aforementioned laws were passed over without any debate on its legal essence. There were 5 drafted laws passed with a single party's voices, CPP. Apart from this, the debates on the very controversial drafted laws of LANGO and Financial Budget Management bill of 2016, speakers from CPP played role as draft law defending groups who are generally in charge as the executive..

Parliamentarian's activities of the Expert Commissions: Parliamentarian's activities of the expert commissions were reported on, notably an increase both the Commissions led by CNRP and Committees led by CPP. The numbers of activities recorded were up to 105 times in totaly. After the division of each five lead-Expert Commissions, from October 2014 to early end of 2015, the five expert commissions leading by CNRP were reported increase gradually. Amongst all reported

activities, 66 times were belonged to CNRP's lead-Expert commissions and CPP's lead-Expert commissions amounted for 39 times. Those expert commissions' activities included the invitation/summons of the ministers in-charge of ministries and Royal Govt. officials to answer questions on the appealed petitions, meeting with ministers in charge to discuss on the relevant matters, receiving petitions from appealed petitioners and the field visits with executive authorities or citizens or representatives of Civil Society Organizations and went to the disputed areas, especially the land crisis areas. It's reported that eight (8) ministers of the ministry were summonsed to answer questions before the relevant expert commissions.

Results and appealed letters of Parliamentarians: The Royal Govt. of Cambodia decided to invalidate the agreement on the collection of Angkor Wat revenue between Royal Govt. of Cambodia and Sokimex in November 2015 and revoke the license of the 35-year concession agreement granted to AZ Distribution Company to maintain and service National Road number 4 in early January 2016. The decision of the Royal Govt. of Cambodia to revoke licenses of the two concession agreements is seen the effort of the opposition party's MP.

Regarding the matter of the collection revenue of Angkor Wat by Sokimex company, parliamentarians from opposition party have always demanded transparency and an increase in revenue collecting capacity. They have consistently requested that the Royal Govt. of Cambodia revoke the license for the concession agreement with Sokimex. The collection of the service toll fee for national road number 4, has also been questioned by opposition party parliamentarians. They have frequently the revoking of the concession license, claiming that the concession agreement was not transparent and it was made without a public bidding process. In addition, the revenue collected was not proportionate to the actual maintenance and reparation of the road.

During this period, it was observed that MPs sent a total of 36 letters, to the King, the Royal Government of Cambodia, NA and department of information calling for an immediate action from the executive body to intervene. Almost of letters were written by CNRP. Only 9 letters were responded to by the government and relevant stakeholders. Four were rejected by NA president in what is considered an abuse of his power.

Strengthening the responsibilities of MP's office in Prey Veng: at least the Prey Veng provincial MP's office is regularly stationed a CNRP's MP to collect complaints, directly communicate with voters and solving the problems of voters' concerns. The instant stationing a PM for office was agreed within CNRP's MP.

It was noted that voters were interested in this solution. Some complaints were submitted to the NA requested for intervention by local authorities. Although, this mechanism has yet to show the any results, however, it is seen as a positive moving forward in encouraging MPs to take their responsibilities seriously in the interests of voters.

Ten (10) MPs were found active: It is observed that there were ten (10) CNRP's MPs actively conducted field visits. Apart from this, MPs who had named to express their opinion in the National Assembly sessions, seven (7) CPP's MPs and three CNRP's PMs, were recorded very active. Regarding the matter of Scoring Card on PM's performance and function their duties, it was discovered that five (5) CPP's MPs and five (5) CNRP's MPs were given high scores.

MPs in vulnerability: MPs are granted privilege and immunity by constitution and the existing law but they were facing challenges the same as ordinary citizens who are not granted immunity. The report revealed that there were five (5) MPs included one senator from the opposition party were harassed and abused on depriving their constitutional immunity, dismissal of office and security by the CPP's dominated MPs and the Courts. The opposition party's MPs were severely under threatening and harassing of mental and physical violence in their field work performance (the case like the visiting to the controversial border dispute) and even at their residence. Further, another vulnerability of MPs was that an opposition party's MP was summonsed to question by the ACU in the case of a dubious allegation of corruption involving raising fund activities. This was not only the threat but abusing their rights. All MPs are under pressure from their political parties because the provisions of LEMNA provided that "MP shall lose his/her membership in case he/she is deprived of party's membership".<sup>1</sup> They may even face removal from the party.

The political dialogue between CPP and CNRP: The national and international community welcomed the political dialogue between the CPP and CNRP and expected that the so-called '*culture of dialogue*' would make to solve the national controversial issues between the Royal Govt. of Cambodia and the opposition party peacefully. In addition, the legal framework (Internal regulation of NA) and code of conduct for both elected political parties were established to strengthen this culture of political dialogue. Unfortunately, this culture of political dialogue did not go smoothly and it seems would not last long. CPP used culture of political dialogue to threaten opposition party in their freedom of expression. The CNRP found itself in the difficult position where it performed its duty as the opposition questioning government performance on national issues, while attempting to avoid criticism of the CPP.

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<sup>1</sup> Article 2, Law on Election of Members of National Assembly, LEMNA, 2015.