



Press Release

National Assembly and Parliamentary Watch for the 3<sup>rd</sup> Year of the 5<sup>th</sup> mandate

The annual report on National Assembly (NA) and Parliamentary Watch in the third year of the 5th mandate, 2016, found out that the effectiveness of the assembly deteriorated. This was largely due to the aggravated manipulation by ruling party's members of parliaments (MPs), against members of the opposition. This included violation of MPs' immunity, reducing the role of opposition, MPs and eliminating leadership of MPs of each party and leader of Minority MPs. In the case of MP's immunity, those MPs belonging to the ruling party, who dominate the Steering Committees in the National Assembly, approved upon the request for the criminal prosecution against the opposition MPs. The ruling party's MPs with unilateral consent, passed the proposed amendment of the Internal Regulations of the NA with the aim to eliminate the minority MPs group leader constituted by law. However, those convicted for involvement in the brutal and violent attack on opposition MPs last year, known members of armed force and bodyguard unit, have just been promoted.

In the same period, the numbers of activities of expert commissions of the national assembly have decreased, whereas the activities of field visits rapidly increased compared to the previous report. It was found that the numbers of MPs who have had opportunities to express their opinions in the debates sessions of the drafted laws and national assembly's debate sessions decreased when compared to 2015.

The National Assembly, dominated by the ruling party's, has passed the amendment of Section 48 new (3), and the amendment dissolved the role of MPs' leadership of each party and leader of minority MPs in the National Assembly.

Referring to this amendment, Mr. Koul Panha, executive director of COMFREL, stated that: "In a real parliamentary system, it needs minority groups or opposition party in National Assembly be recognized by law. In Cambodia, to be recognized as a minority group or opposition party leader by National assembly's internal rule, they must have at least 25% of seats of the entire National Assembly. However, in India only 10% of all seats of the lower house is needed. In a liberal democracy, the majority group has ruling power while minority group is granted their rights, including the rights of minority group, the right to protection, right to access information, dialogue partner with majority group and the right of proposed a draft laws, ."

The National Assembly's Plenary Sessions Processes: In this period, the National Assembly ordinary plenary sessions were conducted three times; the first plenary session continued the 5th ordinary session, started from early November 2016 to early February 2016, second plenary session was the 6th ordinary session, started from April 2016 to early July 2016 and the third plenary session was the 7th ordinary session, started in October, 2016.

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

ទស្សនៈវិស័យ ៖ ដើម្បីឱ្យមានការបោះឆ្នោតតាមបែបប្រជាធិបតេយ្យ និងមានគុណភាពខ្ពស់ ដែលប្រកួតប្រជែងគ្នាដោយសេរី និងយុត្តិធម៌ ព្រមទាំងនាំមកនូវផលប្រយោជន៍ដល់ប្រជាពលរដ្ឋកម្ពុជា។

Within the year, there were thirty two (32) agendas brought up for debates and approved, including; two (2) opening plenary session's messages from the His Majesty, two (2) summarized reports of National Assembly's activities during vacation, twenty one (21) drafted laws submitted by government, four (4) times of voting on confidence on the proposed candidates submitted by government, two (2) decisions to permit the competent authorities to take action against Members of Parliament and one (1) time of summoning a minister for questions in plenary session.

Amongst all of these, 21 key agendas were approved by unilateral ruling party's MPs, including 16 drafted laws, 02 voting in confidence on proposed candidates, 02 decisions for approval and 01 plenary summoning for questions; whereas 11 key agendas were adopted without debate on the drafted laws' contents. The findings of this report show that the numbers of MPs who had expressed their opinions in plenary sessions decreased compared to the previous year, while a majority of lawmakers still remain silent. The debates in the plenary sessions, agendas discussed by opposition MPs were actively debated as was the case in the previous year.

COMFREL observed that after the boycott of the opposition MPs in mid-2016 in the days after the violation of MPs in front of National Assembly, the adoption of the drafted laws did little to foster debate about the content of those draft law as presented at the time by opposition party's MPs.

The National Assembly's Specialized Commissions' Activities: In this 3rd year of the fifth legislature, activities of the specialized commissions decreased compared to the previous year. The number of activities recorded was found to have decreased by 60 times in total whereas in 2015 the specialized commissions remarkably increased by 105 times. Amongst all activities, 31 were conducted by CNRP-lead specialized commissions, and 29 conducted by those led by the CPP. These activities included invitations to concerned ministers to answer questions before them and other concerned ministries, meeting with local authorities and citizens to observe and understand their concerns, receiving complaints, and reviews and visiting directly conflicted areas, especially land disputes, and meeting with local and international non-NGOs to discuss concerns.

Parliamentarian constituency/field visits: This year, parliamentarian's field visits were remarkably high, while the aims of their visits were focusing on attracting supports from citizens as the 2017 elections approach. Many suggestions, proposals and offers have been made by MPs, some of them responded and got feedback immediately and others are ongoing with a promise to review and check at National Assembly.

COMFREL found that 102 of 123 parliamentarians conducted 1801 field/constituency visits, recorded in the 5th mandate of legislature. 617 field visits were conducted by 56 CPP lawmakers and 1184 were conducted by only 45 CNRP lawmakers. The purposes of parliamentarians' field visits were largely meetings and greeting with local people, and strengthening the political party network.

The Hearings: The numbers of hearings when compared to last year's report, have fallen. In recent times, the Minister of Justice was summoned for questioning in the plenary session about justice enforcement and administration. Ministers have been seen in hearings to clarify at the NA's expert commissions and ministries.

The National Assembly and Parliamentarians' Intervention: Summoning ministers to questioning, receiving people's complaints for possible solution are defined as parliamentarians' interventions. The report doesn't find any decrease in terms of receiving petitions compared to 2015-report. 24 letters were issued and submitted to the government, the King, His Majesty and the National Assembly by parliamentarians seeking for possible solution.

Top 10 Active MPs who made fields visits and voiced expression in plenary session debates: Ten MPs have a high profile of their performance. 07 from CNRP and 03 from CPP were very active in field/constituency visits. However, in term of expression to the session debates, only five MPs from each party were recorded as always expressing opinion during the debates, longer than others.

In short, the MPs field/constituency visits had increased remarkably, but there were some controversial issues between CPP and CNRP in the cases of violation, legal harassment of opposition MPs, using legislation as a politically motivated tool, and amendment to the Internal Rules of the National Assembly to harass the right of the opposition PMs. This has led to an overall decline in the effective role and performance of the National Assembly, negatively effecting the principles of liberal democracy, pluralism and rule of law enshrined in the Cambodian constitution.

Political dialogue between CPP and CNRP has declined to the detriment of the political process, causing the National Assembly to dysfunction. Political dialogue is essential if outstanding and controversial issues between the two leading parties are to be resolved for the good of the nation's future development.

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