



Phnom Penh, 04th August 2014

## Joint Statement on

### Proposed Amendments on Internal Regulations of the National Assembly (NA) Of the Kingdom of Cambodia

Cambodian Civil Society Organizations (CSO's) and independent experts believe that the July 22 political leader's agreement between the Cambodian People's Party (CPP) and the Cambodian National Rescue Party (CNRP) provides a framework for basic principles to ensure the effectiveness and transparency of the parliamentary process in accordance with the principles of a liberal multi-party democracy in Cambodia.

The agreement states that there is a need to review and amend the internal regulations of the National Assembly (NA) to ensure accountability of the NA through the separation of legislative and executive power; the rights and formal role of the opposition party in the NA; and the division of power and rights to lead NA. The current composition of the NA's Steering Committee gives the ruling political party seven seats, while the non-ruling political party (ies) has six seats and they leads five NA commissions equally.

CSOs and independent experts see that first stage agreement on 29 July 2014 on drafted amendment on internal regulation of the NA of two-party working group has not fully addressed the main principles of the agreement on 22 July 2014. The working group of each party has promised to continue discussing in the next stage.

CSO's and independent experts offer the following recommendations on amendments and provisions to the constitution, internal regulations of the NA, and article 120 of LEMNA:

- The National Assembly shall adopt new internal regulations by two-third majority of its Members. Once there is no NEW Internal Regulation, the existing one is valid. This would amend Article 82 New of the Constitution and Provision 82 New of the internal regulation of NA.
- Internal regulations of the NA shall set out the sharing of power in leading the NA and its commission consisting male and female, following the formula set in the political agreement between the two parties on 22 July 2014. This content would amend provision 02 New (II) and provision 10 New (II) of the internal regulation of NA.
- The Steering Committee or Commissions of the NA shall designate one day per week to conduct public hearings by inviting relevant stakeholders and experts to testify regarding draft laws, proposed laws, and the enforcement of existing laws. These hearings would not allow for the possibility of any kind of voting. Additionally, the Steering committee is authorized to verify the internal regulation of NA. This would be a new provision added to Chapter 3 of the internal regulations of the NA.
- All records and documents of the NA must be kept in the General Secretariat and must be made public except for records and documents decided by the Permanent Committee that



harm national security. This would amend Provision 18 of the internal regulations of the NA.

- The General Secretariat of the NA shall prepare administrative regulations to ensure the rights of citizens to access information and to attend public events of the National Assembly. This would be a new provision added to Chapter 4 of the internal regulations of the NA.
- The Commission shall invite legislators who author draft laws and proposed laws to public hearings for further inquiry. Authors of draft and proposed laws have the right to report to the Commission that has jurisdiction over the law. This would amend Provision 23 of the internal regulations of the NA.
- Oral and written responses shall be made within fifteen days after receiving questions from MP's. MP's who raise questions and the Royal Government are entitled to equal time in debate. For written responses, MP's who raise questions are entitled to respond orally to written responses in the National Assembly, with time equal to the time it takes to read the written answer. This would amend Provision 32 of the Internal Regulations of the NA.
- The motion of censure on the Royal Government must be raised to the National Assembly by at least 30 MPs to allow for discussion of it in the National Assembly. If it is raised two times, the NA shall conduct a plenary session publicly to discuss vote of dismissing any member of cabinet or the Royal government. This would amend Provision 35 of the internal regulations of the NA.
- Non-ruling political party shall be formally recognized and have right to assign a spokesperson for the oversight of government Ministries. Additionally, the non-ruling political party is entitled to request debate on government policies and has the right to respond orally or verbally to government's answers. This would be a new provision added to Chapter 9.
- MP's shall lose their membership in the House of the Assembly in the following cases: He/she resigns from the National Assembly publicly in writing and with clear reason or he/she loses his/her membership from his/her political party in writing and without a reason for expression of wrong opinion. This would amend Article 120 of the new LEMNA.
- No more than three days after an announcement of the final result of the national assembly election, National Elections Committee shall prepare a list of the member of the NA at least 120 and submit it to the King. This would state in a new chapter on NEC in the constitution.
- A political party with less than 10 seats in the NA is allowed to form a its group. This would mend Provision 48 New (II) of internal regulation of NA

CSOs and independent experts have prepared formal legal language for the above proposals, which are attached to this statement. We stand ready to work with both the ruling and opposition parties to provide further guidance on implementation of these amendments if provided the opportunity to do so.



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**NGOs and CSOs endorsing the statement:**

1. Cambodian Human Rights and Development Associations (ADHOC)
2. The NGO Forum on Cambodia (NGO Forum)
3. Cambodian Center for Human Rights (CCHR)
4. Committee For Free and Fair Elections in Cambodia (COMFREL)
5. The Advocacy and Policy Institute (API)
6. Community Legal Education Center (CLEC)
7. Gender and Development for Cambodia (GADC)
8. Neutral and Impartial Committee for Free and Fair Elections in Cambodia (NICFEC)
9. Cambodian Human Rights Action Committee (CHRAC)
10. People Center for Development and Peace (PDP-Center)
11. Youth Council of Cambodia (YCC)
12. Khmer Youth and Social Development (KYSD)
13. Coalition for Integrity and Social Accountability (CISA)

