



## Joint Statement

on

### National Assembly President’s Circular Not Following the Framework of Law and Principles of Effectiveness, Transparency, and Democracy



Cambodian Civil Society Organizations have found that the Circular on the National Assembly (NA)’s commission working method, issued on 12 September 2014 by the President of National Assembly, does not adhere to the principles of democracy, transparency, effectiveness, the constitution and internal regulations of the National Assembly in regard to the following key points:



Point 1: The Constitution and internal regulations of the National Assembly do not stipulate any article giving power to the President of National Assembly to issue “circulars or authentic orders” to define the rights and power of authority and internal working methods of Commissions in the National Assembly. Article 87, Paragraph 1 of the Constitution states that the President assures implementation of internal regulations and provision 8 point F of the internal regulations defines the President’s role of maintaining order in the National Assembly. Maintaining order in the National Assembly refers to maintaining the order in plenary session and permanent committee meetings, but not an administrative job or the secretariat’s.



Point 2: The circular states that the commission shall not invite civil society or the public to attend its meetings. The circular is to reduce the power of the commissions of the NA. It is likely to interpret provision 12 of the internal regulations of National Assembly which states that each Commission may ask the President for experts to participate in the Commission’s “work”. In this context, “work” is quite different in meaning to “to have meetings with Commissions”.



Point 3: The circular states that in the meeting about the implementation of law, Commissions shall not invite civil society or media representatives to observe as only Ministers or government representatives are tasked to clarify to Commissions. The circular has prevented civil society organizations and media representatives from observing debate between commissions and Ministers or government representatives. On 17 September 2014, nine representatives from associations and national and international organizations, including the Cambodian Independent Teachers Association, Transparency International Cambodia, the Youth Council of Cambodia, UNESCO, UNICEF, and others, who were invited by the commission on Education, Youth, Sports, Religious Affairs, Culture and Tourism with invitation letter No. 45. C 7/14 issued on 8 September 2014 to participate and observe a hearing on the situation of education sector related to high school degree explanation for 2013-2014, were barred from attending. It is clear that that this Circular has made the debate between the Commissions and Ministers or government not transparent and not public. The barring of civil society and media representatives from observing and or making reports violates citizens’ rights to access information. On the other hand, it is necessary to observe process debate or clarification between the commissions and ministers or government’s representative because it shows the lawmakers and government’s accountability to voters.





Point 4: The content of Circular is not in accordance with the 22nd July 2014 agreement on political resolution which Cambodian People Party (CPP) and Cambodia National Rescue Party (CNRP) have agreed to assure the effectiveness, transparency of NA following the principles of liberal democracy and parliamentary system and to enhance the role and recognition of the opposition in NA. Both Parties also have agreed to continue to amend and improve internal regulation of NA for the second phase.



Moreover, CSOs were deeply disappointed on the behavior and bureaucracy of the National Assembly and Secretariat, which has made no changes from previous mandates and has made it more difficult to submit letters to contact or communicate with Members of the National Assembly. For instance, on 5 September 2014, CSOs submitted a letter to all 123 lawmakers, but the letter was rejected for delivery. Those organizations were told that they must submit a letter to the Secretariat for permission to coordinate delivery of the letter to Members of the National Assembly. Then, on 12 September 2014, COMFREL submitted a letter to the Secretariat of the National Assembly to request permission to circulate the letter in question, but has to this date not received a response from the Secretariat.



Some of the Commissions led by the opposition party are working to conduct public meetings or hearing and debates, while the President from the ruling party and National Assembly Secretariat seem to be seeking to control the Commissions by issuing the circular. Civil society organizations demand that the legislative institution should pay more attention to the principles of democracy, transparency and effectiveness in the National Assembly by dissolving the circular.



Additionally, CSOs suggest that National Assembly should order the administration department or Secretariat to facilitate providing documents and the delivering of letters to Members of the National Assembly. Furthermore, CSOs recommend that National Assembly should improve the internal regulations of National Assembly by including the provisions on working methods of Commissions in accordance with the principles of transparency, democracy, and effectiveness and implementation the agreement between both parties.



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