

Fact Sheet: Institutions Series: The National Assembly

Institution: The National Assembly



Snapshot: The ruling Cambodian People’s Party (“CPP”) has used its two-thirds majority to enact internal rules within the National Assembly which require members of parliament to sit as groups of ten, effectively denying individual members access to parliamentary debate. The arbitrary administrative requirements have been used to stifle opposition and minority party opinions in parliamentary debate.

Introduction

This fact sheet gives an overview of the function of the National Assembly and how its role has been compromised as a result of provisions that limit the scope of participation of its members, particularly in relation to parliamentary debates. This fact sheet is written by the Cambodian Center for Human Rights (CCHR), a leading non-aligned, independent, non-governmental organization that works to promote and protect democracy and respect for human rights – primarily civil and political rights – throughout the Kingdom of Cambodia (“Cambodia”).

What is the National Assembly?

The National Assembly is the lower house of the Parliament of Cambodia. It comprises 123 members that are elected for five-year terms by proportional representation, using provinces as constituencies of 1 to 18 members. In the most recent national elections of 27 July 2008, the CPP won an overwhelming majority of seats in the National Assembly, obtaining 90 of the 123 seats. The Sam Rainsy Party followed with 26 seats, the Human Rights Party with three seats and FUNCINPEC and the Norodom Ranariddh Party with two seats respectively.

Pursuant to the Constitution of Cambodia (the “Constitution”), the function of the National Assembly can be argued as being three-fold: first, the National Assembly is the only organ with legislative power. It can make and amend laws. According to Article 91 of the Constitution, members of the National Assembly have the right to propose amendments to laws but these cannot be accepted if they are aimed at reducing public income or increasing the burden on people; second, the National Assembly is responsible for overseeing the executive, monitoring its activities and holding it accountable for its actions; finally, the role of the National Assembly – or more precisely the members that make up the National Assembly – is to represent the people of Cambodia. Article 77 of the Constitution provides that members in the National Assembly shall represent the entire Khmer People.

Effectiveness of the National Assembly

According to the Constitution, the organization and functioning of the National Assembly is to be determined by the Internal Rules of Procedure of the National Assembly. However, in recent times, new internal rules of procedure have been adopted which effectively impedes the capacity of the National Assembly to fulfill its function.

In September 2008, following its win of over two-thirds of the seats in the National Assembly, the CPP adopted new internal rules for the National Assembly. Articles 48 and 55 of these new internal rules require members of the National Assembly to sit in groups of ten and elect their own leader and deputy leader. An individual member cannot speak in the National Assembly without going

through the group leader and without getting the permission to do so from the President of the National Assembly. This means that members of the National Assembly from any minority party that has less than ten seats must join a group with representatives of other political parties in order to speak. The Human Rights Party, which only has three seats, has refused to join with another group to make the required ten members, presumably to retain their independence from other parties. As a result, they do not have the opportunity to fulfill their duties as normal members of the National Assembly in parliamentary debates, and consequently the Cambodian people are denied effective representation by the people they elected.

As noted by the United Nations Special Rapporteur on Cambodia, these internal rules have the effect of denying members who belong to minority parties with less than ten seats any meaningful role in parliament. As a result, the National Assembly has failed to fulfill its constitutionally mandated duties. Democracy is about dialogue and debate on all issues of national importance. When members of parliament are silenced because of technicalities that seemingly have nothing to do with the proper functioning of the institution but rather are aimed at stifling opposition voices and limiting the space for dialogue, democracy cannot prosper. As a result, the role of the National Assembly has to a certain degree become ceremonial when it comes to debating laws and issues of national importance, with its ability to oversee the work of the executive and represent constituents largely non-existent.

Conclusion and Recommendations

The National Assembly should be a place for full and frank debate on issues of national importance, with its members freely able to express their views and participate fully in the conduct of business, regardless of the number of seats a member's party holds. Repressive internal rules which limit the ability of members of the National Assembly to speak unless they are sat in a group effectively strips the National Assembly of its role as a debating chamber and prevents opposition parties from participating in the work of the National Assembly.

In order for Cambodia to develop a burgeoning, multi-party democracy, it is fundamental that members of the National Assembly's right to freedom of expression is appropriately safeguarded. One of the first steps towards safeguarding the right to freedom of expression of members must be an amendment to the internal rules to ensure that all members of the National Assembly, regardless of their political affiliation, can speak freely and consequently carry out their duties.

For more details please contact **Ou Virak** (tel: +855 (0) 1240 4051 or e-mail: ouvirak@cchrcambodia.org) or **Sana Ghouse** (tel: +855 (0) 8961 4334 or e-mail: sana.ghouse@cchrcambodia.org).

