

Cambodia-Canada Legislative Support Project

Newsletter

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“The CCLSP has been impressed by the firm willingness of the Presidents, Committees, Secretary Generals and their teams to commit time, thought and active participation in all phases of programming for the Secretariats.”

MESSAGE FROM PROF. WILLIAM NEILSON, CCLSP LEGISLATIVE STREAM TEAM LEADER:



OVERVIEW OF THE LEGISLATIVE COMPONENT

As the Project heads into its final year, the focus of the Legislative Component will move to the development of additional legislative management tools for busy parliamentarians and their support staff. Past efforts have produced Rule of Law Guidelines for Lawmakers, Gender Impact Legislative Analysis Questions and Legislation Briefing Note Guides for Legal Staff, all of which are being put into practice on a regular basis to the collective advantage of the National Assembly and the Senate.

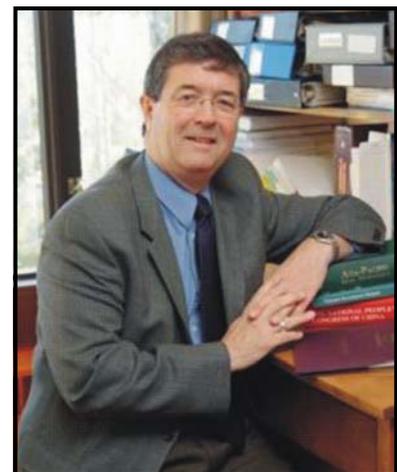
Renewed energies will now be invested into a series of connected initiatives on three legislative management issues that confront parliamentarians in nearly every jurisdiction. In summary terms, these issues can be identified as (1) the preparation of pre-drafting policy advice to assist both drafters and lawmakers; (2) a standard procedural roadmap for parliament's review of Bills; and (3) feasible measures for parliament's regular monitoring of regulations issued by government under authority granted by parliament.

Considerable research work has been started on each of these topics with the Advanced Legal Staff group, en-

riched by their comparative findings developed in several region-based study visits. The results of their work will be evident in the forthcoming first issue of the Parliamentary Bulletin.

Our intention is to cooperatively develop a set of Guiding Principles for each of the subject issues which will become part of the Project's Best Parliamentary Practices Manual. The Manual in turn will hopefully constitute part of the Project's Legislative Component's legacy, augmented by the three Guides already in place.

It is fair to say that a very busy year is coming up and we look forward to making considerable headway in working together to assist both the National Assembly and the Senate in their management of an increasingly challenging legislative agenda.



CCLSP Team Announcement

The CCLSP is pleased to announce that effective April 21, 2006, Ms. Sonja Vojnovic, currently Program Coordinator for Eastern Europe with the Parliamentary Centre, will take over Mr. Imran Arshad's responsibilities for the CCLSP project as Mr. Arshad will be departing the Parliamentary Centre on parental leave for a period of one year. Ms. Vojnovic brings to this new assignment a wealth of experience in project management and capacity development programming that fits the Cambodia context well. Welcome to the team, Sonja!

The Cambodia-Canada Legislative Support Project (CCLSP) – Activities (September 2005–January 2006)

The CCLSP continues implementation of activities as identified in the Fourth Annual Workplan approved in March 2005. The following is a summary of key activities and accompanying results that have taken place in each of the three components from September 2005 to February 2006.

“There was much discussion on the concept of good governance versus democratic governance and it was evident that good governance is a big idea, with many dimensions; an ideal of something to continually strive for, like Peace, Truth and Justice.”

Special Feature – President’s Forum on Good Governance (December 2005)

The “President’s Forum on Good Governance”, an annual CCLSP conference that seeks to build a national consensus on ways to strengthen the institution of Parliament in Cambodia, was held from December 13-14, 2005 in Phnom Penh. The President’s Forum was hosted by H.R.H. Prince Norodom Ranariddh, President of the National Assembly of the Kingdom of Cambodia, and H.R.H. Prince Chivanmonirak, Acting President of the Senate of the Kingdom of Cambodia.

Participants included parliamentarians and senior staff from the Senate and National Assembly of the Kingdom of Cambodia. Speakers included parliamentarians and experts on transparency related issues from Cambodia, Canada, the Philippines, Singapore and Thailand.

The focus of the Forum was on transparency measures and mechanisms with the objective to review experiences on the actions taken by Parliaments and parliamentarians in fostering a

more transparent environment. Several highlights and key themes emerged from the Forum. There was much discussion on the concept of good governance versus democratic governance and it was evident that good governance is a big idea, with many dimensions; an ideal of something to continually strive for, like Peace, Truth and Justice. Governance comprises a set of institutions or institutional frameworks, like an election system, a parliament, an independent judiciary, and an effective public service. It was also evident from the Forum that the road to



Participants of the President’s Forum.

good governance is not one straight highway and that one size does not fit all. Different countries have different historical contexts, cultures and traditions. It was obvious that the concept of good governance in Cambodia will have to be made to fit the country’s own contexts.

The principles, mechanisms, and structures of good governance do not exist by themselves; they are interactive and mutually reinforcing. The questions of what structures or mechanisms to choose, when to implement them and the reasons for choosing the

particular structures and mechanisms require a balancing of interests. Parliament is the best forum for balancing and mediating these different interests, as it reflects the will of the people. It represents different views and different regions. It has rules and procedures for regulating debate, for bringing public views to Parliament through its various committees, through public consultation, and other mechanisms. Bringing Parliament to the public is essential in order to give it legitimacy and for it to be truly a voice of the people. It is Parliament that plays a key role in ensuring that the road to good governance is followed and that continuous improvements are made on the path towards a truly effective democracy.

In officially closing the forum, H.R.H. Prince Chivanmonirak mentioned that the need to strengthen institutions and mechanisms of good governance is one of the greatest challenges facing Cambodia today. He was pleased to see that the President's Forum created a venue to network, foster dialogue, develop cooperation, and share knowledge, experiences, best practices and lessons learned on issues relating to governance and transparency among international and Asian parliamentary leaders.

Legislative Component

Legislative Assignments for Legal and Research Staff (Ongoing)

The Basic and Advanced groups (core groups of legal and research staff from the legislative and research departments of the Senate and National Assembly) have successfully completed their second set of legislative assignments on Domestic Violence Law and the Penal Code, respectively.

Advanced group participants in the Penal Code assignment included five National Assembly staff members and four Senate staff members. Issues that were examined included infractions against people; infractions against property; infractions against the nation; and special provisions (on specific laws). Discussions took place between the participants and presenters on the various subjects, including the issue of current crimes in Cambodian society.

Basic group participants in the Domestic Violence Law assignment included a total of eighteen National Assembly and Senate staff members. The groups compared the draft law issued in 2003 with the text adopted by the Parliament on September 16, 2005. Upon conclusion of the assignment, each participant was asked to research specific cases in the press on the subject.

Subordinate Legislation Workshop (November 2005)

A workshop with the basic and advanced legislative staff groups of the Senate and National Assembly Secretariats of the Kingdom of Cambodia on the topic of 'Parliamentary Oversight of Subordinate Legislation Produced by Government: Canadian and Cambodian Perspectives' was delivered by CCLSP Legislation Team Leader Professor Bill Neilson and local expert Dr. Khim Y on November 21 & 22, 2005 in Phnom Penh. The principal objective of the program was to introduce the combined staff groups to the significance of 'law' made by the Executive under authority delegated by parliament and the ensuing responsibility of parliament to maintain a Rule of Law oversight of such lawmaking activities under the Constitution of Cambodia.

The Workshop explored the different definitions or types of subordinate instruments, the reasons for their increased production, Rule of Law concerns with their employment and how different jurisdictions, particularly Canada and British Columbia, have developed regulatory, judicial and parliamentary scrutiny mechanisms to better regulate and monitor Executive lawmaking activities. Lessons learned from the review of the local situation and the operation of Canadian and British Columbian legislation were identified by the participants, who began preparing the outline of a 'model' Parliamentary Legislative Instruments Scrutiny Law for Cambodia.

“Lessons learned from the review of the local situation and the operation of Canadian and British Columbia legislation were identified by the participants, who began drafting the outline of a ‘model’ Parliamentary Legislative Instruments Scrutiny Law for Cambodia.”

Comparative Expropriation Laws (November 2005)

The topic of Expropriation Laws was addressed in late November 2005 in separate Workshops with the Basic and Advanced Legislative Staff Groups and interested parliamentarians, directed by Legislation Team Leader Professor Bill Neilson and local expert Dr. Khim Y. The common objective of both programs was to consider the prevailing Rule of Law principles underlying land expropriation legislation in democratic societies and to apply those principles to the present legal framework of Cambodia found in the Constitution, the Land Law and the Civil and Penal Codes. Recent controversial land swaps of public property with private interests and the granting of long term economic concessions over disputed land plots in rural Cambodia have aroused much debate in Cambodia. The issues in dispute relate to the “privatization” of public lands on the one hand and the need for a modern land expropriation law on the other hand as more private or title-disputed land is being claimed for “public purposes” like resource extraction licences or urban or road development.

The Workshops explored the several meanings of expropriation for a “public purpose”, the need for clarity in the land title being compulsorily acquired and the measurement of compensation to be paid to the property owner. In the case of the Staff Workshops, the participants constructed the outline of the basic elements of a model Expropriation Law for Cambodia.

Just before the separate Workshop for parliamentarians, it was reported that the Prime Minister had apparently issued instructions to draft an Expropriation Law for Cambodia. Needless to say, this news raised the profile and timeliness of the Workshop. Lessons learned from the Canadian experience were shared with the participants who then probed the particular legal and operational realities of accommodating “international best practices” in the present Cambodian legal framework and administrative system. Both staff and parliamentarians, it may be safely predicted, are now in a more informed position to review the Expropriation Bill when it is expected to be presented to both Houses in a coming session.

“Less than a week after the public consultation, the Chairman of the 4th Commission sent out letters to authorities on issues raised in the consultation to show that he supported the concerns of the people. This action was shared with the citizens to inform them that the issues they raised were being addressed.”

Women’s Leadership Forum on Communications Strategies (December 2005)



Ms. Amelita Armit (Centre), Director, Asia & Eastern Europe Programs, Parliamentary Centre, participates in the Women’s Leadership Forum.

On December 15, 2005, the CCLSP organized a Women’s Leadership Forum in Phnom Penh. The Forum brought together Canadian experts and women parliamentarians from the Senate and National Assembly of the Kingdom of Cambodia in order to share experiences on communications strategies. The Forum was opened by H.E. Madam Ho Naun, Chair of the Commission on Public Health, Social Work, Labour and Women’s Affairs. During the Forum, Dr. Patrick Boyer, a former Member of the Canadian House of Commons, discussed 8 steps to improving communications between members, the media and constituents. He provided practical examples on communications strategies that parliamentarians can undertake immediately with very little budget support. Dr. Boyer also provided examples of strategies that would require a substantial increase in budget in the hopes that it

would create a foundation for the argument of the need for an increased budget in order for parliamentarians to be able to effectively communicate with their constituencies. These 8 steps were shared widely with other parliamentarians. Mrs. Amelita Armit, Director of the Asia/Eastern Europe Program of the Parliamentary Centre, then discussed communications strategies from the perspective of the Secretariat and their roles in dissipating, assisting in the preparation of and providing the best professional advice in terms of communications strategies to parliamentarians.

Representative Component

Asia-Africa Videoconference on “Parliamentary Oversight of Poverty: Gender Implications” (September 2005)

On September 9, 2005, Cambodian Senators and Members of the National Assembly participated in a video conference on “Parliamentary Oversight of Poverty: Gender Implications”. This video conference was organized and facilitated by the Parliamentary Centre in Ottawa, Canada with the support of the World Bank Institute. The conference, which involved participants from Asian and African countries, as well as participants from the Parliamentary Centre, was part of a series of videoconferences examining issues related to gender. The purpose of the video conference was to follow-up on discussions and recommendations from the Asia-Africa Policy Dialogue held in Phnom Penh in October 2004, and to provide an assessment of poverty reduction initiatives undertaken in various African and Asian countries. The videoconference allowed for much sharing of information and elicited a desire for further cooperation between countries.

Public Consultation in Kampong Cham & Battambang (September & December 2005)

On September 3, 2005, a public consultation was held in Kampong Cham with the participation of Members of the National Assembly. The main issues raised by the citizens during the consultation included among others, problems of hygiene in markets, drug abuse, land grabbing, prostitution, and domestic violence. The Members of the National Assembly promised to bring these issues to the attention of the concerned authorities. Less than a week after the public consultation, the Chairman of the 4th Commission sent



Public Consultation in Kampong Cham

out letters to authorities on issues raised in the consultation to show that he supported the concerns of the people. This action was shared with the citizens to inform them that the issues they raised were being addressed. The public consultation demonstrated that non-partisan discourse is possible and that the people can voice their concerns to the appropriate authorities. As a result of these successes, another public consultation was held in Battambang on December 19, 2005, with Members from all three parties participating.

Secretariat Component

Training on “Job Performance & Reporting” for Senior Managers of the Secretariats of the Senate and National Assembly (September 2005)

From September 13 – 16, 2005, ‘Job Performance & Reporting’ training for two groups of senior managers of the Senate and National Assembly Secretariats of the Kingdom of Cambodia was organized by the CCLSP and SILAKA in Phnom Penh. The objectives of the training included identifying the different components of a framework for performance management; defining the level of performance and the process; identifying the purpose of reporting on performance in practice; understanding the importance of setting up clear schedules and the frequency for reporting to supervisors; identifying the type/style for reporting; and developing a reporting format to be implemented by the Secretariat in line with the Strategic Plan. Good discussion took place between the presenters and participants as it relates to specific issues of performance management and reporting.

Training on “Practices of Decentralization and Centralization Policies” for Staff of the Senate (September 2005)

The Senate of the Kingdom of Cambodia recently established a new territorial department. As a result, sixteen staff of the newly elected Senate were selected to undergo training organized by CCLSP. The purpose of the training was to provide the staff with an awareness of decentralization and centralization policies, the role of local and central authorities in this process, and how to promote communication between the councils of each region in order to best serve its citizens. The training also focused on the history of the creation of provinces in Cambodia since the 16th century and included a discussion on statistics of the population in each province and locality. Participants were also exposed to the roles and responsibilities for the newly created department.

“This action was shared with the citizens to inform them that the issues they raised were being addressed. The public consultation demonstrated that non-partisan discourse is possible and that the people can voice their concerns to the appropriate authorities.”

“All participants felt that the training was beneficial and it would better improve their capacity to adapt their research to meet the needs of Members in their day to day work.”

Training on “Research Methodology and Report Writing” for Constituency Staff (September 2005)

In continued collaboration with the CCLSP, the Economic Institute of Cambodia (EIC) organized field training on ‘research methodology and report writing’ on September 26 & 27, 2005 in Kampong Cham. The training was organized for provincial assistants to Members of the National Assembly of the Kingdom of Cambodia. The training covered such topics as what is a research report; what are the steps to write a research report; the structure of a research report; and an overview of techniques for writing a research report. All participants felt that the training was beneficial and it would better improve their capacity to adapt their research to meet the needs of Members in their day to day work.

Training on “Demography and Development” for staff of the Senate (December 2005—January 2006)

Staff of the Senate of the Kingdom of Cambodia underwent training relating to topics of “Demography and Development” from December 25, 2005 to January 13, 2006 at the Senate of the Kingdom of Cambodia. The objectives of the training was: to promote awareness and understanding on the integration variable into development with a view to enhance quality of life on both micro and macro levels; awareness and understanding on the rights-based approach to reproductive interests and gender issues; and to provide sufficient materials to the participants on issues of population, development and reproductive rights. During the training, participants gained a better understanding of inter-relationships between the population, development and human rights and on the demographic situation and population growth, as well as population dynamics and their impacts. As part of their training, a selection of participants also participated in field visits on the issues of family farming, the feasibility of plantations in Cambodia and fishery assessments.

THE CAMBODIA-CANADA LEGISLATIVE SUPPORT PROJECT (CCLSP) – BACKGROUND

The CCLSP is based on a Memorandum of Understanding between the Governments of Cambodia and Canada. The Parliamentary Centre manages the project and works with local counterparts in order to promote sustainability and local ownership.

Project Objective

The main objective of the CCLSP is to contribute to good governance and democratic development in Cambodia through capacity development of the National Assembly and the Senate.

The project has three components:

1. Enhanced capacity of the National Assembly, the

Senate and their Commissions to draft and review legislation;

2. Increased responsiveness of Members of Parliament to constituents;

3. Improved capacity of the Secretariats to support the National Assembly and Senate.

In the areas of legislation, representation and services of the Secretariats, and taking into account the principles of gender equality, the project aims to achieve the following sub-outcomes:

Legislation

- ◆ Improved management of the legislative agenda;
- ◆ Improved legislative drafting;

- ◆ Professional analysis provided by Commissions of Parliament; and
- ◆ Incorporation of gender analysis in legislation.

Representation

- ◆ Improved public policy consultation by Commissions;
- ◆ Improved record keeping by Commissions of Parliament.

Secretariats

- ◆ Politically neutral services to all parties, through secretariats;
- ◆ Improved communication with the public about Parliament business;
- ◆ Improved legislative research support to Commissions;
- ◆ Improved management and administration; and
- ◆ Improved recruitment and use of female staff.

CCLSP Summary of Activities in First Three Years of Project Implementation (November 2001 – August 2005)

Legislative Component

2001

- ◆ Training to senior managers of the parliament on the Strategic Plan

2002

- ◆ Legislative Analysis Workshop with Parliamentarians on Rule of Law Norm and Gender Analysis Guidelines, March 2002, May 2002, September 2002 & January 2003
- ◆ Seminar on the National Budget Process, December 2002

2003

- ◆ Legislative Assignment #1: Fair Advertising Law, May - June 2003
- ◆ Legislative Assignment #2: Victims of Crime Mock Law, October - December 2003

2004

- ◆ Workshop on Domestic Violence Legislation, January 2004
- ◆ Legislative Assignment #3: Domestic Violence Legislation, January – April 2004
- ◆ Study Visit for Legislative Research Staff to Thailand on Comparative Lawmaking Systems, February 2004
- ◆ Study Visit for Legislative Research Staff to the Philippines on Comparative Lawmaking Systems, March 2004
- ◆ Legislative Assignment #4: Comparative Analysis of Selected Asian Anti-Corruption Legislation, June - July 2004
- ◆ Workshop on Asian Anti-Corruption Legislation, July 2004
- ◆ Roundtable with Women Parliamentarians on “Women’s Leadership in Parliament”, August 2004
- ◆ Roundtable on WTO with National Assembly Commerce Commission, August 2004
- ◆ Meeting with MP’s on the “Roles and Responsibilities of MP’s”, September 2004
- ◆ Roundtable on “The Cambodian Economy and National Budget 2005”, December 2004

2005

- ◆ Legislative Assignment #1 – Advanced Group: Commercial Enterprise Law, November 2004 – February 2005
- ◆ Legislative Assignment #1 – Basic Group: Traffic Law, December 2004 – February 2005
- ◆ Legislative Assignment #2 – Advanced Group: Penal Code, April – August 2005
- ◆ Legislative Assignment #2 – Basic Group: Domestic Violence Law, April – August 2005
- ◆ Penal Code Workshop with Advanced Group, May 2005
- ◆ Study Visit for Parliamentarians to Canada on Legislative Management, June 2005

Representative Component

2002

- ◆ Poverty Reduction Strategy Paper (PRSP) Workshop, October 2002

2003

- ◆ Field Consultation and Roundtable on the Cambodian-Thai Border Crisis, March 2003
- ◆ Workshop on Role and Responsibilities of Provincial Staff of the National Assembly, May 2003
- ◆ Field Consultation and Roundtable on the Impact of SARS on the Cambodian economy, June 2003
- ◆ Field Consultation on New Rural Development Zones in the Northwest Region of Cambodia, November 2003

2004

- ◆ Field Consultation on Costs and Benefits of Establishing Export Processing Zones in Cambodia, February 2004

- ◆ Information Session for Newly Elected MPs, July 2004
- ◆ Field Consultation on the Impact of Tourism Development on the Environment in Cambodia, August 2004
- ◆ Symposium on "Governance and Accountability: Sharing Experiences on Parliamentary Oversight and Poverty Monitoring in Asia and Africa", October 2004
- ◆ Workshop for Civil Society on Citizen Engagement in Poverty Monitoring, October 2004
- ◆ Roundtable on Public Consultation Strategies, November 2004
- ◆ Field Consultation on Rice Assessment and the Impacts of Drought on Cambodian Farmers, December 2004
- ◆ Roundtable with Women Parliamentarians on "Women's Leadership in Parliament", August 2004
- ◆ Roundtable on WTO with National Assembly Commerce Commission, August 2004
- ◆ Meeting with MP's on the "Roles and Responsibilities of MPs", September 2004
- ◆ Roundtable on "The Cambodian Economy and National Budget 2005", December 2004

2005

- ◆ Field Consultation on the Impacts of Fishery Exploitation, January 2005
- ◆ Roundtable on "Competitiveness: Which Model should Cambodia follow?", March 2005
- ◆ Study Visit to Canada by Commission Chairs of the Senate and National Assembly, June 2005
- ◆ Roundtable on "Industrial Development and Export Processing Zone in Cambodia", June 2005

Secretariats Component

2001

- ◆ Strategic Planning Workshop, November 2001

2002

- ◆ Strategic Planning meetings and ongoing mentoring, March 2002 – March 2003
- ◆ Workshops on Job Description Writing, November 2002

2003

- ◆ Administrative Skills Training, April and August 2003
- ◆ Basic Management Training, June 2003
- ◆ Workshop on Operational Planning, July 2003
- ◆ Report Writing Skills Training, September 2003
- ◆ Monitoring of Operational Planning, October - November 2003
- ◆ Workshop on How to Manage Staff Effectively and the Roles and Responsibilities of a Modern HR Department, December 2003
- ◆ Human Resources Policies Development Workshop, December 2003

2004

- ◆ Working Sessions to develop Human Resources Policies on Staffing, Job Descriptions, Training (2003 – 2004)
- ◆ Study Visit to Canada on Parliamentary Management and Administration, May 2004
- ◆ Workshop on Report Writing, July 2004
- ◆ Writing Skills Training, July – August 2004
- ◆ Computer Training for Financial Accounting Staff, July - September 2004
- ◆ Writing Skills Training II, August - September 2004
- ◆ Gender Awareness Training for Senior Managers, September 2004



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Forthcoming CCLSP Activities

Legislative Component

- ◆ Development of Commission Procedure Guidelines
- ◆ Parliamentary Quarterly Bulletin issued on legislative issues
- ◆ International Forum on Budget Oversight
- ◆ Regional Study Visit for Senators and Members of the National Assembly on Legislative Management
- ◆ Ongoing legal staff training through Legislative Assignments with local mentoring by Dr. Khim Y
- ◆ Regional Study Visits for women parliamentarians

Representative Component

- ◆ Asia-Africa Parliamentary Forum on priority issues
- ◆ Roundtable on draft Consultation Guidelines with commissions
- ◆ Public Consultation with select commissions using draft Consultation Guidelines
- ◆ Regional Study Visit for Senators and Members of the National Assembly on Consultative Processes

Secretariats Component

- ◆ General Staff Training – administrative, management, computer skills, etc.
- ◆ Workshop on Communications Principles and Procedures and Development of a Communication/Outreach Strategy for the Secretariats

Other Activities

- ◆ Joint Project Steering Committee Meeting to approve Fifth Annual Workplan

We hope you enjoyed this Issue. We welcome your questions, comments and suggestions! Please email them to Bunleng Men at cclsp_manager@online.com.kh.

If you wish to subscribe to this newsletter, please email Bunleng Men at cclsp_manager@online.com.kh and include your full contact details.*

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