

# Cambodia–Canada Legislative Support Program

## NEWSLETTER

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### Visit to Cambodia by the Clerk of the Canadian Senate

In January 2007, Mr. Paul Bélisle, Clerk of the Senate and Clerk of the Parliaments, travelled to Cambodia as part of the Cambodia-Canada Legislative Support Program (CCLSP). The main purpose of Mr. Bélisle's visit was to kick-start CCLSP programming in communications by outlining different models and processes for creating a parliamentary Communications and Outreach Strategy.



Mr. Bélisle with HE Samdech Chea Sim, President of the Senate of the Kingdom of Cambodia

The Clerk's visit comprised briefings on the Canadian parliamentary system and best practices in parliamentary democracies. Mr. Bélisle also held working sessions with parliamentary staff on legislative management, planning, and human resources management, which validated and reinforced the skills learned by the staff in previous CCLSP programming. In discussions with senior managers of the parliament on implementation of the National Assembly and Senate Secretariats' Strategic Plans and human resource guidelines, Mr. Bélisle focused on management policies, emphasizing the important considerations taken in Canada regarding the rights and needs of handicapped people, minorities, and women.

In the discussions with His Excellency Mr. Oum Sarith, Secretary General of the Senate, Mr. Bélisle provided his suggestions on the Senate of Cambodia's strategy and workplan to open provincial offices. He discussed the role of provincial offices acting as a liaison with the commune councils in order to implement policies of decentralization. Mr. Bélisle also emphasized the need for competent provincial staff that represent the Senate Secretariat: the staff should be effective diplomats and take initiative, have strong interpersonal skills with the public, strong administrative skills, and provide services to Senators and to the public with no political judgment. As a result of the discussions, Mr. Oum Sarith assigned the Senate Territorial department to do further analysis and research of the pilot project as well as the possible location of the offices.

The discussions between Mr. Bélisle, Senate officials, the Governor of Siem Reap province, and local Commune Councils helped to better inform local and provincial officials of the services that are to be provided by the pilot Senate regional offices, their responsibilities to help the work of Senators and increase representation of the Senate and outreach with the communities.

Mr. Bélisle also had an opportunity to meet with the Senate Special Commission on drafting Pension and Ethics Code for Senators and to share Canadian experience in that regard. Additionally, Mr. Bélisle chaired the roundtable with the women parliamentarians on challenges in building the effectiveness of the Women's caucus and improving parliamentarians' outreach to the community.

A highlight of the visit was a donation of books and reference materials made to the Library of the Senate of Cambodia, followed by a workshop for library staff on library and research service delivery to parliamentarians. Mr. Bélisle stressed the indispensable role that highly skilled staff and researchers play in helping legislators in their responsibilities to constituents.

Overall, the visit was a tremendous success.



CCLSP's partners in both the Senate and National Assembly were pleased with all of the activities and discussions they had with Mr. Bélisle. The visit not only helped to pass on important knowledge and technical skills to partners in Cambodia, and to raise the profile and credibility of CCLSP and Canada within Cambodia, but also to strengthen close ties and friendship between the Canadian and Cambodian Senates.

### **Comparative Perspectives on Ombudsman Legislation**

By Dr. William Neilson

In response to a specific request of the President of the National Assembly and the Chairman of the Legislation Commission, CCLSP Legislation Team Leader, Professor Bill Neilson, prepared a briefing paper on *Comparative Perspectives on Ombudsman Legislation* which he presented to the Members of the Commissions on Legislation and Human Rights of the National Assembly and the Senate, respectively, on 22 January 2007.

The meeting was co-chaired by Their Excellencies, Pen Pannha, Chairman of the National Assembly's Commission of Human Rights, Reception of Complaints, Investigations and National Assembly-Senate Relations, and Ouk Boun Chboeun, Chairman of the Legislation Commission of the Senate. The distinguished audience included 27 MPs and Senators, the Under Secretary of Justice and staff from both the Justice Ministry and the host Commissions, and also staff from the Office of Legal Counsel to the Council of Ministers.

Over 100 countries currently have a public sector Ombudsman, a term that originated nearly 200 years

ago in Sweden. The need for protection for the ordinary citizen against government maladministration has long been recognized in many cultures and legal systems. For as long as governments have existed, guaranteeing citizens fair and equitable treatment under the law has been a timeless issue. In modern times, many legislatures have established the Office of the Ombudsman to be the guarantor and watchdog of administrative fairness.

The modern Ombudsman is a paradox, being both powerful and powerless at the same time. They can investigate complaints made by individuals or groups or on their own initiative. They can determine whether a complaint is justified and seek remedies for it. But they cannot make a Ministry or government agency to do anything. They can, however, make their reports public. Aside from choosing what questions to ask and requiring the production of documents and testimony, their powers are mainly persuasion and publicity. These factors underline the importance of how the Ombudsman is selected and also the terms of his or

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her appointment. The various methods and options here were canvassed at length in the workshop, as well as the common qualifications of successful Ombudsmen in other jurisdictions. Ombudsmen must be efficient managers, well versed in modern administrative practice and have an impeccable reputation for impartiality and honesty in the community. They normally hold office for a single, non-renewable term of 6-7 years and may only be dismissed for cause by a strong majority vote of parliamentarians.

While the public sector Ombudsman is an officer of the legislature, the unqualified support of the Executive branch for the work of the Ombudsman, including the Office's budget, is vitally important to the success of the Office. This is most evident in the Ministers' instructing all officials to cooperate with the Office of the Ombudsman in its inquiries and investigations.

Which parts of government and the public sector should be within the purview of the Ombudsman was a subject of much interest. There was an appreciation of the need to move incrementally on this front as the Office needed first to acquire experience in dealing

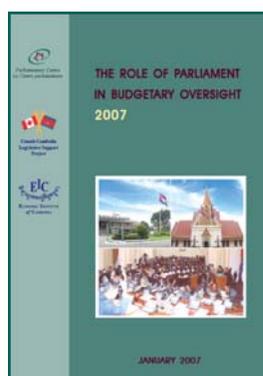
with national Ministries and agencies before adding other public sector bodies to its jurisdiction.

Amongst other issues discussed were the design of complaint handling systems, the range of investigatory powers normally granted to the Ombudsman, necessary legal protections for the Office and cooperating officials, the methods for resolving cases and the promotion of administrative fairness in the public sector by broadly based investigations that go beyond individual complaints.

Many questions and comments were voiced during the session that lasted nearly four hours.

The Project has made available the several Ombudsman Laws and commentary accessed by Professor Neilson in preparing his presentation. As well, publications on model procedures for the Ombudsman's Handling of Complaints and Investigations were provided to the participants. The Project reiterated its readiness to respond to any future requests by parliamentary leaders for legislative research and comment. The Co-Chairs expressed their profound appreciation to the Project for its successful response to the President's request for legislative assistance.

### **The Role of Parliament in Budgetary Oversight**



As a follow-up to the International Parliamentary Forum on Budget Oversight that was held in Cambodia from May 18-19, 2006 with the support and financing of CCLSP, UNDP, World Bank and other multilateral donors, the CCLSP published a Budget Oversight Handbook for Parliamentarians. This Handbook, which was prepared in collaboration with the Economic Institute of Cambodia, provides an overview on the Budget Process in Cambodia and provides recommendations for Parliament's role in the budget process. A draft of the Handbook was circulated for comment to parliamentarians and senior government officials in December 2006 at the Annual National Budget Workshop.

To receive a free electronic copy of the Budget Oversight Handbook, please visit the Parliamentary Centre's website at [http://www.parlcent.ca/publications/index\\_e.php](http://www.parlcent.ca/publications/index_e.php) For Khmer versions and hard copies, please contact the CCLSP's Field Manager, Mr. Bunleng Men, at [cclsp\\_manager@online.com.kh](mailto:cclsp_manager@online.com.kh)

## On the Training of Assistants to the Commissions of the Cambodian Parliament

By Dr. Khim Y



### Rationale of the training

In accordance with the objectives of the CCLSP, the main task of the legal consultant is to provide training to commissions' legal staff. Commissions are an integral part of the legislature and in order to function in an adequate fashion require professional and effective support. Legal assistants must be able to provide analysis of legislation for commissions, to submit *requests* for draft laws, to write legislative proposals and amendments, and to prepare briefing notes for plenary sessions and debates. The training is designed in such a way as to advance these objectives.

In order to present information in a more effective way, trainees are divided into three groups. At the *Basic Level*, trainees learn standard forms of Cambodian legislation, general concepts such as rule of law norms and gender equality that should be applied when reviewing and analysing laws. Assignments are based on current short bills reviewed by the commissions and adopted at plenary sessions.

At the *Advanced Level*, the same methodology is used, but assignments are based upon more complicated draft laws, (i.e., Law on Ratification of the Accession to the WTO, Penal Code, Civil Code, etc.) At this stage, assignments require in-depth analysis, as well as identifying common grounds for all nine commissions to work on the given legislation in concert.

Within the *Legal Research Group*, trainees are asked to examine a specific topic pertinent to a current

Cambodia context (i.e., Land Law, Forestry Law, Traffic Law, Anti-Corruption law, etc) and write an article on it for the *Parliamentary Bulletin*.

### Methodology

At all levels reviewing legislation includes both academic and practical steps: examining critical issues raised by specific articles of a given law; doing comprehensive documentary and comparative research; undertaking a study tour to the Cambodian provinces to examine the possible impact of the law or abroad to study best practices; inviting an external expert on the subject matter and having workshops conducted at least twice a year; writing a mock law; and writing an analytical report after each activity.

### Results

The five year training yielded to positive results: the beginners that started out at the *Basic Level* in 2002 were promoted to the *Advanced Level* in 2004 and to the *Research Group* in 2006. The *Basic Level* Group that started in 2004 was promoted to the *Advanced Level* in 2006. Each level took an average of 18 months with a course of 3 hours per week. Commission staff were trained in documentary research techniques, legislation review, and preparing comparative studies and analytical reports for commissions and individual parliamentarians.

In order to study best legislative practices of the parliaments in neighbouring countries and to examine those countries' approaches in dealing with such issues as corruption, domestic violence, and trafficking in humans, study tours to Thailand, Philippines, and Vietnam were organised and carried out for relevant commissions staff. In order to better prepare draft law on the protection of natural resources, legislative staff paid a working visit to Cambodian provinces to study protected areas.

Starting in September 2006, a *Parliamentary Bulletin*

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is prepared by legislative staff that have been receiving training through the CCLSP since 2002. The *Bulletin* is published twice a year and is very well received by legislators who appreciate the work done by the staff. Parliamentarians acknowledge that staff have improved their skills in legal research, review, and analysis. To receive a free electronic copy of the *Bulletin* (available in Khmer only), please contact the CCLSP's Field Manager, Mr. Bunleng Men, at [cclsp\\_manager@online.com.kh](mailto:cclsp_manager@online.com.kh) )

Following the workshop of October 2006 on codification of legislation, the trainees planned to codify constitutional laws and the Internal Rules of

both chambers of the Parliament in order to provide parliamentarians and other users with better and easier access to them.

It is evident that five years of training produced a clear improvement compared to the 2002 baseline situation. The commissions of Parliament which have and continue to receive ongoing training and mentoring support from the CCLSP reviewed numerous draft laws initiated by the Royal Government of Cambodia. The most prominent of the reviews covered the drafts on anti-corruption, domestic violence, HIV/AIDS, monogamy, natural resource protection, and fisheries.

#### **Successful Review of the Parliamentary Centre's Program in Cambodia**

In Fall 2006, the Cambodia-Canada Legislative Support Program (CCLSP) underwent an extensive review and evaluation. The draft report, released in January 2007, concludes, among other things, that the project has achieved significant results. The CCLSP has successfully implemented legislative capacity building activities across all three outcome components: *Legislative* performance in both legislatures is said to have improved observably; *Representation* functions have increased and their quality has been consistently improving; *Secretariat* staff performance has improved and their services to the legislature increased significantly. The Project has also achieved a high level of outputs in the forms of sustainable manuals and guidelines for parliamentary procedures - nearly 50 tangible deliverable products have been created.

The Reviewers also noted that the Project was well strategised, planned, managed, and reported on, and that CIDA should consider using the RBM system devised and implemented in the Project as a "Best Case Scenario" to guide other similar projects. "None of the many international programs/projects assessed by the Reviewers have demonstrated the thoroughness and utility of the CCLSP's employment of a range of RBM tools for combined management and accountability purposes."

The CCLSP has also developed and maintained exceptional relationships with the Government and Legislatures in Cambodia and therefore paved the way for increasingly open and better informed debate on some important issues, particularly in areas of social development.

### **Workshop on National Budget and Draft Law on Financial Management in 2007**

On December 4, 2006, the CCLSP, in cooperation with the World Bank and the Economic Institute of Cambodia, organised in Phnom Penh a Workshop on the National Budget and Draft Law on Financial Management. The Workshop provided an opportunity for legislators to discuss the draft law on the 2007 Budget, to learn about the main priorities of the government (including those outlined in the Strategic Plan for National Development), the breakdown of these priorities in the budget, and ask questions to the Executive.

The forum gathered 148 participants, including 61 legislators from both houses of the parliament of Cambodia, government officials from the Ministry of Economy and Finance, together with the Secretary of State and the Minister of Finance, as well as civil society representatives. Focus was placed on the role of the legislative branch in overseeing the budget to ensure that policy priorities are being backed with adequate funds. To that end, parliamentarians recommended that the Budget include the amount of foreign aid that is being received in Cambodia.

This is the first time that the Ministry of Economy and Finance has worked with parliamentarians in an open atmosphere, and the first time that senior government officials were gathered to answer questions by legislators. Additionally, this was the first time that civil society organisations' representatives had an opportunity to express their findings - which they did on issues such as education, health, and community development - and therefore had impact on the budget process. This workshop created a precedent for future public consultations on the budget in a very constructive way.

### **Study Visit to India for Senior Management of the National Assembly and the Senate on Legislative Management**

In February 2007, a delegation headed by His



Excellency Mr. Oum Sarith, Secretary General of the Senate of Cambodia, and comprising senior managers of the National Assembly and the Senate of Cambodia, travelled to India in order to gain a comparative perspective on legislative management, drafting, and review. The visit allowed the participants to focus primarily on legislative management policies as they are practiced in the Parliament of India, the roles and responsibilities of its committees, and its experience and practices in holding the government to account. Participants were particularly impressed with the strong role that committees play in the Parliament of India where they are seen as more important forums than the plenary for lawmaking and review.

Participants also learned about the important roles that researchers play to assist legislators, particularly their support in providing policy briefings and policy analyses. The Parliament of India's professional development programs - intended to develop and further enhance the capabilities of their parliamentary staff - drew a lot of attention from the Cambodian participants, as well.

Following the study visit, participants prepared a report on their findings, which was circulated to all parliamentarians in Cambodia. The study visit provided participants with improved knowledge and practical skills in effective legislative management and laid the groundwork for further regional cooperation between the national legislatures of India and Cambodia.

## Forthcoming Activities

### Legislation

- Parliamentary Quarterly Bulletin on legislative issues
- Implementation of Master Project on Legislative Process Review with select commissions
- Legislative Assignments with legal staff

### Representation

- Implementation of Master Project on Consultative Methods with select commissions
- Workshop by Diane Boucher, Director of Communications of the Senate of Canada: Principles and Procedures and Development of a Communications/Outreach Strategy

### Secretariat

- Pilot Project on developing Senate provincial offices
- Ongoing general staff training
- Human Resource Management for secretariats
- Workshops on Performance Appraisals

### Other

- President's Forum on Good Governance

## Canada-Cambodia Legislative Support Program

The CCLSP, funded by the Canadian International Development Agency, 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;
- 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;
- Improved recruitment and use of female staff.

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