

## *The National Assembly and the Senate*

### A) The National Assembly:



The National Assembly is the **highest democratic institution**<sup>11</sup>. It represents the whole Cambodian people.

It has **set up the rules** for the Cambodian society. Therefore it has to take into account the position of every society member when it makes laws that can affect him/her. Even and especially if members of the society are not represented by a majority of assembly members the parliament has to weigh and balance their human rights.

The Assembly also has to **chose and control the executive power** whether it executes the laws well or not and can even dismiss a single minister, the whole government or the prime minister.

To make its work effective the Constitution contains some provisions about the basic structure elements of the assembly: its president, its administration and its commissions as well as provisions about its working process.

For the further details of this structure and working process which are not regulated by the Constitution the Assembly has to give itself some internal rules. That means the **National Assembly rules itself (self-rule)**.

Article 94 sentence 2 CC:

The organization and functioning of the National Assembly shall be determined by the Internal Rules of Procedure of the National Assembly.

You will find these details in the **Internal Procedural Rules of the National Assembly**<sup>12</sup>.

<sup>11</sup> For more details on the National Assembly see: [www.cambodia-parliament.org](http://www.cambodia-parliament.org)

<sup>12</sup> see: [www.cambodian-parliament.org/english/index.htm](http://www.cambodian-parliament.org/english/index.htm) (index: "rules")



**I) President of the Assembly:**

S/he has **only administrative function** and has to execute the will of the Assembly. Although s/he is a member of parliament and chosen by the majority of lawmakers s/he must conduct her/his assignment in a **non-biased manner** and especially **respect the parliamentary rights of minority or opposition party members** of the assembly.

**II) General Secretary:**

The General Secretary who is appointed by the Assembly President also has only administrative functions. S/he has to act neutrally and can neither be a member of parliament nor of a political party.

**III) Commissions:**

Contrary to that the commissions have considerable power to control the government. They have especially the power to invite any minister to clarify affairs related to his/her ministry and its responsibilities before the commission.

**IV) National Assembly members:**

At present the **National Assembly members** exercise their role not very self-confidently and actively but only in a very limited way with much self-restraint. They mostly do not actively come up with own draft law proposals but limit their role to approve the draft laws submitted by the government with the majority of the ruling party.

In other democracies like for example in England also most of the draft laws are submitted by the government. But contrary to the Cambodian parliamentary reality the English parliament sees its role not only in rubber-stamping the drafts by the assembly majority of the ruling party but in clearing and sharpening these drafts by a controversial discussion and debate of the draft in the parliament including public hearings and especially including the criticism of the minority parties.

Such a **culture of debate and discussion** is still missing in Cambodia. A public hearing has taken place only once up to now and has been conducted reluctantly by the Assembly. Additionally most of the lawmakers are not jurists and lack the capacity to fully understand the legal details of draft laws. Therefore they should get the assistance of **professional parliamentary assistants**. In January 2003 a law has been adopted dealing with the role and duties of civil servants serving in the legislature.

As there are only two Assembly sessions (each three months) per year it is important to notice that 1/3 of the Assembly members can claim **extraordinary sessions** at any time, Article 83 II 2 CC. This should be widely exercised because sessions for just six months a year appear not to be sufficient to handle the affairs of the whole country.



## National Assembly (NA)

**at least 120 members from all Cambodian provinces elected by general elections as representatives of all Cambodian citizen**  
(Articles 76 I, II and III and 77 I CC)

- 1) **makes laws** (to exercise legislative power), Article 90 I CC by:
  - a) initiating new laws, Article 91 I CC or
  - b) amending existing laws, Article 91 II CC
- 2) **controls** the executive branch, Article 121 CC by:
  - a) electing other state organs, Article 119 I and II CC
  - b) questioning the government, Articles 89 and 97 CC and by putting a motion against the government, Article 96 I CC
  - c) dismissing members of the government, Article 98 CC
  - d) filing charges against members of the government, Article 126 II and III CC
  - e) approving decisions of the government, Article 90 II – V CC  
(budget, amnesty, international conventions, declaration of war or state of emergency, Article 86 I CC)

**elects**

**Assembly President:** (Article 87 CC)  
(chosen by NA members, Article 82 I CC)

- chairs sessions
- receives draft laws and resolutions of Assembly
- manages relations between NA and foreign countries
- implements internal rules

**appoints**

**General Secretariat**  
(Chapter 4 NA Internal Rules)

S/he is neither member of NA nor member of any party

- all administrative affairs
- documents and records
- all outside contacts (i.e. visitors)

### **Permanent Standing Committee** (Article 84 CC)

- manages the work of the National Assembly during period between the two ordinary sessions (each 3 months)
- consists of: Assembly President, the Vice-Presidents and the 9 Presidents of the 9 NA commissions

### **Commissions** (Article 94 CC)

(9 different commissions, Principle 9 of NA Internal Rules)

- review draft laws submitted by assembly member, the government or senate
- recommend to the full Assembly to consider/not to consider/or to urgently consider the draft law
- control of government activities:  
invite minister to clarify issue before the commission (Article 97 CC)