

Cambodian Consultative Group Meeting

Phnom Penh, March 2-3 2006

Joint donors statement on legal and judicial reform by the French Ambassador (translation)

On behalf of the donor community, I would like to tackle the question of legal and judicial reform with hindsight, recalling first the remarkable work of reconstruction of the country and of national reconciliation which has been achieved since the signature of the Paris Agreements. As a matter of fact, during these difficult years the priority was not legal and judicial reform. Despite that, it is important to recognise that remarkable reforms have been achieved in this area: the adoption of the Constitution of 1993, the satisfactory unfolding - according to the international observers themselves - of the parliamentary, local and senatorial elections, the implementation of the process of succession to the throne. But indeed there was still the ongoing need to endow the country with a complete, comprehensive and coherent legal framework in order to ensure the legal security each and everyone is legitimately longing for. The completion of this project clearly implied national reconciliation and the return to political stability.

This will be done soon, in particular thanks to the measures taken in recent weeks to restore the dialogue between all of the Cambodian people. Conditions now seem to be met for the adoption of legal norms which will complete the return of Cambodia to the rule of law. The international community has collaborated closely for several years now with your own experts to prepare what have become known as “the 8 fundamental laws” to codify the rules to manage life in society and economic activity of tomorrow’s Cambodia. The choices to be made are not a matter for the experts but of national sovereignty. The options are now on the table. It is up to the Royal Government of Cambodia to make these choices, according both to its tradition and to the international treaties, standards and best practices to which it refers and that we share. At the end of the day, it is for the Cambodian Parliament to vote the fundamental texts.

Indeed I would like to emphasise that it is essential to implement a complete and coherent legal framework. This is the reason why the Cambodian authorities rightly gave priority to the structuring legal texts — civil code, penal code, code of civil procedure, code of penal procedure and the three judicial laws - which constitute the main foundations on which, in conformity with the provisions of the Constitution, the legislative texts as well as the special texts will rest. As the nation consolidates its return to normal life, the need for more precise norms emerged; norms over the

evolution of society and economic activity: exercise of public liberties, fight against corruption, human trafficking, sexual exploitation, domestic violence, etc.. These new needs underline the necessity for an urgent adoption of the fundamental laws which will fix the general framework of the rule of law. Cambodia's partners acknowledge the progress on the two codes of civil and penal procedure, the first of which has already been delivered to the National Assembly by the government, with the second following shortly. The partners encourage you to resolutely keep this momentum and complement this basic legal framework with the others main draft laws presently under study.

The global framework of the Government's legal and judicial reform strategy requires sustained political will. It shall not of course be limited to the mere enactment of laws. Their enforcement requires an independent and transparent judiciary as well as an effective operating legal system, both in terms of numbers and quality. On that score, the needs are well known to all: it is essential to recruit and train the young judges, prosecutors and court clerks who will ensure the efficiency of the system. The creation of the Royal School of Magistracy — which already trains two promotions of judges - and the opening of the Royal Academy for judicial professions have laid the foundations of this structure. But there is a need to go further, a need for other professionals: court clerks, notaries and bailiffs. All these professionals have to be recruited and trained; they have to be given official status, security of career, a framework of professional ethics; they need to acquire experience in the law that they will serve. In other words, let me say that the future holds huge challenges, that will require substantial resources and that you may be assured of the ongoing support of the international community in this important nation-building quest.

Please understand that any impatience that you may sense on the part of donors does not imply any wish to interfere in matters which, more than any other, belong to the national sovereignty of Cambodia. Donors ought to give support not give lessons. They simply hope that the Royal Government will seize the historical opportunity of the Khmers Rouges leaders trial to give to those who still have doubts the indisputable proof that the Cambodian judicial system, served by competent, independent, impartial judges that are conscious of the high mission entrusted to them, has been able to heal the deep wounds of injustice and to eradicate the culture of legal impunity, which is the ongoing legacy of the genocidal regime.

In this vital but difficult mission, you can rest assured that your partners stand ready at your side./.