Legal and Judicial Reform
Speech by the Ambassador of France, M. Yvon ROE D'ALBERT
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Cambodia Development Center
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The Rule of Law is essential for democracy and economic development. After the years of tragedies and turmoil that your country experienced, the important legal and judicial reform undertaken by your government with the donors' active support is intended to allow its full recovery. It aims at one of the major pillars of democratic life: equality of citizens in front of the law. But it also aims at creating a favourable climate for strengthening judicial security for investments, a necessary condition for social and economic development - as is for instance the rationalisation of land procedures.

Compared to its neighbours, the Kingdom of Cambodia suffers some deficit as far as the judicial sector is concerned. This impairs its harmonious development and is one of the reasons of the difficulties of its economy. Your Government has undertaken to fill up this gap by strongly directing its action towards strengthening the Rule of Law. It is supported in this aim by the international community, through the assistance of several partners.

Aware of that stake, your Government has undertaken, with the support of partner countries and organisations, this vast reform to which clear and quantifiable goals were fixed during the successive consultative group meetings. Today, as public assistance to development becomes more competitive and the pressure of public opinion in donors countries more present, it is time to assess the results obtained and to draw new orientations for the period to come.

In the context of the fight against corruption which is particularly necessary in the judicial field, it is essential that Cambodian authorities accelerate the legal and judicial reform to reinforce the democratic process, to ensure in satisfactory conditions the respect of Human Rights and to allow a sustainable economic development. This effort is essential to strengthen the international credibility of Cambodia as it enters the World Trade Organisation and as it legitimately wishes to access to new responsibilities in international organisations.

The legal and judicial reform comprises several aspects aiming at the elaboration of a homogenous and complete judicial framework. It is a long, ambitious, complex but indispensable work.

To this end, the Council for Legal and Judicial Reform and its executive bureau have been anxious to prepare, since December 2003, the Action Plan which has to define, first, priorities, then, a calendar for their realisation. This work, conducted by governmental institutions, partners to development and organisations representing civil society, has been accomplished in a spirit of conciliation and transparency which has allowed to better classify the difficulties of the legal and judicial reform process.

As a result, one can welcome:

- The fact that this reform is listed among the priorities of the "rectangular strategy" of your Government;
- The rigorous drafting work of the Civil and Criminal Codes and of the Civil and Criminal Procedure Codes. On behalf of the donors community I express the wish that these documents be voted soon;
- The creation in February 2002 of a Royal School of Magistracy aiming at a true professionalism of magistrates. International aid should allow this training effort to be extended to other members of the judicial system, such as clerks, notaries, process servers, official liquidators;
- The inclusion of judges in the category of civil servants whose wage recorded the highest increase, in addition to long term training efforts. This is an important measure to ensure their independence;
- Finally, the strengthening of the Lawyers Training Center.

These first achievements were possible thanks to a broad and collective support from the international community.

They are evidence of the progress made due to your Government willingness to strengthen the Rule of Law. The diversity of the tasks, combined with the numerous partner countries and international organisations supporting your legal and judicial restructuring effort, call for a coherent and harmonised implementation of reforms in order to strengthen their effectiveness as well as their synergy.

These varied interventions concerning institutions, training and drafting of legal texts, require a coherent implementation of those reforms. Otherwise, the subtle framework which underpins those intricate reforms would be disrupted.

In that respect, many important issues have not yet been addressed and need to be dealt with in order to ensure a harmonised development of the reform on its whole. These issues are the following:

- First, the reinforcement of the Supreme Council of Magistracy whose independence will ensure the separation of powers;
- The adoption of the Law on the Status of Judges and Prosecutors;
- The adoption of the Law on the Organization and Functioning of Adjudicate Courts;
- The texts on Labour Courts;
- The constitution of Trade Tribunals;
- The passing by Parliament of the Civil and Criminal Codes as well as the Civil and Criminal Procedures Codes.

Moreover, I think that adequate financial and human resources should be allocated to the Ministry of Justice in order to create a specific service dedicated to the diffusion of jurisprudence, in a way that ensure a good information for citizens.

In addition to these goals, the international community already addressed several recommendations to the Council for Legal and Judicial Reform. Allow me, Mr. Prime Minister, to recall these points:

- Increasing significantly the funding allocated to the Justice within the preparation of the National budget;
- Improving participation and consultation in the legal process at the different stages, drafting, amending and passing legislation;
- Clarifying the roles and responsibilities of Government institutions with regards to the reform agenda;
- Taking into account United Nations recommendations aiming to improve the defence of Human Rights in Cambodia.

Thanks to the political willingness of your Government, the legal and judicial reform must know a renewed vigour on the way towards equality of citizens in front of the Law and the building of a reliable and durable legal and judicial system. It is with regards to concrete achievements, which are, as you know, supported by the International community, that your willingness to carry on those essential reforms for political stability, the deepening of democracy and the prosperity of the Cambodian people, will be measured. I am convinced that, before the next meeting of the Consultative Group in December, your Government will be keen to demonstrate its willingness to go forward in the implementation of this vast reform by adopting concrete and significant measures in accordance with all your partners' expectations./.