

DRAFT - GDCC STATEMENT - DRAFT
DELIVERED BY U.S. AMBASSADOR JOSEPH A. MUSSOMELI
ON BEHALF OF THE DONOR COMMUNITY
“TAKING STOCK OF JOINT MONITORING INDICATORS FOR CORRUPTION”
(12 FEBRUARY 2007)

Excellencies, colleagues, ladies and gentlemen. I welcome this opportunity to present the donor consensus regarding the Royal Government of Cambodia's (RGC's) accomplishments toward achieving the Joint Monitoring Indicators (JMIs) relevant to combating corruption established at the March 2006 Consultative Group meeting. First, let me outline the JMIs: 1) By end of June 2006, "Finalize and approve the Anti-Corruption Law, based on best international practices;" 2) By October 2006, "Prepare an implementation plan to enforce and manage the implementation of the Anti-corruption Law;" 3) By December 2006, "Develop a clear policy framework on access to information;" and 4) On an on-going basis, "Disseminate information on reported cases of corruption and convictions on semi-annual basis."

We the donor community are disappointed that none of these JMIs have been achieved within the agreed upon timeframe. Regarding the draft Anti-Corruption Law, it remains with the Council of Ministers and has yet to be approved. The current draft has been strengthened regarding investigative powers of the Anti-Corruption body (ACB) and has been harmonized with the draft Criminal Procedures code. However, consistent donor concerns and suggestions regarding the operational independence of the ACB and timely access to asset declaration documents by the Secretary General of the ACB have gone unheeded. Experience in other countries, shows that the risk of failure for Anti-corruption Commissions is relatively high. These elements are seen as essential to reduce that risk. It is time — indeed, past time -- to immediately enact an international standard anti-corruption law, and it is also time to do it right. There have been other laws, some would say of much lesser importance, which have been prepared and enacted into law with considerable speed in 2006. This law, which stands to benefit all Cambodians, by contrast has experienced delay after delay.

An Implementation Plan has not been prepared, which indicates that tangible, concrete and pragmatic steps have not been taken to ensure that it can be immediately implemented once the King promulgates the law. The Implementation Plan will assist the RGC to ensure that it properly plans for the establishment of the new Anti-Corruption Body (ACB) so that it has open and transparent administrative systems and adequate budget and staffing.

Regarding the development of a policy framework for access to information, to date a drafting committee has yet to be established. Donors are poised to provide technical assistance to the drafting committee once it is established. The transparent management of the expected significant extractive industries revenue is one example of how a law on access to information can help protect the Cambodian Nation from corrupt practices.

As requested at the last CG meeting, the donor community welcomed regular public reporting from government on cases that have been brought before courts as well as statistics on convictions or administrative actions taken to resolve corruption cases. We support the active pursuit of corruption cases by existing bodies like the NAA and MoNASRI. In recent weeks there has been increased ad hoc reporting of corruption cases within the press, but there has been no systematic reporting from the RGC to the Cambodian public. We believe the RGC has the desire to change this and we look forward to the first public report on the government action to address corruption.

The RGC has candidly acknowledged that corruption directly affects the country's stability and future economic and social development. While rhetorical statements can help draw attention to a problem, it is tangible action that brings real and lasting change. Left unchecked, corruption inhibits foreign investment and job creation; corrodes the social and moral capital of the country and Cambodia's international image; deprives the RGC of hundreds of millions of dollars in lost revenue; and continues

to relegate 35% of the Cambodian people to live in poverty. A government genuinely concerned for the welfare of its people will make fighting corruption, including the immediate enactment of a comprehensive anti-corruption law, its highest priority. On behalf of all development partners, we ask you when will this law be enacted? We affirm our commitment to aggressively support your efforts to fight corruption and improve the lives of the all Cambodians. Thank you.