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DONOR STATEMENT ON THE JMIs AND STATU OF THE LEGAL AND JUDICIAL REFORM

By

French Ambassador

I would like to thank HE Keat Chhon, Chair of the Government-donor Coordinating Committee, and HE Sam Sok Phal, Chair of the TWO on Legal and Judicial Reform for bringing us together. The donor community welcomes significant progress in the preparation of the fundamental laws and approval of the civil procedure code by the National Assembly on 26 May 2006. We are also very pleased to know that the draft penal procedure code has been completed on May 31st and that the civil code is under discussion at the inter-ministerial committee.

Whilst we recognize these important achievements of the Royal Government of Cambodia, we look forward to an acceleration of the pace of legal reform in particular towards the finalization of the penal code, the law on the status of judges and prosecutors the law on the organization and functioning of the courts, and the amendment of the law on the Supreme Council of the Magistracy. These critical pieces of legislation are essential to progress the implementation of the Government's Action Plan on Legal and Judicial Reform and to reach what UN High Commissioner for Human Rights, Ms. Louise Arbour recently stated "An independent, professional judiciary with recognized integrity would not only be essential in protecting fundamental rights and freedoms but also facilitate the resolution of a number of the difficulties persistent in Cambodia, including impunity, conflicts over land and corruption".

Let me take the opportunity to share with Your Excellency some suggestions and recommendations that in our view could help the Royal Government of Cambodia to speed up this process of reform which is at the center of good governance in the

Government's Rectangular strategy and the recently released National Strategic Development Plan.

The law drafting and consultation processes could be streamlined to enable the Royal Government of Cambodia to monitor progress not only of each fundamental law but a number of important laws on a wide number of sectors including anti-corruption, human trafficking, etc. In the same vein, we invite the government agencies with shared responsibilities in the preparation of national legislation including the Ministry of Justice, Ministry of Interior, Ministry of National Assembly-Senate Relations and Inspections and the Ministry of Women's Affairs to better coordinate and collaborate on common endeavors

It is suitable if the Royal Government of Cambodia could consider appointing several senior officials to closely monitor the progress of the fundamental laws and facilitate the consultation process within government agencies, with the participation of general public.

Likewise, we believe that the development of subsidiary legislation including decrees and sub-decrees outlining rules and regulations is central to ensure the enforcement of these legislation.

Moreover, whilst we recognize the importance of focusing on the passage of the laws, we would also like to appeal to the Government to dedicate necessary resources and efforts to build the capacities of all the judiciary including judges, prosecutors, court clerks on these comprehensive laws that encompass international standards and best practices. The donor community agrees with HE Sok An's recent remarks on the occasion of Extraordinary Chambers of the Courts of Cambodia and the diplomatic corps that this tribunal will be a unique opportunity to serve as a model court for the Kingdom of Cambodia. Hence, it is significant to ensure timely enactment of the criminal procedure code and build capacities of the Cambodian judiciary and the legal community.

Speaking about the legal community, we hope that the impasse of the Bar Association of the Kingdom of Cambodia, which has lasted for over 18 months, will be resolved in the nearest future with the goodwill and cooperation of all national parties concerned.

The donor community strongly encourages the Government of Cambodia to consider an increase on the national budget allocation for legal and judicial reforms in order to successfully implement the National Strategic Development Plan to reduce poverty and achieve the Cambodian Millennium Development Goals.

We stand ready to continue our support to the Royal Government of Cambodia to meet the goals and targets set for achieving the legal and judicial reforms and thus contribute and consolidate to the development of Cambodian democracy based on the rule of law.

Thank you