

The CAMBODIA DAILY

Volume 40 Issue 20

Tuesday, August 5, 2008

1,200 riel/30 cents

Opposition's Role Critical in Any Democracy

Sir, in "Sam Rainsy Admonished Over Boycott Threat" (Aug 4, page 44), Prime Minister Hun Sen was quoted as saying to me, "If you do not participate in the [lawmaker] swearing-in ceremony, the seats [won by the SRP and other opposition parties] will be divided among others [meaning the CPP and possibly Funcinpec]."

Your analysis of the Election Law, especially article 118, and different points of view expressed in your report, show that there is no legal ground to strip the opposition of "their 31 projected seats" (in fact the final figures could be markedly higher based on the resolution of election complaints).

What's more, the new Assembly can not even validly convene without participation from the opposition.

Article 76 of the Constitution states, "The National Assembly consists of at least 120 members." At its first meeting after any legislative elections, the Assembly has to first proclaim the validity of all its members' mandate. Therefore, without at least 120 members elect

being present at its first meeting, how can the Assembly have the power to make any valid decision including the decision to proclaim the validity of all its members? Because the Constitution is the country's supreme law, no provisions from any other laws can supercede the above article 76.

The National Assembly represents the whole nation. It cannot be turned into a CPP Assembly. Let's imagine the unimaginable case where the SRP, the HRP and the NRP altogether would willingly and officially abandon "their 31 projected seats."

According to article 118 of the Election Law, those 31 seats would be divided among the other parties represented at the Assembly on the basis of the number of seats and votes they received for each province.

On the basis of figures provided by the CPP itself and consistent with our system of proportional representation combined with a very specific formula for seat allocation, the CPP would collect all the 31 seats previously allocated to the opposition. We would then have a 123-member "National" Assembly with the following composition: 121

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seats (98.37 percent) for the CPP and two seats for its very docile ally, Funcinpec.

Hun Sen was also quoted as declaring that the opposition would not "fulfill [their] obligation [to the 2 million citizens who voted for them] at the Assembly" if they boycott the swearing-in ceremony.

The situation is actually just the opposite of what Hun Sen claimed.

We would be betraying the will of those who have placed their confidence in us if we accept the results of the elections without ensuring that our two fundamental demands are met:

1) The National Election Committee and the Constitutional Council, both of them known to be strongly influenced by the CPP, must properly resolve our election

complaints under the scrutiny of independent observers.

2) The new Assembly, even though possibly dominated by the CPP in terms of seats, must be allowed to play a key role in an effective system of checks and balances to be put in place.

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Sam Rainsy
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