

# Checks and Balances - “The Constitution and Political Parties in Cambodia and Germany”

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# Synopsis

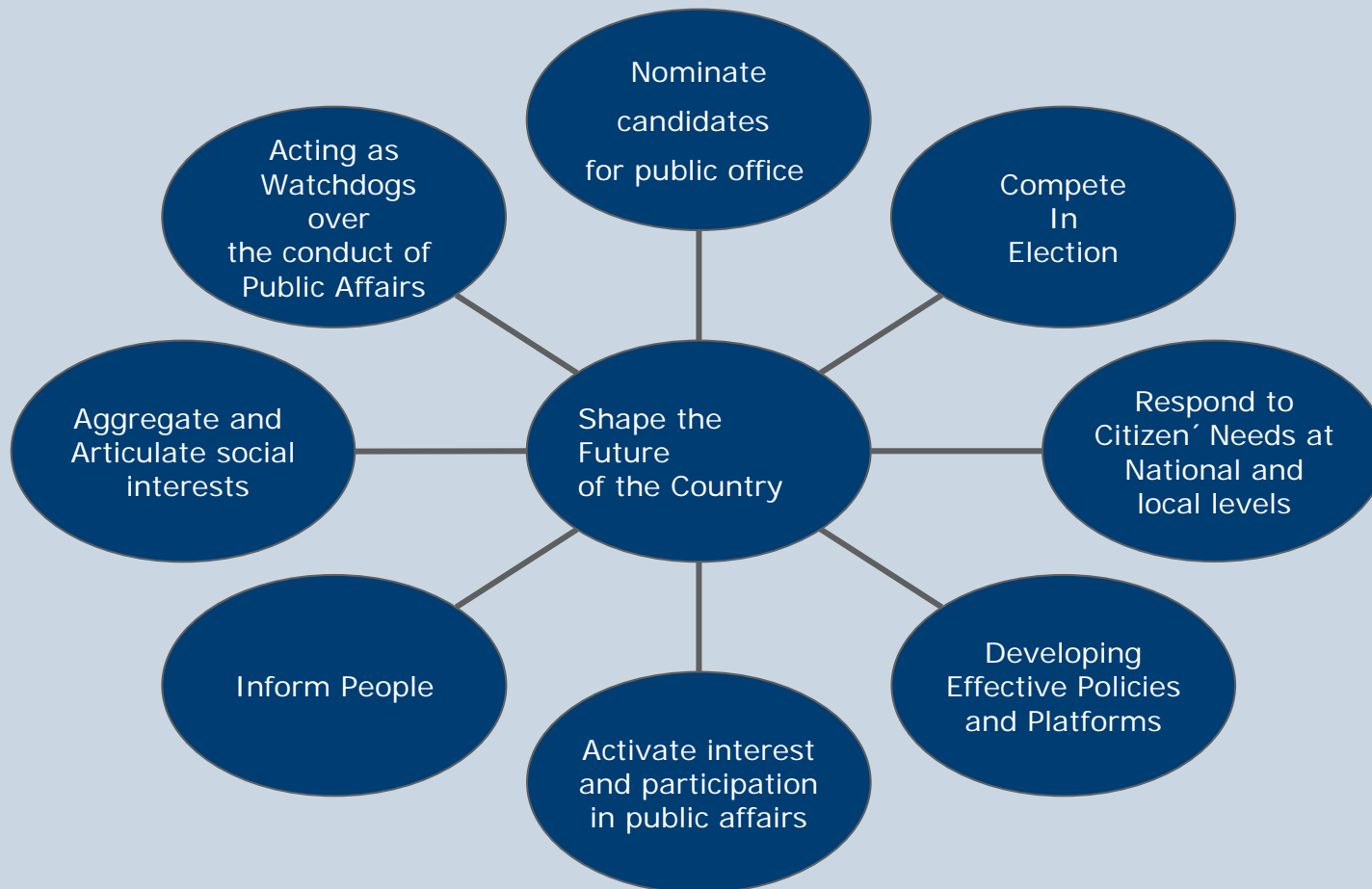
1. What is a political party?
2. Key functions of a political party?
3. Legal Hierarchy
4. Political Parties in the Cambodian Constitution and the German Basic Law
5. A Comparison of Political Party Act/Law
6. Party Statutes

# 1. What is a political party?

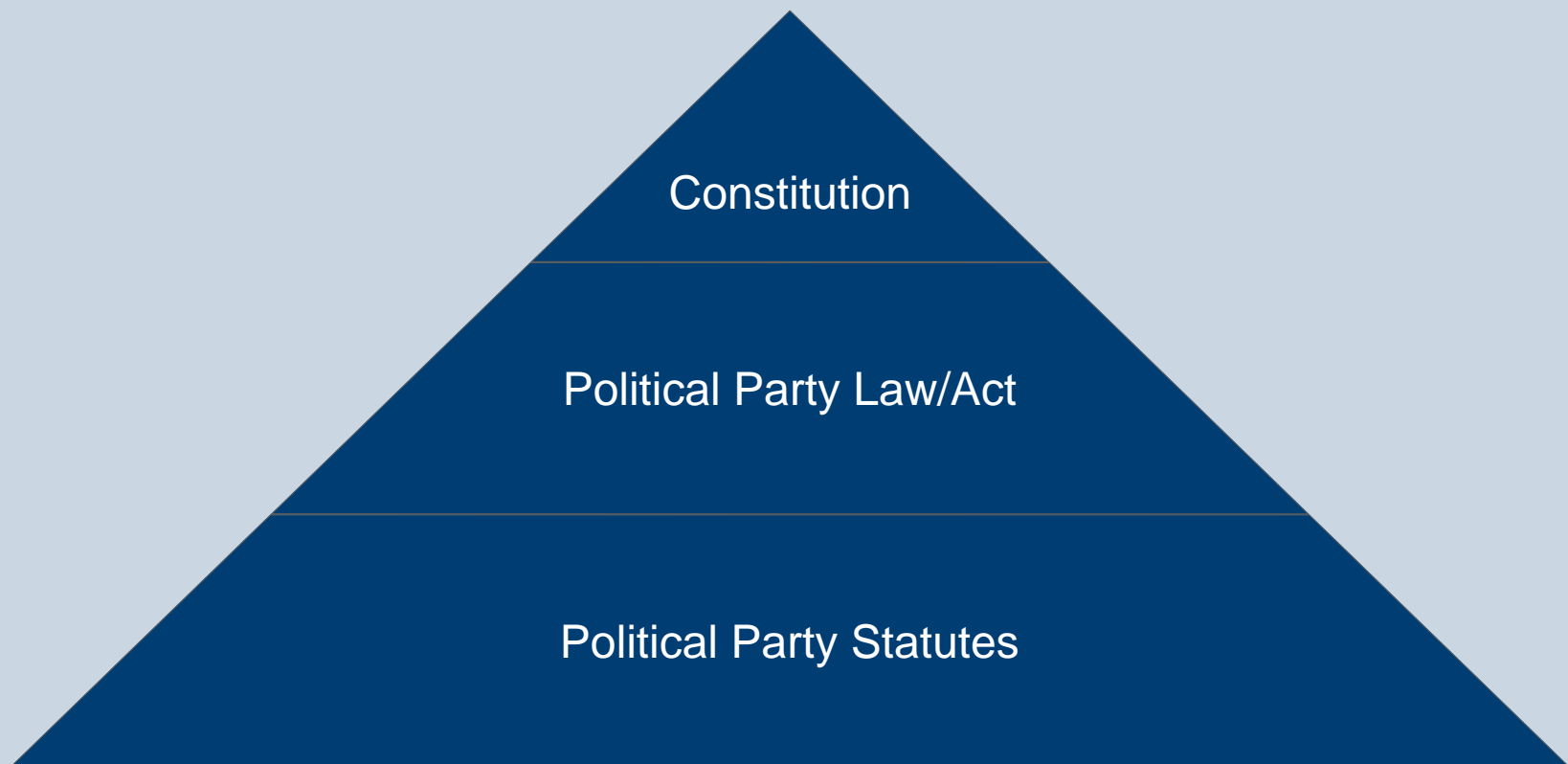
- Organisation of like-minded people, who seek to control government through winning the elections and the holding of public office
- Parties are the major mechanisms behind the development of broad policy and leadership choices
- Medium through which these options are presented to the people.

*Political parties are an essential component of democracy*

## 2. What is the function of a political party?



### 3. Legal Hierarchy



## 4. PP in the Cambodian Constitution 1993 and the German Basic Law

### CC

#### Article 42:

- Khmer citizens shall have the right to create associations and political parties. This right shall be determined by law.

#### Article 51:

- The Kingdom of Cambodia adopts a policy of liberal multi-party democracy.

### GBL

#### Article 21:

- Political parties shall participate in the **formation of the political will** of the people. They may be freely established. Their **internal organization** must conform to democratic principles. They must **publicly account** for their assets and for the sources and use of their funds.
- Parties that, by reason of their aims or the behavior of their adherents, seek to undermine or abolish the free democratic basic order or to endanger the existence of the Federal Republic of Germany **shall be unconstitutional**. The Federal Constitutional Court shall rule on the question of unconstitutionality.
- Details shall be regulated by **federal laws**.

## 5. A Comparison of Political Party Act/Law

### Cambodian Political Party Law 1997

#### Constitutional status and functions

- Education: no outreach provisions
- Finance: equal allocation of national budget to all parties for election campaign (Art. 28)
- Accountability: accounting reports and documents only made available to 'court' or 'competent institution' for inspection up to 7 years (Art. 30)
- Transparency: annual reports on activities, accounts and assets only sent to MoI and MoE&F (Art. 31)

### German Political Parties Act 1967

#### Constitutional status and functions

- Education: encourage civic education and promote active participation in society
- Finance: weighted allocation of national budget depending on percentage of party votes in election
- Accountability: all party finances must be publicly available
- Transparency: annual reports on activities, accounts and assets must be publicly available

## 6. Political Party STATUTES

### Germany

Statutes of Party:

- Finance and Membership Statutes
- Statute on Functioning of Party Courts
- Internal Rules of Procedure
- Statute for the Functioning of Advisory Party Committees

(119 pages)

### Cambodia

Statutes of Party:

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## Statutes of Christian Democratic Union in Germany in English (119 Pages)

- <http://www.kas.de/upload/ACDP/CDU/Parteiordnungen/Statut2007.pdf>

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