

X. LAW TALK

20 YEARS OF CAMBODIAN CONSTITUTION

Moving towards implementation of Constitutional Law?

11.-13.10.2013

Sihanoukville Province, Independence Hotel

Background Information

The support for the development of the legal system in Cambodia has been one of the main priorities of the work of Konrad-Adenauer-Stiftung in Cambodia for many years. One of the essential elements of such a process is a flourishing discussion between different generations and experts on legal topics. Such discussion has been difficult in Cambodia for many years due to its historical legacy and the legal vacuum during and in the aftermath of the Khmer Rouge regime. Legal discourse is therefore still not well developed in Cambodia today. It seems particularly important to cultivate a culture of legal discussion in the spirit of academic freedom, and the Law Talks were designed as one element of such support.

The Law Talks started in 2008, initially in formal cooperation mainly with the Senate, now, also with various law faculties. To date, nine law talks have been held.

For the 10th Law Talk event and the 20th anniversary of the Cambodian Constitution, KAS selected the topic **"20 years of Cambodian Constitution – Moving towards the implementation of constitutional law?"**

The present Constitution of the Kingdom of Cambodia is the sixth and latest version. It was adopted by the Constituent Assembly of representatives of the Cambodian People and promulgated by Norodom Sihanouk on 24 September 1993. It has since been amended seven times up until 2010. The constitution reflects modern constitutional characteristics – democracy, human rights and the rule of law; embedded in a constitutional monarchy system of parliamentary government guided by a strict separation of power.

The Law Talk does not aim to provide a comprehensive analysis of the current status of the implementation of Cambodian Constitutional Law but rather to discuss the status of certain constitutional rights under the current system of the separation of powers and checks and balances in Cambodia and to put the Constitution and its implementation in the regional and international perspective.

Objective of the Law Talk

- Promote increased understanding on the Cambodian Constitution and its implementation
- Promote a better understanding on the current status of constitutional law reform in Cambodia

Draft Program

Time	Session/Content	Comments
DAY I, Friday 11th of October/2013		
07:30	Departure from Phnom Penh to Sihanoukville Province	
11:00	Check in the Hotel in Independent Hotel	
12:00	Welcome Lunch	
13:00	Registration	
13:15-13:30	<p>Welcome Remarks and Opening of the 10th Law Talk</p> <p>Denis Schrey, Country Representative, Konrad-Adenauer-Stiftung in Cambodia</p>	
13:30	<p>Key Note Address</p> <p>“The Making of the Cambodian Constitution”</p> <p>H.E. Ieng Mouly, Senior Minister in charge of special mission, Chairman of the National Aids Authority (<i>Confirmed</i>)</p>	
14:00	Questions and Answers	
14:30-17:30	<p><u>Session I</u></p> <p>Selected Basic Constitutional Rights and Obligations of Khmer Citizens</p> <p><u>Moderator</u></p> <p>Denis Schrey, Country Representative, Konrad-Adenauer-Stiftung in Cambodia (<i>Confirmed</i>)</p> <p><u>Input Statement</u></p> <p>Towards a General Theory of Basic Rights: The Illustration of Legality and Proportionality Principles - Reference to Rights and Restrictions of Freedom of Assembly</p> <p>Prof. Jörg Menzel, Professor of Law, University of Bonn (<i>Confirmed</i>)</p>	
	Input Statements (15-20 min each)	

	<p>followed by QA</p> <p>Applying the General Theory in the Cambodian Context</p> <p><u>Case I</u></p> <p>Right of Freedom of Expression and Guaranteeing National Security: Achievements, Challenges and Ways Ahead</p> <p>Att. SOK Samoeun, President of the Cambodian Defenders Project (<i>Confirmed</i>)</p> <p><u>Case II</u></p> <p>The Right to Vote</p> <p>Guaranteeing the Constitutional Right to Vote in Cambodia: Achievements, Challenges and Ways Ahead</p> <p>Mrs. Thiery S. Seng, Lawyer, President of Civicus (<i>Confirmed</i>)</p>	
16:00	Coffee Break	
16:15-17:30	Questions and Answers	
18:30	Dinner	
DAY II, Saturday 12th of October/2013		
08:00-09:30	<p><u>Session I</u></p> <p>Checks and Balances and the Constitution (I) – The Legislative Branch and Political Parties</p> <p><u>Moderator</u></p> <p>Dr. Hor Peng, Rector, National University of Management (NUM) (<i>Confirmed</i>)</p> <p><u>Panelists</u></p> <p>The Constitutional Role of the Parliament</p> <p>Mr. Jean-Luc Grzegorzcyk, Centre Docteur</p>	

	<p>Christophe Mérieux, Enfants Du Mékong, Senior Legal Advisor at the French National Assembly <i>(Confirmed)</i></p> <p>Mr. Lukas Gundermann, Senior Advisor to the Cambodian Senate <i>(Confirmed)</i></p> <p>The Constitutional Role of the “Cambodian Senate”</p> <p>Dr. Yan Van Deluxe, Senior Researcher of the Parliamentary Institute of Cambodia (PIC) and Professor of Law (Public Law) <i>(Confirmed)</i></p> <p>Constitutional Role of Political Parties in Germany and Cambodia</p> <p>Mr. Denis Schrey, KAS Country Representative Cambodia <i>(Confirmed)</i></p> <p>Followed by Discussion</p>	
09:30-10:45	<p><u>Session II</u></p> <p>Checks and Balances and the Constitution – Media and Civil Society Organisations (II)</p> <p>Constitutional Role of Civil Society Organisations- Reality Check</p> <p>Dr. Heng Monychenda, Director, Buddhism for Development <i>(Confirmed)</i></p> <p>Constitutional Role of Media - Reality Check</p> <p>Mr. Som Rattana, Director Department of Media and Communication at the Royal University of Phnom Penh <i>(Confirmed)</i></p> <p>Checks and Balances through Media Supervision in Germany (Confirmed)</p> <p>Andreas Oldag, Journalist for Leading German Newspaper and DMC Lecturer <i>(Confirmed)</i></p> <p>Followed by Discussion</p>	
10:45-11:00	Coffee Break	

11:00-13:00

Session III

The Constitution and the Development of the Judiciary

Moderator

Mr. Anirudh Bhati, Indian Lawyer (*Confirmed*)

Panelists

The Development of Constitutional Law in Cambodia

Dr. Hor Peng, Rector, National University of Management (*Confirmed*)

Role, Achievements and Challenges of the Constitutional Council

Mr. Taing Rattana, Chief of Buro, Department of Legal Affairs, Constitutional Council (*Confirmed*)

Comparative View from the German Constitutional Court and its Role in Developing a Theory of Fundamental Laws and Democratic Principles

Prof. Jörg Menzel, Professor of Law, University of Bonn (*Confirmed*)

Additional short Comparative Input statements (5 min each)

Role of Constitutional Jurisprudence by Highest Courts in India (Supreme Court), the US (Supreme Court) and France (Conseil Constitutionnel)

Mr. Anirudh Singh Bahti, Indian Lawyer (*Confirmed*)

Dr. Raymond Leos, Advisor to PUC (*Confirmed*)

Mr. Jean-Luc Grzegorzcyk, Centre Docteur Christophe Mérieux, Enfants Du Mékong, Senior Legal Advisor at the French National Assembly (*Confirmed*)

followed by Questions and answers

13:00-14:15	Lunch	
14:15-15:45	<p><u>Session IV</u></p> <p>Cambodian Constitution in a Global and Regional Context</p> <p><u>Moderator</u> (tbc)</p> <p><u>Panelists</u></p> <p>The Cambodian Constitution and the Rise of Global Constitutionalism: Achievements and Challenges after 20 years</p> <p>Prof. Jörg Menzel, Professor of Law, University of Bonn (<i>Confirmed</i>)</p> <p>The Cambodian Constitution and International Law</p> <p>Dr. Meas Bora, Law Professor, Cambodian University of Specialities (CUS) (<i>Confirmed</i>)</p> <p>The Cambodian Constitution and the Challenges of Regional (ASEAN) Integration</p> <p>HRH Samdech Norodom Sirivudh, Supreme Privy Counselor to His Majesty the King of Cambodia, Member of the Constitutional Council (<i>Confirmed</i>)</p> <p>Followed by discussion</p>	
15:45-16:00	Coffee Break	
16:00-18:00	<p><u>Final Session – Open Forum</u></p> <p>The Cambodian Constitution, Achievements Challenges and Ways Ahead:</p> <ul style="list-style-type: none"> ➤ What successes and failures have there been, and why? ➤ What does that future look like? What legal provisions have to be implemented to define and clarify constitutional provisions. ➤ In which areas is a real need for reform (referring to discussions before)? ➤ What should be key priorities of constitutional reform in the next mandate? ➤ What role the CC, the ruling party and the opposition can play to review constitutional 	

	provisions? <u>Moderator</u> H.E. Cheat Chealy , Human Rights Commission, Council of Ministers (<i>Confirmed</i>)	
18:00	Closing Remarks, Denis Schrey , Country Representative, Konrad-Adenauer-Stiftung, Cambodia	
18:30	Dinner	
DAY III, Sunday 13th of October / 2013		
Departure of participants after breakfast		
11:00	<i>Check out and departure</i>	

***** General Information for speakers:**

- The whole workshop will be in English
- Generally, each presentation shall be **max.** 15-20 minutes (!!!)
- Equipment for PowerPoint presentation will be available in the workshop venue.