

File No. ABK-357  
25-111

**AMERICAN BAR ASSOCIATION  
CAMBODIA LAW AND DEMOCRACY PROJECT**

**NEEDS ASSESSMENT REPORT**

American Bar Association  
Cambodia Law and Democracy Project  
Phnom Penh Office  
June 1995

## TABLE OF CONTENTS

EXECUTIVE SUMMARY .....	i
I. TERMS OF REFERENCE AND OBJECTIVES .....	1
II. SCOPE OF NEEDS ASSESSMENT REVIEW .....	1
III. FORMS OF ASSISTANCE.....	2
A. Long-Term Advisors.....	2
B. Short-Term Advisors.....	3
C. General Legal Research and Analysis.....	3
IV. CAMBODIAN INSTITUTIONAL CONSIDERATIONS.....	4
A. The Executive .....	4
B. The National Assembly .....	4
C. The Judiciary.....	5
D. The Legal Tradition.....	5
V. ANALYSIS OF DESIGNATED TARGETS FOR ASSISTANCE .....	5
A. The National Assembly .....	6
B. The Economic Cluster of Ministries and Organizations.....	6
1. The Ministry of Commerce.....	6
2. The Ministry of Finance .....	7
3. The Ministry of Industry and Mining .....	8
4. The National Bank of Cambodia.....	8
5. The Council of Ministers .....	8
6. The Cambodian Development Council .....	9
C. The Ministry of Justice.....	9
D. The Cambodian Bar Association.....	10
E. Other Possible Targets for Assistance.....	10
VI. ADDITIONAL OBSERVATIONS .....	10
A. French Influence.....	10
B. Language Training.....	12
APPENDIX 1: SIGNIFICANT CONTACTS.....	13
APPENDIX 2: SCHEDULES OF NEEDS ASSESSMENT TEAM MEMBERS.....	15

## EXECUTIVE SUMMARY

The American Bar Association (ABA) cooperative agreement with the United States Agency for International Development (USAID) states in its Program Goals and Objectives that it "seeks to assist Cambodia in planning and implementing legal and judicial reforms necessary to promote democracy, a market economy, and the rule of law in Cambodia...(by) provid(ing) legal guidance and other assistance to the Cambodian effort to modernize its legal system, including its commercial, economic, and business law system, to assist in the training of Cambodian bar professionals, and to assist Cambodia in its treaty and other international relationships with other nations in the Southeast Asia region."

The ABA Cambodia Law and Democracy Project does not operate in a vacuum. It is one of many programs of assistance being implemented by other governments, multilateral institutions, and private organizations. The Project is one piece of the total USAID package designed to foster the development of governance, democracy and the rule of law in Cambodia. USAID implements this goal through grants to a network of Non-Governmental Organizations (NGOs) engaged in strengthening all aspects of the Cambodian legal system: Executive, Legislature, Judiciary, education, and the legal profession. The other NGOs involved in this effort are: The Asia Foundation (TAF), now concentrating its efforts on institution building within the National Assembly, assistance to human rights and other indigenous NGOs, and a contracts certificate program; the International Human Rights Law Group (IHRLG), which has a variety of programs to assist the Cambodian Judiciary; and the University of San Francisco Law School (USF), with ongoing legal training programs and a proposal for a Khmer and English language law school. In addition to conducting its own program, the ABA Cambodia Law and Democracy Project should be complementary to the efforts of all three of these organizations.

The Needs Assessment Team approached its task by first assessing the needs as expressed by Cambodian Government officials, U.S. Government officials, and NGO officials, and then weighing those needs against the priorities developed with USAID and available means for delivering ABA assistance to the selected Cambodian institutions.

### **Cambodian Needs**

The Needs Assessment process began with a narrowing of Cambodian institutions of interest to those engaged in economic activities, the judicial system, and the National Assembly, which translated into the Ministries of Commerce, Finance, Industry and Mines, the Cambodian Development Council, and the Cambodian National Bank within the economic sphere, the Ministry of Justice, the Council of Ministers, and the Cambodian Bar Association in the judicial sector, and Commissions and other leadership units within the National Assembly. The In-Country Director and Deputy Director held or will hold meetings with representatives of all of these institutions, with the exception of the Bar Association which does not yet exist. It will also seek a meeting with the Dean of the Faculté de Droit, the sole law school in Cambodia, in order to explore and develop Project options in the field of Cambodian legal education. In addition, members of the Needs Assessment Team met with officials of most of these institutions.

Of the above institutions, the Ministry of Commerce and the Ministry of Justice have the most clearly defined requirements for assistance. At Commerce, there is a desire and specific need for a legal advisor with expertise in commercial law and international business practices to work on the Commercial Code. An advisor to the Ministry of Commerce will also assist with Cambodia's effort to join the Association of South East Asian Nations (ASEAN). At Justice, there is a primary requirement for an attorney to assist in formulating the laws and sub-decrees pertaining to the Judiciary and in developing appellate court training programs. There is also interest in legal assistance on border disputes and drafting a new Penal Code. The National

Bank of Cambodia seeks an attorney advisor to develop and assist its legal section, which presently functions with little legal expertise or experience.

The National Assembly has a broadly stated request for twelve advisors to work with its ten Commissions and two research units. The Needs Assessment Team believes that placing legal advisors with the National Assembly will help promote democracy and the rule of law in Cambodia. The Team remains cognizant that the Project will have the greatest likelihood of acceptance by the National Assembly, which will contribute to its success, if the provision of legal advisors is coordinated with the efforts of TAF, which presently has advisors and has proposed the placement of several more.

The Cambodian Bar Association does not yet exist, but following the enactment of pending legislation there will be a need to define its relationship to the Ministry of Justice; under the current draft legislation, a provision placing the Association under the control of the Ministry was deleted, but there is still no provision guaranteeing its independence. The Bar Association will face numerous other organizational issues as well, which the ABA should monitor and contribute to as appropriate.

The Secretariat of the Council of Ministers has a strong theoretical interest in strengthening its ability to administer the work of the Council through the addition of a legal advisor, but lacks approval for its plan of reorganization and is not in a position to make any request at this time.

The remaining institutions on the list are not presently interested in a relationship with the ABA and/or are already staffed with foreign advisors.

### **Priorities and Methods of Providing Assistance**

The Ministry of Commerce has an agenda that matches some of the ABA's areas of greatest competence and experience in providing assistance. The Ministry also has expressed strong and frequent interest in an ABA advisor. The likelihood of ABA assistance making an impact is high and, with Cambodia seeking membership in ASEAN, it is timely as well. The Needs Assessment Team sets a very high priority on the Ministry of Commerce, and proposes providing it with a Long Term Advisor (LTA) to work on the Commercial Code and to assist the Ministry in seeking to harmonize Cambodian commercial laws to meet the requirements of membership in ASEAN. The Needs Assessment Team anticipates that this LTA will also work closely with other institutions in the economic cluster, including the Ministries of Finance and Industry and Mines, the National Bank of Cambodia, and the Cambodian Development Council, as well as the National Assembly. It is also expected that this LTA would work with the Ministry of Foreign Affairs on international commercial matters, including trade and investment treaties. In addition, the Ministry of Commerce is likely to benefit from Short Term Advisors (STAs) in numerous areas, including intellectual property and commercial arbitration.

The ABA already has an LTA at the Ministry of Justice, serving as legal advisor to the Ministry and also as a sort of Special Assistant to the Minister. The Needs Assessment Team believes that this LTA's contributions could be strengthened through the addition of a second LTA with strong substantive skills, especially in organic laws dealing with the judiciary. The Needs Assessment Team sees this LTA's primary role as assisting in the establishment of the laws and rules governing the Judiciary and in the development of training programs for the appellate courts. The Ministry is also interested in advisors on the Penal Code and border disputes. These are STA positions, and the Needs Assessment Team recommends two STAs when the exact terms of their contributions have been further defined by the In-Country Director.

The National Bank of Cambodia (the Bank) has a Legal Section, but no lawyers and only two staff members with legal training. The Governor of the Bank expressed high interest in an attorney to assist in weighing banking legislation and a variety of other laws in the economic sector, both existing and pending, that impact upon the Bank's daily operations, long range planning, and international responsibilities. Given the central role of the Bank in Cambodia's

economic development, the Needs Assessment Team believes that efforts to strengthen its legal competency merit ABA support.

USAID and the Embassy have indicated that they place high priority on the ABA providing assistance to the National Assembly, an institution trying to define its role and exert its independence from the Executive. The Executive is much better organized and could dilute the impact of the Assembly in the law making process if the latter's competency is not upgraded. While the Needs Assessment Team accepts this sense of urgency, it found it very difficult to frame a response that would effectively utilize ABA capabilities, avoid undercutting the efforts of other NGOs, and be acceptable to the Assembly itself. The Needs Assessment Team proposes to provide assistance to the Assembly by placing an LTA with the Standing Commission, which is the conduit for legislation passing from the Council of Ministers to the appropriate substantive Commission, tracking progress on that legislation while in Commission, and then moving it to vote in plenary session. In addition to assisting the Standing Commission with establishing its own procedures and conducting its activities, this LTA would be well situated to monitor the course of pending legislation and provide timely technical assistance personally or through requests to the Project's In-Country Director for additional research, analysis, or support from a Short Term Advisor (STA). This proposal has not been negotiated with the Assembly leadership. Such negotiations await a final USAID decision on the future role of TAF at the Assembly, at which time a complete proposal for U.S. assistance can be offered to the Assembly leadership.

During the course of the Project year, the Needs Assessment Team foresees the probability of other opportunities for placing LTAs, especially at the Ministry of Commerce. The In-Country Director is instructed to remain open to such opportunities and, resources permitting, to seek additional LTA placements.

Finally, the Needs Assessment Team instructs the In-Country Director to pay special, close attention to developments in the Cambodian Bar Association and opportunities to cooperate with the Faculté de Droit. The Bar Association will be central to an independent legal profession. The quality of legal education is the *sine qua non* of a competent legal profession. Without both, the long term prospects for a free and democratic Cambodia are in danger.

To recapitulate the Needs Assessment Team's specific recommendations for new assistance:

**Ministry of Commerce:** One LTA to assist with the Commercial Code and harmonization of Cambodian commercial laws in preparation to seeking full membership in ASEAN. Also the possibility of two STAs to provide legal assistance on intellectual property law and commercial arbitration, respectively.

**Ministry of Justice:** One LTA to work on laws and rules governing the Judiciary and the development of training programs for the appellate courts. One STA to assist in drafting the Penal Code. One STA to assist with border dispute issues.

**National Bank of Cambodia:** One LTA to assist in developing the competency of the Bank's Legal Section.

**National Assembly:** One LTA assigned to the Standing Commission to assist in developing internal procedures and legal abilities and to serve as legal liaison to the Assembly leadership, the other nine Commissions, and individual legislators as requested.

**Council of Ministers:** While there is no present position for an LTA at the Council, there is the possibility of a slot to provide legal assistance to the Secretariat, which would be an excellent opportunity, resources permitting.

## **I. TERMS OF REFERENCE AND OBJECTIVES**

The ABA, in its final contract proposal to USAID, stated as its Program Goals and Objectives:

The ABA seeks to assist Cambodia in planning and implementing legal and judicial reforms necessary to promote democracy, a market economy, and the rule of law in Cambodia. The objectives of this Project, and the corresponding outputs of the Project, are to provide legal guidance and other assistance to the Cambodian effort to modernize its legal system, including its commercial, economic, and business law system, to assist in the training of Cambodian bar professionals, and to assist Cambodia in its treaty and other international relationships with other nations in the Southeast Asia region. Activities anticipated include assistance in the law drafting process with the Cambodian Government and the National Assembly; education of Government officials and members of the National Assembly in relevant areas of law; contribution to general legal education in Cambodia; assistance to Cambodian and foreign NGOs and to international organizations working in the legal field; and technical assistance to Cambodian legal institutions. The ABA can work closely with other USAID-funded NGOs in these efforts.

In discussions with USAID at the outset of the Needs Assessment process, the ABA emphasized that its specific and unique competency is in providing technical legal assistance and proposed that, in evaluating opportunities for assistance during the Needs Assessment, the ABA would:

- Develop an understanding of the needs for legal assistance on the part of selected Cambodian government organizations;
- Analyze and prioritize those needs in terms of which are most realistic, attainable, and best match ABA capabilities; and
- Determine appropriate methods to provide legal assistance, including long and short term advisors, legal research, and legal analysis.

Entering into discussions with USAID, the ABA's unprioritized list of possible targets for assistance was: the Ministries of Commerce, Finance, Industry and Mines, Justice, Foreign Affairs, Interior and Environment, the Secretariat of Women's Affairs, the Cambodian Development Council (CDC), the Council of Ministers, the National Assembly, the National Bank of Cambodia, and the Cambodian Bar Association.

For its part, USAID listed three goals: (1) enhancing governance and democracy, (2) fostering economic growth, and (3) developing social institutions.

Within this framework, USAID asked the ABA to concentrate on the National Assembly, the Ministry of Justice, and elements of the Economic Cluster of Ministries and governmental organizations: Commerce, Finance, Industry, the CDC, and the National Bank. The ABA agreed on this definition of first year priorities, and added the Council of Ministers to those institutions deserving consideration. The Needs Assessment Team, comprised of three ABA legal experts from the United States, the In-Country Director, and the Deputy Director, approached their task with the foregoing considerations as guiding principles.

## **II. SCOPE OF NEEDS ASSESSMENT REVIEW**

As part of the needs assessment process, members of the Needs Assessment Team met with representatives of the following Cambodian governmental bodies, non-Cambodian NGOs, and the U.S. government:

Ministry of Justice  
Ministry of Commerce  
Council of Ministers

Cambodian Investment Board  
National Assembly  
National Bank of Cambodia  
The Asia Foundation  
International Human Rights Law Group  
University of San Francisco Department of Law  
European Commission  
American Ambassador  
USAID

The Needs Assessment Team also benefited from meetings with representatives of the following organizations, held by the In-Country Director and the Deputy Director, both in his present position and while serving as ABA Liaison from May 1994 to April 1995:

Ministry of Finance  
Ministry of Industry and Mines  
Ministry of the Environment  
Conseil de Juristes  
Chairs of most National Assembly Commissions

A complete listing of the Needs Assessment Team's significant contacts is contained in Appendix I.

### **III. FORMS OF ASSISTANCE**

The ABA has three basic tools for delivering legal assistance to Cambodian institutions: Long-Term Advisors (LTAs) placed within selected institutions, Short-Term Advisors (STAs) brought into Cambodia to address specific issues, and *ad hoc* legal advice drawn from ABA resources within Cambodia, the United States, or elsewhere. While not ignoring the latter two avenues, the Needs Assessment Team focused primarily on the placement of LTAs, both because that is the most effective, long-lasting, visible—and expensive—form of assistance, and because the Team envisaged the placement of STAs and the provision of *ad hoc* guidance as being an open-ended approach to be utilized primarily in response to needs that will arise during the course of the year. A discussion of each type of assistance follows.

#### **A. Long-Term Advisors**

In general, an LTA should be assigned to one primary Cambodian government institution; where issues and/or expertise span the activities of several Ministries or organizations, an LTA could be assigned to several institutions simultaneously or serially. Within the Cambodian institution, an LTA should have considerable flexibility in determining how to respond to requests for legal assistance emanating from the institution.

The placement of an LTA may have political implications, since the decision to place or not place an LTA will inevitably send a political message. In most instances it will be difficult or impossible for an LTA to avoid involvement in the internal politics of the institution to which he or she is assigned, and in some instances the LTA may also become involved in the political process. The Needs Assessment Team sought to identify those institutions where ABA LTA assistance can be used most effectively and where the risk of an LTA becoming politicized is acceptably low.

The placement of LTAs is also costly in terms of resources. Accordingly, LTAs should only be placed where there is a reciprocal commitment from the receiving Cambodian institution.

LTAs should seek additional opportunities to work with other government institutions and develop relationships with other sectors of the Cambodian legal community. Meeting and

learning about a broad range of Cambodian people and institutions will enable LTAs to impart their expertise to a wider array of persons and institutions, and will provide them with the change of pace necessary for a rewarding and productive experience in what can be a tense and unpredictable environment. One of the best means for LTAs to broaden their assistance to the Cambodian legal community is through teaching. The Needs Assessment Team identified substantial interest among Cambodian institutions for English language legal instruction. The ABA Project has already contributed teaching assistance to The Asia Foundation, the UN Human Rights Center, and various indigenous organizations, such as the Cambodian Institute for Human Rights and the Khmer Institute of Democracy. Other opportunities include the University of San Francisco Law School, which has begun a teaching program in Cambodia, and perhaps the Faculté de Droit, the French-oriented law school.

All LTAs should begin Khmer language training as soon as they arrive in country. There is no doubt that full effectiveness within any conceivable assignment ultimately means being able to communicate with those being assisted in their own language. The mastery of even basic Khmer will make everyday life easier for the LTAs and, even lacking in fluency, the effort will inevitably make their Cambodian hosts more open to advice and guidance.

## **B. Short-Term Advisors**

STAs are a focused means of addressing specific, well-defined legal issues that will arise over the course of the year. As "firemen," STAs should be provided when Cambodian institutions are at a crucial point in shaping legislation or regulations, or are in need of a particular type of legal assistance that can be addressed adequately through a month or less of intense, in-country legal counsel.

STAs will not necessarily be assigned to any one Cambodian institution, since the issues they address may require interaction with more than one Ministry or branch of government. STAs also may participate in seminars or other efforts to educate Cambodians on particular legal issues.

While this Report identifies a selected range of appropriate targets for LTA assistance, the Program should consider placing STAs within a broader spectrum of institutions, and the Report cannot identify in advance all issues that may require such STAs. This flexibility with regard to STAs should enable the ABA to meet a variety of opportunities for effective assistance to Cambodia. The In-Country Director must be well attuned to developments throughout the legal community in order to identify and service requests for STA assistance on a timely basis.

## **C. General Legal Research and Analysis**

*Ad hoc* research utilizes the entire range of legal resources and expertise available to the ABA in the U.S., Cambodia, or elsewhere. The ABA's legal research and analysis capacities should enable the Program to cast a broad net of assistance over the entire Cambodian legal community.

In demonstrating its capabilities as a source for legal literature, research, and analysis, the Project can serve several functions: (1) as a backup resource for ABA consultants in-country; (2) as a resource for Ministries in which the ABA has not placed consultants; (3) as a resource for other branches of the Cambodian government; and (4) as a resource for other NGOs and academic institutions. Project office in-country legal research for Cambodian institutions might also create a role for ABA interns in Cambodia.



## **IV. CAMBODIAN INSTITUTIONAL CONSIDERATIONS**

### **A. The Executive**

Throughout the 1980s, the State of Cambodia (SOC) regime ruled by decree, bypassing the legislative process. While the current Administration does move laws through the National Assembly, a tendency to rule by decree still exists. Currently, almost all laws in Cambodia are written at the Ministerial level. The Ministries are empowered politically to draft legislation, and most already have law drafting capacity in the form of staff and hardware; many have law drafting committees. Because of this pre-existing capacity, it should prove easier to provide technical legal advice to the Executive than to the National Assembly, where there is a need for institution building before legal expertise can be brought to bear (see below).

The Executive is also where input by the ABA is most likely to have visible and immediate impact on the course of legislation and the conduct of governing Cambodia. There are, nonetheless, risks to consider. The Executive branches are led by active politicians drawn from the coalition parties. Political battles go on internally, interdepartmentally, and with the National Assembly. No legal advisor serving a Ministry or Agency could expect entirely to avoid the political agenda of that Ministry or Agency.

Another risk relates to the existing balance of power within the Government, the issue of relative strength. Presently, the Executive holds most of the power and has a propensity to rule with little consideration or respect for the National Assembly. To strengthen the technical abilities of the Executive in the name of strengthening the rule of law and democracy, without implementing similar measures to bolster the other branches could add to the Executive's already considerable comparative advantage over the other elements of the Cambodian government, and could lead to less, rather than more democracy.

### **B. The National Assembly**

Efforts by the National Assembly to draft legislation, to amend legislation, or even to debate it, have, at times, been controversial. The fact that the party leaders are in the Executive has also complicated the relationship between the Executive and the National Assembly. We have been informed that both FUNCINPEC and CPP party leaders have prohibited their Members of Parliament (MPs) from debating some draft legislation. Finally, although the Cambodian Constitution gives the Assembly the right to initiate legislation. Ministers have, at times, expressed hostility towards these efforts.

The Assembly lacks internal rules, qualified staff, and infrastructure definition. It has little concept of how its Standing Commission and nine substantive Commissions (the equivalent of U.S. Congressional Committees) should function. The Assembly is also a rough and tumble political body whose three largest parties engage in internal as well as internecine struggles, the substance of which are often interlinked with institutional territoriality. The risk of an LTA becoming engaged as an actor on the Cambodian political scene is very real, and potentially threatening to overall United States and ABA interests. Thus, it is a forum to be approached with great care.

At the same time, the Assembly's need for assistance is palpable. For the ABA to ignore it while enhancing the skills and abilities of the Executive risks lengthening the odds against an institution that is critical to developing the rule of law and promoting democracy in Cambodia. On balance, the Needs Assessment Team strongly believes that assistance should be devoted to the National Assembly. While the exact shape of this assistance depends on decisions to be made by USAID, specific recommendations are included.

### **C. The Judiciary**

The Judiciary, which includes judges, prosecutors, and attendant law enforcement personnel, is appointed and controlled by the Ministry of Justice, following the French model. An independent Judiciary in U.S. terms does not and perhaps will not exist in Cambodia. Nonetheless, the fundamental importance of a well-functioning Judiciary to the strength of democracy in Cambodia makes it a primary concern for the ABA as it seeks to assist the country in instituting the rule of law. At present the Judiciary is both technically and structurally very weak.

The focus on the Judiciary under the present USAID approach is through the IHRLG, which already has programs to foster judicial competency and develop judicial institutions. These programs do not cover all the bases, and the ABA's probable role within the Ministry of Justice could also be helpful in determining the overall structure and direction of judicial development. In addition, in-country ABA consultants and broader ABA resources should be available to assist in IHRLG and other training programs for judicial officials.

### **D. The Legal Tradition**

In assessing needs, priorities, and assistance implementation, the Needs Assessment Team considered the legal tradition in Cambodia, as well as current legislative initiatives dealing with commercial law, the Bar Association, and other matters. The Needs Assessment Team found no consensus among Cambodian governmental officials regarding the appropriateness of a French-style legal system based on Cambodia's legacy. On numerous occasions, Cambodian representatives expressed concern that the country's commercial laws should be consistent with those of other ASEAN nations, and requested advice on such matters.

The Needs Assessment Team further found that substantial French assistance has already been provided to important Cambodian institutions. Naturally, this legal assistance has emphasized the French legal and commercial systems, and it is not clear that other approaches have been considered. French assistance has targeted critical institutions affecting the development of law, most notably the Council of Ministers, which approves all legislation on behalf of the Executive, and the country's sole law school, the Faculté de Droit, which controls legal education. Notwithstanding the extensive use of English in ASEAN countries and elsewhere, especially with regard to commercial matters, the Needs Assessment Team notes that French language instruction is mandatory at the Faculté de Droit and as such operates to perpetuate the professional bias towards the French model. Immediately prior to the Needs Assessment Team visits, students at the Technology Institute demonstrated against the requirement for French instruction and what they perceived as the low quality of education. These demonstrations were evidence of the demand for alternative instruction, both substantively and linguistically, which appears to exist in Cambodia. The Needs Assessment Team strongly believes that the Cambodians' expressed desire for quality legal training should be promoted through the introduction of law courses taught in Khmer and English at the Faculté or through the development of an alternative institution for legal education.

## **V. ANALYSIS OF DESIGNATED TARGETS FOR ASSISTANCE**

The Needs Assessment Team concentrated on the National Assembly, the Economic Cluster of Ministries and Secretariats, and the Ministry of Justice, as well as on the future Cambodian Bar Association. The following are the recommendations regarding each of these possible assistance recipients, based on the expressed needs of the institutions themselves and an assessment of how ABA capabilities may best be utilized within budgetary constraints.

## **A. The National Assembly**

In meetings with the Needs Assessment Team, the leadership of the National Assembly has made clear its desire to receive a total of twelve advisors, one for each of the nine substantive Commissions, one for the Standing Commission and two more, apparently one for each of the two research centers it plans (the existing Legal Documentation and Research Center, an existing TAF project intended to strengthen legislative drafting skills and assist with pending legislation, and a new organization whose purpose would be to meet long range research and protocol needs). In addition, the Secretary General of the National Assembly has expressed interest in assistance for the Secretariat.

Presently, TAF provides assistance, including legal advisors, through the Legal Documentation and Research Center, as well as logistical assistance to the Secretariat and the Assembly as a whole, and it sends MPs on observation tours of legislatures in the United States and in third countries. Until recently, the Asia Foundation also provided assistance to the Human Rights Commission through a full time advisor. TAF has proposed to the Assembly the placement of additional advisors at five Commissions: the Legislation, Foreign Affairs, Human Rights, Social Welfare and Women's Affairs, and Standing Commissions. USAID has not accepted the TAF proposal, and both USAID and the Embassy have heavily underlined their desire that the ABA program include assistance to the National Assembly through an LTA.

The Needs Assessment Team believes that providing an LTA to the National Assembly can help to foster democracy and promote the rule of law in Cambodia. The Assembly's ability to consider draft legislation and to respond would be enhanced by timely access to legal analysis of the legislation. The placement of an LTA at the Assembly should enhance and make more efficient the liaison mechanism between MPs, the Commissions, the Assembly leadership, and ABA assistance to other institutions. This LTA should be a generalist available to respond to questions on all legal matters while assisting the ABA in its intention to direct a significant portion of its STA and *ad hoc* capacity to the National Assembly. In addition to solid legal skills, this LTA should be experienced in building interpersonal relations, have a strong operational and administrative orientation, and be discreet, energetic, adaptable, and patient.

The question which the Needs Assessment Team has faced, then, is where to place such an advisor. Meetings between the Assembly leadership and the Needs Assessment Team suggest that the leadership is focused primarily on assistance to the Commissions. Moreover, while the Assembly leadership has identified the Standing Commission as a place for an advisor, it has linked the role of this advisor with the mandate of the proposed new Research Center which consists of non-legal research, often focusing on issues of protocol, rather than on general legal advice. Nonetheless, the Standing Commission is a more logical place for an LTA than any of the other Commissions. We discussed this possibility with TAF and believe that the ABA can work with TAF in a complementary fashion. However, the possibility of placing an LTA at the Standing Commission is more easily presented to the Assembly leadership as part of a package that includes some of the assistance which the Assembly leadership has identified as its priorities. To avoid further Assembly misunderstanding and to increase the probability that this proposal will be accepted, the Needs Assessment Team has not negotiated the placement of an LTA at the Standing Commission. The Needs Assessment Team looks forward to USAID decisions with regard to the National Assembly and to meetings with the concerned parties which will lead to a coordinated package of American assistance.

## **B. The Economic Cluster of Ministries and Organizations**

### **1. The Ministry of Commerce (Minister Cham Prasidh, CPP; Secretary of State Lu Leysreng, FUNCINPEC)**

Over the past year, the Project has devoted considerable attention to the Ministry of Commerce, working closely with the Minister and his staff on commercial arbitration law, contract law, bankruptcy, intellectual property and, to a lesser extent, company law, commercial registration

and chambers of commerce. The Project has also provided assistance with regard to bilateral trade agreements with the U.S. and Vietnam and a transit of goods agreement with Vietnam. This assistance has been welcomed, and both the Minister and the Secretary of State have stated that there is a need for a permanent ABA presence in the Ministry. The Ministry has an extensive legislative agenda as well as an ongoing need for assistance with regard to trade agreements with other countries.

The Ministry's legislative agenda takes the form of a French-style commercial code. The first three books, dealing with Company Law, Commercial Registration, and a Chamber of Commerce, have already been sent to the National Assembly. Although the Commercial Registration and Chamber of Commerce laws have been passed, the Minister has requested immediate assistance in reconsidering some aspects of the Company Law. The rest of the Code remains at the Ministry: Intellectual Property, Bankruptcy, Commercial Contracts, Commercial Jurisdiction (commercial arbitration and commercial courts), and Product Liability. On each of these issues, the Minister has expressed interest in further ABA input.

An important issue for the Ministry of Commerce is the relationship between Cambodian commercial law and that of the ASEAN nations. The Minister has said that he would welcome ABA assistance with regard to the integration of Cambodia into the regional economy, and both the Minister and his staff have expressed strong interest in the legal systems of the ASEAN countries. The LTA might also work with the Ministry of Foreign Affairs to assist Cambodia in joining ASEAN. In addition, the Minister has expressed interest with respect to issues relating to obtaining Most Favored Nation status with the United States and to accession to the World Trade Organization and the Ministry has requested advice with respect to the legal framework for privatization.

Finally, the Ministry has several bodies attached to it to which an LTA might provide assistance: the Chamber of Commerce (the Minister has requested advice on election procedures which would govern the election of Chamber officers), and the Directorates of Foreign and Domestic Trade.

In response to direct questions raised by the Needs Assessment Team, neither the Minister nor the Secretary of State felt that French language ability was an important qualification for an LTA, although working level contacts in the Ministry were more concerned about the LTA having French language ability. The Ministry believes that English is the language of international business, and that the real concern is the absence of translations from Khmer to English and vice versa. The Needs Assessment Team agrees that legal translation is the critical issue, and that the absence of French fluency should not disqualify an LTA applicant. More significant requirements are a broad-based commercial background, and, if possible, an understanding of ASEAN and other comparative commercial practices. It is essential that an LTA have contact with the Ministries of Finance, Foreign Affairs, and Industry and Mines, as well as with the National Assembly.

## **2. The Ministry of Finance (Minister Keat Chhoun, CPP; Secretary of State Sun Chantol, FUNCINPEC)**

The Ministry has a lengthy agenda, including a privatization law, a customs code and tax law. The Ministry also already has numerous advisors, all French. The Needs Assessment Team attempted unsuccessfully to schedule a meeting with the Minister. He has now agreed to see the In-Country Director after passage of the Bar Statute. The In-Country Director will investigate options at that time, but it does not appear likely at this juncture that any options for the ABA exist at the Ministry of Finance.

**3. The Ministry of Industry and Mining (Minister Pou Sothirak, FUNCINPEC; Secretary of State, None)**

The Project has had little direct work with the Ministry of Industry and Mining. Following the Minister's request for assistance on privatization in the fall of 1994, Project inquiries determined that government policy was to remove all privatization portfolio activities from the Ministry. The Ministry was advised that the ABA Liaison would continue to pursue the subject, which it did. The In-Country Director is still seeking a meeting with the Minister, who has had a heavy travel schedule and was not available to meet with the Needs Assessment Team.

**4. The National Bank of Cambodia (Governor Thor Peng Leath; Deputy Governor Tioulong Saumara, FUNCINPEC)**

The National Bank of Cambodia, the country's central bank, is the most progressive, up to date Cambodian institution that the Needs Assessment Team observed. It appears orderly and business-like. In recognition of the role of a central bank in economic development and national stability, the Bank has had the benefit of a wide range of expert advice from the international banking community, official and unofficial, as well as a variety of bilateral assistance. There are currently six or seven foreign advisors and several Cambodian advisors at the Bank. However, this advice has been technical, financial, and administrative in nature. When the Bank recently decided to close a commercial bank for failing to meet requirements, the leadership realized that it did not know the legal procedures for doing so. The Bank has not had any legal advisors.

The legal agenda at the Bank includes a banking law drafted at the Bank with the assistance of the World Bank, as well as substantial interest in legislation being drafted and debated in other Cambodian institutions, such as codes covering commercial transactions, bankruptcy, securities, and liquidation. The Bank already has a five member Legal Section, although there are no lawyers at the Bank and only two members with legal training. The overall caliber of the Legal Section staff nevertheless appears high. The Governor has requested that the ABA provide an LTA to assist and train the Legal Section staff in legal review of documentation and legislation, and coordination with other institutions. The Needs Assessment Team believes that an LTA with international banking experience could make a highly effective, well-focused contribution to the strengthening of the Bank, building on what is already a good foundation.

**5. The Council of Ministers**

The Council of Ministers consists of the two Prime Ministers and all of the Government's Ministers, acting as the final executive body clearing house for legislation as well as the main deliberative body with regard to overall government policy. Once approved by the Council of Ministers, legislation is passed on to the National Assembly.

The Council of Ministers has a Secretariat which is the body's administrative structure. The Secretary General asserts that his is a non-political position, but he does have as a long range goal the implementation of a sweeping reorganization which would enable him to control the work flow to and from the Council. In such a restructuring, he envisages adding the support of legal, economic, and administrative advisors. The Secretary General is a Cambodian American who is very receptive to an American legal advisor (LTA), but believes that he cannot even request an advisor until his reorganization proposal, on the table for sixteen months, is approved by the two Co-Prime Ministers. He told the Needs Assessment Team that the prospect of favorable consideration for an LTA by the ABA would strengthen his hand in obtaining approval. This is a position of great potential influence on the legislative process, and the Needs Assessment Team recommends encouraging the Secretary General to inform the Co-Prime Ministers that the ABA would look favorably upon a request for assistance. The LTA, if an opening ultimately becomes available, should be highly operational, a seasoned legal generalist, and competent in French.

Attached to the Council of Ministers is the Council of Jurists, a body of lawyers and quasi-lawyers responsible for reviewing legislation coming from the Ministries. The Council of Jurists reviews all legislation before it is considered by the Council of Ministers. The Council of Jurists has too much control within the Council of Ministers and is considered by many to be a major obstacle to the legislative work of the Council of Ministers. The World Bank has proposed providing advisors to the Council of Jurists and the Needs Assessment Team sees no present role for the ABA within this office.

**6. The Cambodian Development Council (CDC) (Minister in Charge of Rehabilitation and Development Keat Chhon, CPP; Secretary General of CDC Sun Chantol, FUNCINPEC; Secretary General of CIB Ith Vichit, FUNCINPEC)**

The CDC is divided into two parts. This first is responsible for public assistance to Cambodia. The second, the Cambodian Investment Board (CIB), is responsible for overseeing private investment proposals. The legislative agenda of the CDC/CIB is limited to implementing sub-decrees for the investment law and laws or regulations on turnkey operations. The CDC also reviews individual contracts and investment proposals and related documents.

Recently, the CDC has been enmeshed in a series of high-profile political conflicts with members of the National Assembly and lower-profile tensions with others in the Government concerning large concessions regarding timber, casinos, the national airline, etc.

When the Needs Assessment Team met with the Secretary General of the CIB, it was told that the review of agreements between the CDC and private investors is conducted by a private law firm. While the Secretary General was open to assistance, his interest only applied to general legal questions and legislative issues outside of the CDC's mandate. The Needs Assessment Team therefore concludes that the CDC has no appropriate position for an LTA at this time. The Needs Assessment Team does, however recommend that the In-Country Director and the LTA assigned to the Ministry of Commerce develop contacts and continue to explore options within the CDC.

**C. The Ministry of Justice (Minister Chem Snguon, CPP; Secretary of State Uk Vithun, FUNCINPEC)**

The Needs Assessment Team determined that the most urgent need, from the point of view of the Minister, is for an STA expert in international law with specific expertise in border disputes and the law of the sea to provide advice on a maritime border dispute with Thailand. The Minister reports that exploration for oil has already begun in the sea in the very area under dispute between the two countries for some time. Discovery of oil in the contested zone would intensify the border controversy. The Cambodian government seeks an amicable settlement of the dispute, but the problem is complicated by the fact that Thailand has withdrawn itself from the jurisdiction of the International Court of Justice. In reality, the Minister may be looking for a lawyer, not an advisor, on this issue. The difference between the two concepts should be carefully explained to the Minister and, if he still wants an STA, a person with knowledge of the substantive areas referred to above should be selected and must be withdrawn as soon as the work of analyzing and advising on the legal options is completed.

The Minister also requested assistance in drafting a new Penal Code. The present LTA has worked on this Code for a year, but in its present incarnation it is based on the French Penal Code as adopted by Cambodia in the 1950s. Thus, the Penal Code risks reenacting outdated provisions largely inspired by French criminal law which France itself revised a year ago. In a Needs Assessment Team conversation with the Minister, he requested American views on the subject by an expert who could review the Code for potential problems and weaknesses and provide an American point of view. This is a project for a criminal law STA with knowledge of legal French. Knowledge of French criminal law and of recent reforms in criminal law and criminal procedure in Italy and Germany would also be helpful.

The Minister also requested a second LTA for the Ministry of Justice to assist him concerning the judiciary. Specific elements of the job would include assisting in drafting proposed laws governing the jurisdiction, functioning, and administration of the courts, including appellate courts. Some would be “organic laws,” laws implementing and required by the Constitution; others would address more general requirements. One priority should be the establishment of the Constitutional Council as specified by the Constitution. The lack of this council has already proven a handicap in that there is no forum to resolve conflicts consistent with the rule of law and constitutional supremacy. French advisors are reportedly already working on the establishment of the Constitutional Council.

The Ministry of Justice has assumed certain responsibilities, such as maintaining active control over the Supreme Council of Magistracy, which undercut the independence of the Judiciary. The Ministry is involved in selecting judges and, most likely, disciplining or removing them. The Ministry also wants to maintain control over the Bar Association. An LTA at the Ministry of Justice must be sensitive to providing legal advice on such issues to ensure that the rule of law is enhanced, and must have an acute sense of how to provide solid legal advice based on the democratic principles. Other qualifications for the position are firm grounding in organic laws dealing with the judiciary—especially with appellate courts—and experience with or knowledge of civil law. Knowledge of comparative law and competency in French would also be useful.

#### **D. The Cambodian Bar Association**

There is no Cambodian Bar Association at present. The new Bar Statute, drafted by the Ministry of Justice, is presently being debated within the National Assembly. When the law is passed and a Bar Association evolves, ABA assistance to it is clearly logical and it should receive very high priority. The In-Country Director should cultivate close relations with the new Association’s leadership, seek all avenues to promote an independent bar, and quickly examine ways in which the ABA might be able to render assistance to it. One major issue will concern the degree of control over the Bar Association by the Ministry of Justice. Another probable issue will be the effort by the French to control the Bar Association by monopolizing the educational prerequisites to entrance into the bar via the Faculté de Droit.

#### **E. Other Possible Targets for Assistance**

Although they fall outside the definition of assistance presently agreed to by the ABA and USAID, the following institutions merit additional consideration for ABA assistance, depending on the availability of additional funding:

- Ministry of Foreign Affairs
- Secretariat of Women’s Affairs
- Faculté de Droit (especially for Constitutional Law and Intellectual Property Law)

### **VI. ADDITIONAL OBSERVATIONS**

#### **A. French Influence**

The Needs Assessment Team chooses to address the role of France in Cambodia because its influence was a constant background theme in formulating this survey. Cambodia is apparently the last bastion of French culture in Asia. Vietnam has formally turned its back on its French background, language and all, and is moving towards ASEAN, where English is the *lingua franca*. Laos also seems uninterested in its antecedents. France, with the leverage of a sizable Franco-Cambodian contingent in leadership positions, a grip on the higher education system, and a subject population whose older, better educated members were educated in the French language and remain well disposed towards things French, reportedly provides about \$40 million per year in assistance to Cambodia, making it the largest single donor. This assistance has been made contingent, both explicitly and implicitly, on a wide range of Cambodian policy

decisions. And, whether there is an overall policy or merely a coincidental pattern, the Needs Assessment Team finds that French influence has, at times, both inhibited the development of Cambodian law and blocked the ABA's ability to contribute to that development.

First, a French monopoly over assistance to the Faculté de Droit has harmed the quality of legal education in Cambodia while simultaneously undermining Cambodia's prospects for establishing a competent Bar. This monopoly has consisted of the continued exclusion of American professors from the school, including two French-speaking professors associated with the ABA. Both students and Cambodian Government officials (including several Francophiles) have complained about this policy and have decried the poor quality of instruction at the Faculté. Cambodians have also been extremely critical of mandatory French language instruction and of French language legal instruction. Lectures in French, conducted by both French and Khmer instructors, are often incomprehensible to most students. Finally, students have complained about the Faculté's focus on French law, the lack of Cambodian law instruction, and the absence of courses which offer comparative analyses. These problems concern the Needs Assessment Team, both in terms of the Project's underlying goal of promoting quality legal education and of the option of LTAs teaching law.

Second, the Bar Statute, written by the Bar Association of Lyon, constitutes a clear effort to control the legal profession. The language of the law implies continued reliance on the French-controlled Faculté de Droit as the sole accredited law school. Provisional measures included in the law establish the graduates of a French-run lawyer training project at the Ministry of Justice as the first members of the Bar, a program for which French advisors at the Ministry have refused American assistance. While National Assembly members recently rejected provisions which would have established Ministry of Justice supervision over the Bar Association, French advisors have supported such control, a stance which promotes the centralization of power and discourages the establishment of independent institutions.

Third, the Needs Assessment Team is concerned by the manner in which French advisors have urged Cambodia to pass legislation. For example, the Commercial Code has been presented to the Cambodians as an indivisible whole, and French advisors have told Cambodians that the component parts of the Code are incompatible with Anglo-Saxon models, an argument contrary to modern trends. The French advisors have discouraged active debate with regard to these laws through the recent publishing of a book of Cambodia's laws which includes the entire French-drafted Commercial Code, without making any distinction between those sections already passed and those still at the Ministry of Commerce. This kind of legislative assistance disregards the Cambodian legislative process and limits the ABA's ability to contribute to the Cambodian decision making and law drafting processes.

Fourth, the territoriality of French advisors has encouraged Cambodians to treat laws like procurement contracts, with one law going to one set of advisors and another going to the other set. For example, the Minister of Justice has turned to the ABA for assistance on the Penal Code, but he has rejected any American assistance on the Civil Code, the Code of Civil Procedure, the Code of Criminal Procedure, and the organic law establishing the Constitutional Council. All of these drafts, he explains, are the responsibility of the French. This trend deprives the Cambodians of the full range of models and expertise available and prevents the ABA from bringing its resources to bear on important drafting projects.

Finally, the Needs Assessment Team experience suggests the possibility that entire Cambodian Government institutions may be off-limits to ABA assistance. For example, among the institutions which rebuffed ABA overtures was the Council of Jurists, where the Vice-Chairman is an ardent Francophile who has flatly rejected ABA assistance and refused to meet with Professor Aucoin, a French-speaking member of the Needs Assessment Team who knows the Vice-Chairman well.

This is not an issue of Common Law v. Civil Law or the Napoleonic Code. The Needs Assessment Team strongly believes that neither system has inherent advantages for Cambodia,



and that their ultimate system should combine the good points of those and other systems, but it should be a Cambodian system and should advance Cambodian ties to the international community as a whole, especially with ASEAN. French efforts to thwart the process by which Cambodians engage in comparative study, both at their Ministries and in their legal education institutions, act not only as an obstacle to American assistance but, more importantly, are contrary to Cambodia's best short and long term interests. This issue cannot be resolved by the ABA alone.

## **B. Language Training**

The demand for English language training in Cambodia is enormous. The Needs Assessment Team received unsolicited requests from the Ministry of Commerce for instruction in general and commercial English, the Ministry of Justice for legal English, and from elements within the National Assembly. The Needs Assessment Team recognizes English language training is a subject beyond its writ, but does believe that it is a demand that should be met within the framework of foreign assistance to Cambodia. English is the common language of ASEAN, and Cambodia will need to have much more widely dispersed English language skills if it is to function within this and other international bodies. Where legal English is the subject, an ABA intern might be able to provide training.

The Needs Assessment Team also believes that a parallel emphasis should be placed on the development of Khmer legal language. Without the ability to express legal concepts in Khmer, it is difficult if not impossible to develop a rule of law that is truly applicable to the Cambodian people themselves.

## **APPENDIX 1: SIGNIFICANT CONTACTS**

### **NFEDS ASSESSMENT TEAM CONTACTS**

#### **National Assembly**

Loy Sim Chheang, First Vice-President  
Mon Sophan, Vice Chair of the Legislation Commission  
Than Sina, Secretary General  
Om Radsady, Chair of Commission for Foreign Affairs

#### **Executive**

Chem Snguor, Minister of Justice  
Uk Vithun, Secretary of State of the Ministry of Justice

Cham Prasidh, Minister of Commerce  
Lu Leysreng, Secretary of State of the Ministry of Commerce  
Mao Thora, Staff of the Ministry of Commerce  
Thol Hal, Staff of the Ministry of Commerce  
Lim Sopheap, Staff of the Ministry of Commerce

Nady Than, Secretary General of the Council of Ministers  
Heng Vong Bunchhat, Vice Chair of the Council of Jurists  
Jean Morel, Economic Advisor to the Council of Ministers

Ith Vichit, Secretary General, Cambodian Investment Board

Thor Peng Leath, Governor, National Bank of Cambodia  
Pev Horn, Cabinet Director, National Bank of Cambodia  
Michael Brown, Senior Advisor, National Bank of Cambodia

#### **Other Organizations**

Rita Cauli, Expert, European Commission  
James Klein, Representative, The Asia Foundation  
Judge Lawrence Pierce, Director, Human Right Law Group Cambodian Court Training Program  
David Clark, Instructor of Law, University of San Francisco Law School

### **IN-COUNTRY DIRECTOR CONTACTS, APRIL TO JUNE 1995**

#### **National Assembly**

Pen Thol, Vice Chair of the Commission for Foreign Affairs  
Prom Virak, Chief of International Relations, Office of Protocol

#### **Executive**

Uk Vithun, Secretary of State of the Ministry of Justice  
Heng Vong Bunchhat, Vice Chair, Council of Jurists  
Nhep Bunchin, Under Secretary of State for Mines, Ministry of Industry, Mines and Energy

## **Other Organizations**

Judd Iverson, Senior Academic Advisor, University of San Francisco Law School  
Brad Adams, Chief of Law Department, United Nations Human Rights Center

## **ABA LIAISON OFFICER CONTACTS, MAY 1994 TO APRIL 1995**

### **National Assembly**

Son Soubert, Second Vice-President  
Tol Lah, former Secretary General (currently Minister of Education)  
Ahmad Yahya, Chair of Commission for Public Works, Transport, Communications, Post-Office, Industry, Energy, Mines and Trade  
Kem Sokha, Chair of Commission for Protection of Human Rights and Reception of Complaints  
Ouk Ra Bun, Chair of Commission for Finance and Banking  
Ky Lum Ang, Chair of Commission for Economy, Planning, Investment, Agriculture, Rural Development and Environment  
Chhour Leang Huot, Chair of Legislation Commission

### **Executive**

Keat Chhon, Senior Minister in Charge of Rehabilitation and Development (currently also Minister of Finance)  
Sam Rainsy, former Minister of Finance (currently member of National Assembly)  
Var Huot, former Minister of Commerce (currently Ambassador to the United States)  
Pou Sothirak, Minister of Industry and Mines  
Mok Moreth, Minister of Environment  
Chantol Sun, Secretary General of the Cambodian Development Council (CDC) (currently also Secretary of State of Finance)

## APPENDIX 2: SCHEDULES OF NEEDS ASSESSMENT TEAM MEMBERS

### Professor Louis Aucoin, May 16 to May 21, 1995

Tuesday, May 16	1200	Arrive Phnom Penh on Thai Air. Met by Tom Reynders. Proceed to Hotel Cambodiana.
	1530	Meeting with Ned Greeley, USAID Projects Director, accompanied by Tom Reynders.
	1800	Meeting with Evan Gottesman.
	1900	Dinner with Jim Klein and Rudi Jeung, The Asia Foundation, Tom Reynders, and Evan Gottesman at Déjà Vu restaurant.
Wednesday, May 17	0930	Meeting with Jim Klein.
	1430	Meeting with Than Sina, Secretary General of the National Assembly, accompanied by Tom Reynders and Evan Gottesman.
	1730	Meeting with Om Radsady at Hotel Cambodiana, accompanied by Evan Gottesman.
	1830	Meeting with Chem Snguon, Minister of Justice, accompanied by Evan Gottesman.
Thursday, May 18	1100	Meeting with Phat Mau, Legal Advisor (ABA-funded) to the Minister of Justice, alone.
Friday, May 19	0900	Meeting with Nady Tan, Secretary General of the Council of Ministers, accompanied by Tom Reynders.
	1900	Dinner with Jim Klein, alone.
Saturday, May 20	1200	Meeting with Loy Sim Chhaeng, Vice President of the National Assembly, accompanied by Evan Gottesman.
	1400	Exit Meeting with Ned Greeley, accompanied by Tom Reynders and Evan Gottesman, at Reynders Residence.
Sunday, May 21	1315	Depart Phnom Penh.

**Mr. Don Scott DeAmicis, May 22 to May 29, 1995**

Monday, May 22	1200	Arrive Phnom Penh on Thai Air. Met by Tom Reynders. Proceed to Hotel Cambodiana.
	Afternoon	Briefing by Tom Reynders and Evan Gottesman.
Tuesday, May 23	0900	Meeting with Evan Gottesman.
	1300	Lunch and with Don DeAmicis, Tom Reynders and Evan Gottesman.
	1630	Meeting with Ned Greeley, USAID Projects Director, accompanied by Tom Reynders and Evan Gottesman.
Wednesday, May 24	0930	Meeting with Jim Klein, Representative, The Asia Foundation, accompanied by Tom Reynders.
	1130	Tour of Phnom Penh, escorted by Evan Gottesman.
	1430	Meeting with Judge Lawrence Pierce, Director, Human Rights Law Group Cambodian Court Training Program, accompanied by Tom Reynders.
	1630	Meeting with Jean Morel, Economic Advisor to the Council of Ministers, accompanied by Evan Gottesman.
Thursday, May 25	0930	Meeting with Ith Vichit, Secretary General, Cambodian Investment Board, accompanied by Evan Gottesman.
	1100	Meeting with Ms. Rita Cauli, Expert, European Community Technical Coordination Bureau, accompanied by Tom Reynders (No. 1, Street 21, Tonle Bassac).
	1500	Meeting with Cham Prasidh, Minister of Commerce, accompanied by Tom Reynders.
Friday, May 26	0900	Meeting with Lu Leysreng, Secretary of State of the Ministry of Commerce, accompanied by Evan Gottesman.
	1100	Meeting with David Clark, Instructor of Law, University of San Francisco Law School, accompanied by Tom Reynders.

Saturday, May 27	1100	Meeting with Charles Twining, American Ambassador, and Ned Greeley, USAID Project Manager, accompanied by Tom Reynders and Evan Gottesman.
Monday, May 29	1000	Meeting with Mao Thora, Thol Hal, and Lim Sopheap, Ministry of Commerce Staff Members, accompanied by Evan Gottesman.
	1315	Depart Phnom Penh.

**Mr. William D. Meyer, May 23 to May 30, 1995**

Tuesday, May 23	1200	Arrive Phnom Penh on Thai Air. Met by Evan Gottesman. Proceed to Hotel Cambodiana.
	1300	Lunch and with Don DeAmicis, Tom Reynders and Evan Gottesman.
	1630	Meeting with Ned Greeley, USAID Projects Director, accompanied by Tom Reynders and Evan Gottesman.
Wednesday, May 24	0930	Meeting with Jim Klein, Representative, The Asia Foundation, accompanied by Tom Reynders.
	1130	Tour of Phnom Penh, escorted by Evan Gottesman.
	1430	Meeting with Judge Lawrence Pierce, Director, Human Rights Law Group Cambodian Court Training Program, accompanied by Tom Reynders.
	1630	Meeting with Jean Morel, Economic Advisor to the Council of Ministers, accompanied by Evan Gottesman.
Thursday, May 25	0930	Meeting with Ith Vichit, Secretary General, Cambodian Investment Board, accompanied by Evan Gottesman.
	1100	Meeting with Ms. Rita Cauli, Expert, European Community Technical Coordination Bureau, accompanied by Tom Reynders.
	1500	Meeting with Cham Prasidh, Minister of Commerce, accompanied by Tom Reynders.
Friday, May 26	0900	Meeting with Lu Leysreng, Secretary of State of the Ministry of Commerce, accompanied by Evan Gottesman.
	1100	Meeting with David Clark, Instructor of Law, University of San Francisco Law School, accompanied by Tom Reynders.
Saturday, May 27	1100	Meeting with Charles Twining, American Ambassador, and Ned Greeley, USAID Project Manager, accompanied by Tom Reynders and Evan Gottesman.

Monday, May 29	1000	Meeting with Mao Thora, Thol Hal, and Lim Sopheap, Ministry of Commerce Staff Members, accompanied by Evan Gottesman.
	1400	Meeting with Thor Peng Leath, Governor of the National Bank of Cambodia and Michael Brown, Senior Advisor to the Governor, accompanied by Tom Reynders.
Tuesday, May 30	1315	Depart Phnom Penh.