

SPEECH

Remarks by USAID Mission Director Erin Soto, National Workshop on Continuing Legal Education for Cambodia's Judges and Prosecutors

Sunway Hotel, Phnom Penh
November 29, 2006

Your Excellency Sok An, Deputy Prime Minister and Minister in Charge of the Council of Ministers;

Your Excellency Ang Vong Vathana, Minister of Justice;

Your Excellency Tep Darong, President of the Royal Academy for Judicial Professions;
Excellencies;

Distinguished Guests;

Ladies and Gentlemen.

Thank you for inviting me to speak today. I am honored to be in the presence of such distinguished guests and participants.

An independent judiciary that upholds the constitution and established laws are the hallmark of a modern, democratic nation. A judiciary that consistently rules by the laws in a fair and transparent fashion makes perhaps the greatest contribution to development of a democratic state. An educated citizenry which knows their legal rights and expects an impartial application of the law from all judges is critical to progress of any nation. No modern, democratic nation can reach its potential without an independent, honest, well-trained judiciary that upholds the Constitution and looks after the rights of the ordinary citizen.

In the last decade, Cambodia has been strengthening its justice system. During the UNTAC period in the early 1990s there were only 76 judges and prosecutors in all of Cambodia. Many of the people in this room have experienced extraordinary changes in Cambodian society and in the legal system since they began their work as judges and prosecutors. As an indicator of the progress made over the last 15 years, today Cambodia has 220 judges and prosecutors. Clearly the numbers of professionals have grown but there is still much work to be done.

USAID was very glad to have had the opportunity to assist in carrying out a national survey. The findings of the nation-wide Judicial Needs Assessment carried out by the Royal Academy for Judicial Professions identify training needs including: refresher and specialist training in criminal law and procedure; civil law and procedure; land law; marriage and family law; and ethics. They also include needs identified at the provincial level that include

training in laws on contracts, drug trafficking, trafficking in people, land and other natural resources, and women's rights.

In Cambodia and indeed throughout the Asia-Pacific region, great changes are affecting the political and economic climate. Rapid economic growth and investment are accompanied by a growing recognition of the importance of a strong justice sector. Impartial justice is commonly acknowledged as vital not only for protecting citizens' rights, but also as a framework for economic growth in a more competitive global environment.

While USAID is happy to provide this kind of training, as the person responsible for the overall management of USAID resources, I ask my staff and our partners, what will change because of this USG investment? Once judges and prosecutors receive training, will they apply what they have learned? If the answer is yes, then USAID is willing to support it but we will measure the impact of the training to ensure that the information from the training is being used in the day-to-day work of the judges and prosecutors. To the extent the training is being applied in the daily work of judges and prosecutors, USAID will continue to support the training.

Two weeks ago USAID signed a Memorandum of Understanding with the Ministry of Justice to help with court administration and other initiatives. This MOU builds on the spirit of cooperation embodied in earlier work in the judicial sector supported by USAID through our outstanding partner, the East West Management Institute.

At the request of the Royal Academy, USAID through EWMI has already delivered training courses to the current class of student judges in Land Law and Legal Research & Writing. It has also provided law books and other legal materials to the Royal Academy's law library. We expect this training and these resources will be used now and when the trainee judges take up their professional appointments in 2008.

It is true in Cambodia as it is worldwide, that no amount of capacity-building and training will improve professionals' work if their integrity and independence are compromised. In the same way, in the justice sector no amount of training will improve the work of judicial professionals unless they are confident of their independence, and equally confident about the integrity of the rule of law. Without such confidence judges and other judicial professionals are hard pressed to apply what they have learned, however good their training is. Without such confidence they may succumb to one kind of pressure or another to lower their standards, or compromise their professional ethics.

We are determined to do what we can to assist the Royal Academy, and the Royal Government of Cambodia, in ensuring an environment conducive to an independent and impartial judiciary. We were pleased to assist the Royal Government in organizing a path-breaking national workshop on judicial ethics last December. As some of you here will recall, the workshop brought together judges from Cambodia, the United States, Thailand and Indonesia to discuss the best international standards of judicial conduct.

We are committed to work with the Royal Academy and other Government institutions to ensure that judicial and legal professionals get the training needed. USAID and the United States Government are eager to assist in this process. We look forward to working with Your Excellency Sok An, the Royal Government of Cambodia, and the Royal Academy for Judicial Professions and our partners to strengthen the Royal Academy through training designed to meet the immediate needs of judges and prosecutors.

Thank you again for inviting me today. I wish you well in all your endeavors.