CCHR LANGO 4th Draft Analysis

This Analysis is written by the Cambodian Center for Human Rights ("CCHR"), a non-aligned, independent, non-governmental organization ("NGO") that works to promote and protect democracy and respect for human rights – primarily civil and political rights – throughout the Kingdom of Cambodia ("Cambodia"). This Analysis analyses the fourth draft of the Law on Associations and Non-Governmental Organizations (the “LANGO”), and focuses on the following points:

1. Any material changes since the third draft of the LANGO;
2. CCHR’s three key outstanding concerns; and
3. Conclusion.

1) Material changes

There have been several material changes between the third and fourth drafts of the LANGO. The aim of this section is not to conduct an article-by-article analysis of the new draft, but to highlight some key areas of difference, albeit in the order that the articles appear. Many articles from the third draft have been deleted, and attention will be given to those that are significant. Any changes that are deemed not to be material by CCHR – because they are cosmetic or result from re-ordering or re-phrasing – will not be discussed in this Analysis. All article references are to articles as numbered in the fourth draft of the LANGO, unless specifically stated to be otherwise.

• **Aim (Article 1):** the stated focus has changed from the registration of NGOs and associations to language that is much more civil society friendly. Article 1 now speaks about “safeguarding the rights and freedoms and promoting the movement to create associations and non-governmental organizations of Cambodian citizens in the Kingdom of Cambodia in order to protect their legitimate interests and to protect the public interests”. However, it is clear that the Royal Government of Cambodia (the “RGC”) still wishes to maintain control over civil society, as the LANGO’s aim is also stated to be to “enhance the partnership cooperation between the associations and/or the non-governmental organizations and the Royal Government of Cambodia”.

• **Purpose (Article 2):** the language has been condensed, with the purpose stated to be more about establishing the legality of associations and NGOs rather than on public interests and the right of Cambodians to establish such organizations (although such objectives are now mentioned in Article 1). No distinction is now drawn in this context between domestic and foreign NGOs, except with reference to “aid projects” (please see the discussion in section 2(1) below). Emphasis is still placed on co-operation between the RGC (“public authorities”) and civil society.
• **Scope (Article 3):** the scope of the LANGO has now been extended to all associations and NGOs “conducting activities” in Cambodia rather than just falling on those registered under the LANGO. This is a material amendment, since, according to this provision, even if an association or NGO decides not to register, it will not escape the LANGO’s application, which would seem to undermine the amendment to the mandatory registration provision (please see below).

• **Recognition of foreign associations (Article 4 and throughout):** throughout the fourth draft, it has been recognized that associations need not be domestic, with the result that when reference is made to the domestic civil society scene, the word “domestic” has been moved to sit before “associations”: “domestic associations and non-governmental organizations”. Correspondingly, reference is now made throughout the fourth draft to “foreign associations and non-governmental organizations”. It has also been recognized that associations can comprise “legal entities” and not just “natural persons”, an indication perhaps that the RGC has organized networks and/or umbrella organizations in mind.

• **Definitions of “community-based organization” and “association” (Article 4):** a definition of “community-based organization” (“CBO”) has been added to the definitions: “a group of Cambodian citizens who voluntarily agree to establish, manage and conduct its activities to serve and protect the interests within its local community”. CCHR welcomes recognition of CBOs as a separate class of civil society, yet it is now unclear what the difference in practice is between CBOs and unregistered associations. The latter may well be intended to cover organized networks of civil society groups or umbrella organizations (please see above), but such a distinction is not explicitly made. One concerning difference is that associations are now stated to be able to “conduct activities for the public interests”, much as NGOs are; the implication, therefore, is that CBOs cannot do so, which of course they should be able to. Furthermore, a CBO seems limited by this provision to conducting activities only “within its local community”. This language should be amended to read “within local communities”, so that CBOs are free to move and conduct activities wherever they choose, in accordance with their rights to freedom of movement and assembly. In any event, Article 5 exempts CBOs from having to register under the LANGO, as discussed below, so they should not be limited in any way by this law. Further clarity is required here with regard to these definitions.

• **Deletion of the mandatory registration provision but requirement to register to acquire “legal capacity” (Article 5):** while CCHR welcomes the deletion of the mandatory registration provision – belated recognition of the fundamental rights to freedom of expression and association as enshrined in the Constitution of the Kingdom of Cambodia (the “Constitution”) and the International Covenant for Civil and Political Rights (the “ICCPR”) which Cambodia ratified in 1992 and incorporated into its domestic law by way of Article 31 of the Constitution – there is some degree of uncertainty as to what is meant by “legal capacity” and what the implications might be. A further concern is the implication that organizations can no longer register and operate within the existing parameters of the Civil Code. Further clarification of this provision is required, so as to avoid misunderstandings on the part of associations and NGOs and unnecessary infringements of the LANGO.

• **Exemption for CBOs from registration under the LANGO (Article 5):** since the circulation of the first draft a year ago, CCHR has been concerned about the application of the LANGO to grassroots civil society organizations (“CSOs”) and informal popular movements. While this
exemption for CBOs appears to be a positive development, there is still room for manipulation by the authorities, as it is not clear from the fourth draft whether or not CBOs do in fact have legal capacity (which unregistered associations and NGOs do not), since under Article 5 they are not required to register. Furthermore, the phrase “unless otherwise provided for in separate laws” is of concern: it is not beyond the realms of possibility that the RGC would enact a “prakas” or other set of secondary regulations – or even another law – that would oblige CBOs to register further down the line, when there would be far less domestic and international attention on the subject, and no opportunity for the National Assembly to scrutinize such executive-sanctioned regulations. These points need to be clarified in the next draft.

- **CBO notifications (Article 5):** although, on the face of it, it is to be welcomed that only a notification rather than permission/approval is required, under the Law on Peaceful Assembly (the Demonstration Law), local authorities have misused/manipulated the prescribed notification requirement and used it as a permission requirement – the prevention or disruption of recent CCHR public forums in Prey Lang being a case in point. Although this is an application point, rather than a criticism of the LANGO itself, similar misuse/manipulation could easily occur under this law too, with the result that small groups of farmers or other local groups will simply be told that they cannot establish CBOs, and they will not have the requisite legal knowledge to challenge such decisions. The language in this provision should be clarified or deleted altogether, in order to guard against such misuse or manipulation. The fact that unregistered associations and NGOs are not subject to the notification requirement begs the question as to why CBOs are subject to it, if in fact they are exempt from the LANGO’s registration requirements (please see above). At the very least, such notifications should be optional for CBOs.

- **Streamlining of onerous registration provisions for domestic associations and NGOs (Articles 7-27 of the third draft):** some of the more unnecessary registration provisions in the third draft have been deleted in the fourth draft, with the result that the previously onerous registration provisions will be somewhat easier to negotiate. Furthermore, the registration provisions for domestic NGOs (Articles 7-18 of the third draft) and domestic associations (Articles 19-27 of the third draft) have now been consolidated to avoid repetition/duplication – a welcome amendment to the LANGO in terms of clarity. Having said that, smaller NGOs with fewer resources and capacity are still likely to find the registration process onerous to navigate, and there is an argument to say that there should be a dual system of registration that reflects the distinction between larger, national associations/NGOs and smaller, provincial associations/NGOs. Moreover, it is not clear why profiles of founding members are necessary (Article 7). Such a requirement implies that an application can be rejected on the basis of a person’s profile; in other words, the RGC could quite easily pick and choose who can start associations and NGOs, in violation of the universal fundamental right to freedom of association. This requirement should be deleted.

- **Removal of reference to “sub-national administrative institutions” (Article 6 and following):** all domestic associations and NGOs should now register directly with the Ministry of Interior (the “MOI”) rather than having the option of registering at a sub-national level (as per Article 7 of the third draft). This development encourages consistency, but might hinder efficiency if all provincial NGOs have to register centrally in Phnom Penh – the MOI might have over-estimated its own manpower and under-estimated the administrative
work involved. Furthermore, having to travel to Phnom Penh to register could prevent some isolated rural organizations from registering. The ability to register with sub-national administrative institutions should be restored.

- **Revision of unreasonable and unlawful minimum threshold requirements for associations (Article 6):** CCHR welcomes the deletion of the unreasonable and unlawful minimum threshold requirement of 11 Cambodian founding members to form a domestic association (under Article 8 of the third draft), which previously created a lacuna or “catch 22” whereby a group of under 11 people could not register as an association under the LANGO, and yet, by virtue of Article 6 of the third draft, could not exist as an association without registering. Such restrictions were in violation of the universal right to freedom of association. By reducing the threshold to three Cambodian founding members, in accordance with international standards, this lacuna is eliminated (since two people is not really even a group, by any definition). One further point however: this provision should clearly stipulate “people” (as opposed to “citizens” or “nationals”), so as not to violate the rights of non-citizens – for example displaced and stateless people, such as the Khmer Krom, and migrant workers. Article 22(1) of the ICCPR provides that “everyone” has the right to associate. This provision is at odds with the universality of the right and should be amended.

- **Deletion of excise fees for registration and registration fees (Articles 13 and 22 of the third draft, respectively):** CCHR welcomes the deletion of both the excise fees for registration and the registration fees – never clearly differentiated – which previously raised concerns in relation to transparency, proportionality, arbitrariness and consistency, not to mention the concern that such fees would serve to discriminate against and exclude those organizations with more limited resources. However, it is more than possible that the removal of the requirement to pay such fees will only further encourage corruption – already an endemic scourge in Cambodia. It would be preferable to specifically and explicitly state that no such fees will apply – perhaps also a reference in the provision to the Anti-Corruption Law as the place for punishing corrupt acts – thereby outlawing any unofficial “facilitation payments”.

- **Reduction of requirements for administrative changes (Articles 10 and 18):** CCHR welcomes the fact that now only significant administrative amendments need to be reported to the MOI or the Ministry of Foreign Affairs and International Cooperation (the “MOFAIC”), i.e., amendments in an organization’s statute (only in the case of domestic associations and NGOs), or a change of office or president/executive director. Article 44 of the third draft was more onerous in this regard.

- **Deletion of requirement on domestic associations and NGOs to provide copies of bank statements (Article 15 of the third draft):** domestic associations and NGOs are now exempt from providing copies of bank statements after registration, which is to be welcomed, although it is not clear why the RGC is more concerned with the funding arrangements of foreign organizations, which are still obliged to submit such information (Article 12) – albeit now with the opportunity to provide “proper reasons” if they are unable to honor the 30-day deadline.

- **Deletion of RGC duty to provide registration receipts (Articles 16 and 31 of the third draft):** the MOI and the MOFAIC are now under no obligation to provide registration receipts to organizations, which does cut down on bureaucracy, but at the same time raises questions of corruption again: official receipts are a good way of countering the temptation to indulge in corrupt practices. More importantly, CCHR is concerned that this deletion could mean
that organizations might be told that they have failed or omitted to register, when they have in fact already done so, with the result that they might be instructed to re-register, a process that would, at best, delay them and, at worst, prevent them from acquiring “legal capacity”.

- **RGC collaboration with foreign associations and NGOs (Article 14):** explicit reference to the fact that the RGC might decide not to support the aid projects of foreign associations and NGOs has been removed (from Article 33 of the third draft), while a foreign association or NGO that does not have partner ministries/RGC institutions will now be allowed to enter directly into a memorandum with the MOFAIC. Such steps initially appear to have been taken to facilitate the work of foreign organizations in Cambodia; however, these amendments are largely cosmetic: foreign associations and NGOs still need to “discuss and agree with partner ministries/institutions of the Royal Government on aid projects/programs before submitting an application for a memorandum”, while Article 12 requires them to submit “a letter issued by the Ministry or the institution of the Royal Government of Cambodia to support the aid projects...”. Such a high degree of prescribed government approval could quite easily be used to the detriment of international advocacy NGOs. Furthermore, included in the deletion from Article 33 of the third draft is the obligation on the MOFAIC to provide a “written explanation about the reasons for any denial [of a memorandum]”, which, while aligning the process with that applicable to domestic organizations, is highly regrettable. Transparency should be applied consistently at all levels of decision-making (please see section 2(2) below).

- **Deletion of provision on legal personality of foreign NGOs (Article 35 of the third draft):** the LANGO no longer stipulates the requirements for a foreign NGO to be recognized as a foreign legal entity, perhaps because such provisions do not affect the status of such organizations: whether or not Cambodia legally recognizes them as such, they still intend to conduct activities in Cambodia, and therefore Cambodia must deal with them as they are, whatever they are. Such provisions are also redundant in light of the existing definition of foreign NGOs in Article 4.

- **Deletion of requirement for the RGC and foreign NGOs to “collaborate” (Article 36 of the third draft):** this requirement was unreasonably onerous for foreign NGOs, and stifled their right to freedom of expression and association. CCHR welcomes this amendment, although it must be viewed in the light of Articles 12 and 14 (please see above) and the overall discrimination against foreign organizations (please see section 2(1) below).

- **Clarifications regarding the expiry of foreign organizations’ memoranda (Article 17):** certain clarifications have been made to these provisions, which should be welcomed: the memorandum are now explicitly stated to “automatically terminate on the expiry date”, which is fair enough; and the two-month safety net for foreign organizations that miss the 90-day extension deadline (pre-expiry) has been abandoned, probably because there is no reason why organizations should not be sufficiently organized to meet such deadlines. However, the requirement to “submit a request to extend the validity of its memorandum” is unduly onerous; a foreign organization should only have to notify the MOFAIC of its decision to extend its memorandum rather than obtain permission. Furthermore, the period for which a foreign organization can register has been limited to three years; a period of five years would be more reasonable.

- **New ability of the MOFAIC to terminate foreign organizations’ memoranda on various grounds (Article 17):** the MOFAIC now has the ability to terminate a foreign organization’s
memorandum on the grounds of conducting activities that “jeopardize peace, stability and public order or harm the national security, national unity, culture, customs and traditions of the Cambodian national society”, grounds that go far beyond the prohibition on foreign NGO staff engaging in similar activities stipulated in the current standard MOFAIC memorandum. Furthermore, there is no mention of the potential for de-registration of a foreign organization in the current memorandum. While this provision is not too dissimilar to what is stated in Article 52 of the Constitution – which refers to “national unity ... the good national traditions of the country ... the law ... public order and security ... [and] endeavors which improve the welfare and standard of living of citizens” – the potential for misuse, abuse and broad interpretation that this provision introduces is huge, and therefore cause for great concern for foreign associations and NGOs. It could serve to lend “legitimacy” to the RGC’s track record of expelling international advocacy and human rights NGOs from time to time (e.g., Global Witness). At the very least, the language should be amended so that it is consistent with the Constitution, but preferably should adopt the three-tier test in Article 22(2) of the ICCPR, namely that any restrictions on freedom of association should be: (i) “prescribed by law”; (ii) “necessary in a democratic society”; and (iii) “in the interests of national security or public safety, public order (ordre public), the protection of public health or morals or the protection of the rights and freedoms of others”. There is also an issue as to who would decide what activities constitute a breach of the (very broad) criteria set out in Article 17.

• **Narrowing of scope of activities which registration or signing a memorandum enables an association or NGO to conduct (Articles 22 and 23):** many of the “registration rights” (i.e., permitted activities) contained in Article 40 of the third draft (“Rights as a Legal Entity of Associations and Non-Governmental Organizations”), such as the ability to receive financial contributions, open bank accounts, lease property, etc., on an initial reading appear to have been eliminated, with only the powers to enter into contracts (Article 22) and employ Cambodian “staff or workers” (Article 23) prohibited now in the absence of registration; in other words, an organization will need to register in order to enter into contracts or to employ staff in its own name. These exclusions seem rather arbitrary: it is unclear, for example, exactly what contracts the RGC has in mind as regards Article 22. While perhaps not the most unreasonable of restrictions, since individuals are of course legally entitled to enter into contracts in their own name — although at their own personal risk and liability — these restrictive provisions should be removed from the next draft of the LANGO, since any organization should have the freedom to enter into contracts and recruit staff/workers, just as any business or individual is. However, the requirement that staff and workers be proportionate to the NGO’s aid projects (Article 41 of the third draft) has been abandoned, which is to be welcomed, as it allows organizations increased flexibility.

• **Deletion of provision concerning branch offices (Article 43 of the third draft):** the provision allowing organizations to open branch offices has been removed. Although there is nothing in the fourth draft to suggest that anything should be read into this deletion, the omission of any express permission to open branch offices does raise fears that organizations would no longer be able to do so, which is in breach of their fundamental right to freedom of association. This provision should be restored.

• **Deletion of reference to the Ministry of Economy and Finance (the “MOEF”) and the National Audit Authority (Article 48 of the third draft):** there is no longer a provision which
gives the MOEF and/or the National Audit Authority the right to examine reports on organizations’ financial status and assets; however, the deletion of this provision also entails the deletion of the requirement that such bodies provide two weeks’ notification to the organizations’ concerned. The RGC should provide clarification as to whether it still intends these bodies to retain such authority; if so, the notification provision should be restored and extended.

- **Amendment of “notification” to “request” as regards foreign NGOs and associations wanting to terminate their memoranda (Article 27):** this amendment adds a further burden to the process: foreign organizations should be free to terminate their memoranda – albeit with advanced notice – by way of notification as stipulated in the third draft.

- **Deletion of provisions relating to the enforcement of court judgments (Articles 26 and 27):** the provisions prescribing the enforcement by “all relevant competent institutions” of court judgments relating to the suspension, dissolution or termination of organizations have been deleted. It is not clear why these provisions have been deleted – perhaps because it is assumed that court judgments should and will be enforced by all concerned parties regardless.

- **Insertion of reference to “dissolution by court decisions” (Article 28):** this provision is inconsistent with the rest of the draft, referring as it does to “dissolution” of NGOs “by the courts” – almost in passing. Article 26 and the first half of Article 28 provide for voluntary dissolution, though it is clearly stated in Article 26 that written notification of such must be made to the MOI. While CCHR welcomes the suggestion that the judiciary should be enforcing sanctions rather than the executive (although, given the lack of independence of the courts, a fully independent quasi-judicial body would be much preferable), such a situation surely does not apply in the context of a voluntary dissolution, and opens up the sinister possibility – otherwise excluded from the fourth draft – that NGOs and associations can actually be fully dissolved (rather than de-registered), even if it is the courts that would make such a decision. If such a possibility was intended – rather than being a veiled reference to dissolution on the basis of criminal activities – this provision appears to allow for an additional and separate method of outlawing an organization’s activities to that provided for in Articles 30 and 31. Furthermore, the criteria for dissolution are not provided for anywhere – clearly a very disturbing omission. The result would be that an association or NGO could be dissolved altogether (with no explanation and no appeal) – it would merely be the courts and not the executive ordering it (an improvement, but only a minor one in the absence of specific objective criteria on which the courts can base a decision). Article 28 should be amended to ensure clarity and consistency, and to guard against the aforementioned fears.

- **Alteration to the procedure and penalty provisions (Articles 30 and 31):** the procedure and penalty provisions have been altered somewhat, not least the name of this chapter, which is now called “Administrative Measures”, an indication of one of CCHR’s key concerns, namely that the LANDO enables ministries (i.e., the executive) to make such important decisions as the de-registration of an association or NGO as though they were administrative measures rather than far-reaching decisions that should fall within the remit of the judiciary or, at the very least, an independent quasi-judicial body. In addition, as regards domestic organizations, the intermediary measure of a one- to three-month suspension has been removed, in favour of an additional warning period of three months in which to comply with
the requirements before a full removal from the registration list can be enforced – a new sanction under the fourth draft. The extension of the warning process is welcomed; the substitution of de-registration for the previous sanction of a one- to three-month suspension may seem draconian, but there are sufficient warning stages in place, and it is not unreasonable or disproportionate to suggest that associations and NGOs should be punished for such persistent non-compliance with the law (although there is no reason why suspension could not have been retained as a lesser sanction). However, an appeal process should be included to ensure that organizations can continue with their work. Despite these significant concerns, CCHR welcomes the level of clarity that has now been brought to these provisions.

- **Removal of sanction for “violation of organization statute or memorandum” (Article 54 of the third draft):** CCHR welcomes the removal of this sanction, since it was too vague and therefore introduced the potential for misuse and abuse, particularly with the unclear reference to punishment “according to the laws in force”.

- **Amendment to transitional provisions (Article 32):** CCHR welcomes the changes to the transitional provisions: not only is “written notification” the main requirement for continued operations – rather than the requirement to “prepare application dossiers for re-registration” as stipulated in the third draft – but the requirement to provide key organizational details is not unreasonable, given the number of “ghost” NGOs that have ceased their operations in Cambodia since 1993 but continue in name, a reality that is reflected in the amended language at the end of Article 32: “the Ministry of Interior shall consider that the domestic association or non-governmental organization has virtually abandoned its activities”. However, the MOI should be required to notify such NGOs before de-registering them, since many organizations, especially associations in remote areas, may not be aware of the requirement to submit a notification to the MOI.

2) **CCHR’s three key outstanding concerns**

1. **Foreign NGOs and associations:** The LANGO could not be much worse for foreign NGOs and associations: (i) Article 13 does not set out the grounds for rejecting an application for a memorandum, with the MOFAIC under no obligation to provide an explanation for such a decision – despite the fact that such a provision was included in Article 33 of the third draft and then removed – nor will the organization be able to appeal the decision; (ii) there is an unreasonable level of prescribed government approval with reference to Articles 12 and 14 and, according to Articles 12 and 15, foreign organizations are only entitled to implement “aid projects”, which could be used to reject or de-register foreign organizations for supposed breach of purpose if they engage in advocacy or capacity-building programs; (iii) foreign organizations are required to provide bank statements under Article 12 whereas domestic ones are not; (iv) the stipulation in Article 15 that administrative expenses – including all staff salaries\(^1\) – must not exceed 25 per cent of the foreign organization’s total budget unfairly prejudices advocacy and capacity-building NGOs and gives preferential treatment to service providers; (v) foreign

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\(^1\) The current MOFAIC memorandum only includes directors’ salaries and the salary of administrative departments as “administrative expenses”.

organizations are obliged to obtain approval at least every three years to continue operating rather than just providing notification; and (vi) Article 17 enables foreign NGOs and associations to be de-registered on various vague grounds that are open to broad interpretation and manipulation, again without clear reasons or recourse to appeal, and should be amended in line with the three-tier test in the ICCPR. Such inequality in application is indicative of the pervasive discrimination against foreign associations and NGOs and should be resisted.

2. **Registration:** Articles 8 and 13 fail to set out clearly the grounds on which a registration application can be rejected, *i.e.*, whether it can only be on the basis of the documents submitted in support of the registration application. The “legality” test set out in Article 8 is undefined and therefore open to manipulation – what does “*legality of the statute*” mean? Effectively it could refer to any law in Cambodia with which a domestic organization’s statute does not comply or other potential “legal” reasons. Applications are therefore opened up to the possibility of being rejected for any number of opaque reasons – ones which do not necessarily comply with international standards for restricting freedom of association, especially as there is no obligation on the relevant ministries to provide a written explanation for any rejection. In the case of foreign NGOs and associations (as mentioned above), there is also no recourse to appeal in such circumstances. In the case of domestic organizations, if and when an appeal goes to court, it is not clear on what basis the courts will determine if the rejection was legitimate or not. CCHR advocates for objective criteria for rejections – *i.e.*, using the three-tier test set out in the ICCPR for freedom of association, discussed in relation to Article 17 in section 1 above. Transparency should be applied consistently at all levels of decision-making, which would also be improved by the restoration of the obligation to provide registration receipts. Furthermore, there is no provision for what might happen should the MOI or the MOFAIC not process a registration within the prescribed period of 45 days. It should clearly be stated that, in those circumstances, the default position is automatic registration, otherwise organizations will be unfairly prejudiced in the event of ministry inefficiency. Finally, the registration process is still weighted against smaller NGOs, which have fewer resources or capacity to undertake a lengthy registration process or to register centrally, and there is an argument to say that there should be a dual system of registration that reflects the distinction between larger, national associations/NGOs and smaller, provincial associations/NGOs.

3. **De-registration/Dissolution:** The fourth draft grants the RGC general authority to de-register associations and NGOs as a sanction for certain violations – as per Articles 17, 30 and 31 – with no recourse to appeal. In the absence of a specific independent quasi-judicial body, such important decisions should always be determined by the judiciary rather than the executive, in order to guard against administrative and politically-based determinations – with the courts following objective and internationally-accepted criteria. While the second part of Article 28 recognizes the authority of the courts to make such decisions, this provision is inconsistent with the rest of the draft. Furthermore, Article 28 refers (potentially erroneously) to “dissolution” rather than “de-registration” – and should therefore be amended for the sake of clarity and consistency. Finally, the MOI should be required to notify such NGOs before de-registering them,
since many organizations, especially associations in remote areas, may not be aware of the requirement to submit a notification to the MOI.

3) Conclusion

CCHR welcomes the improvements made to the LANGO, especially in terms of clarity. Section 1 above shows that some of civil society’s recommendations have been listened to and implemented, which is to the credit of the RGC. As a result, the fourth draft of the LANGO is a better piece of legislation than any of the previous three drafts.

However, section 2 above shows that there are still several areas of huge concern. CCHR strongly encourages the RGC to enter into meaningful consultation with civil society to enable these final improvements to be made, with a view to agreeing a law that can be used constructively to further the development of civil society in Cambodia. CCHR is committed to taking part in such a consultation process and engaging fully with the RGC.

Regardless of how much better the fourth draft is, and of how positive the next draft might be, the wider context should be borne in mind. In its Briefing Book\(^2\) released in October 2011, CCHR outlined the threat posed by the LANGO to civil society and donor programs. This threat has not gone away; yet, the improvements to the LANGO in terms of clarity and the many welcome amendments, particularly with regard to the mandatory registration provision – however flawed it might still be – represent a notable reduction in the threat levels. The LANGO is still open to abuse, especially as regards foreign associations and NGOs, but CCHR is cautiously optimistic that the further required improvements highlighted in this Analysis will be included in a new draft of the LANGO, and that the resulting legislation will actually serve as a clear reference point for civil society in its dealings with the RGC – a tool to facilitate an “enabling environment” for economic and social development in Cambodia, rather than an existential threat to civil society as previously feared.

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