UN Rights Envoy Faces Balancing Act in Cambodia

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PHNOM PENH, Feb 25 (IPS) - A United Nations rights envoy says Cambodia must accelerate the pace of its democratic reforms, but it’s unclear how much sway he holds with a government that has become increasingly resistant to international criticism.

Surya Subedi, the U.N.’s special rapporteur on the situation of human rights in Cambodia, says he has seen encouraging developments in the southeast Asian nation. But there remain worrying trends.

Subedi faces a difficult balancing act when it comes to fulfilling his mission in Cambodia: being a vocal critic could risk alienating a government with which he must ultimately work, while underplaying key concerns could render him ineffective.

"He has all the room in the world [to criticise]," said Ou Virak, president of the Cambodian Centre for Human Rights. "But if his objective is not to offend Mr. Hun Sen and the Cambodian government, then he has no room at all."

Virak said he believes Subedi has managed to balance the two sides so far, though it may well be because a Cambodian government still dependent on international donors realises that it must tolerate his presence.

"I would like to see the government speed up the process of reform and the process of democratisation," Subedi told reporters Thursday, following a 10- day visit to the country. "If the reform agenda was sped up and if the process of democratisation was accelerated, many people would be able to enjoy their human rights, and the economic development that has been taking place in this country would be beneficial for all."

Rights groups have frequently criticised the government for its track record on land rights and freedom of speech. Local watchdog Adhoc, for example, counted more than 200 individual land dispute cases affecting more than 25,000 families in 2010.

Key figures with the main opposition party, meanwhile, are facing legal action - the party’s leader has left the country in self-exile, and another prominent member had her parliamentary immunity revoked.

In his comments Thursday, Subedi said he continued to be troubled by such problems.

"I am concerned about the narrowing of space for people to express their views peacefully and without fear, including those belonging to different political parties," he said.

The visit was Subedi’s fourth official mission here since he was appointed in March 2009.

Subedi’s predecessor, Kenyan legal scholar Yash Ghai, had a stormy relationship with Cambodia’s leaders, who did not take kindly to the envoy’s blunt critiques. By the time Ghai quit in late 2008, Prime Minister Hun Sen had taken to launching personal critiques of the envoy in public speeches.

In recent months the government has accused the U.N.’s top representative in Cambodia of meddling in its internal affairs.

Subedi has taken a more cautious approach during his visits. His criticisms Thursday were tempered by acknowledgement of what he said were positive moves.

The government, he said, recognises that it needs to reform the judiciary. Subedi has recommended that the government take steps to ensure the legal system is free from political influence - rights groups claim the government has often used the courts to silence its harshest critics. The government has also passed new legislation, including a revamped penal code and laws on demonstration and land expropriation.

Subedi said he was focused on taking a different approach than his predecessor. "Rather than looking at individual cases in isolation, I’m looking at the whole structure," he said. "Institutional approaches, structural approaches, the laws should be reformed, the legal regime should be strengthened and government policy should be improved. That’s the approach I’m taking."

Even so, the reaction to Subedi has not always been rosy.

Last September, the rights envoy issued a report highlighting what he said was a worrying lack of political independence in the legal system.

"On a number of occasions and especially in high-profile political cases, the judiciary seems to have allowed itself to be used or manipulated
for political or purely private purposes,” Subedi wrote in his report to the U.N. Human Rights Council. “The courts are not trusted by the people to provide impartial justice.”

At least one senior lawmaker objected to the findings.

"Based on my observations, Mr. Subedi is not different from Yash Ghai," parliamentarian Cheam Yeap was quoted as saying in the English-language Phnom Penh Post newspaper.

And when Subedi stated he was "disappointed" he was unable to meet with Hun Sen during a visit last June, the premier - who had called in sick - said the remark was disrespectful.

"He has been pretty diplomatic and critical at the same time," Virak said. "I think he's pretty straightforward in his criticism. He's been outspoken on some core issues that I think most of us in human rights have identified."

Whether or not that will result in substantial changes, however, remains to be seen.

In 2009, the Human Rights Council’s Universal Periodic Review (UPR) made 91 sweeping recommendations aimed at improving Cambodia’s rights record - including addressing judicial independence, rampant corruption and land evictions. Cambodia later accepted all 91 of the recommendations, though it’s unclear how the government plans to implement them, if at all.

"Is it an indication that Cambodia agrees to all of them? Or is it an indication the Cambodian government doesn't care about these recommendations and the UPR process," Virak said. "Whether Subedi’s own concerns will have an impact, I don't know."

(END/2011)