CAMBODIA
Govt Plans to Tighten Noose Around Civil Society

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PHNOM PENH, Apr 23 (IPS) - A proposed law governing NGOs in Cambodia will impose severe restrictions on civil society groups and tighten control over public discourse, critics in this South-east Asian country say.

International analysts and local groups have widely condemned Cambodia's draft Law on associations and non-governmental organisations, arguing the proposed rules foist unnecessary restrictions on freedom of expression.

Groups such as Amnesty International, Human Rights Watch and Global Witness have all called the law deeply flawed. At a donor conference in Phnom Penh this week, a U.S. official took the unusual step of publicly linking government restrictions on civil society to valuable aid funds from one of the country's largest donors.

"In these times of fiscal constraint, justifying increased assistance to Cambodia will become very difficult in the face of shrinking space for civil society to function," Flynn Fuller, the Cambodia mission director of the American development arm, USAID, said at a meeting between donors and government.

That summit was a private affair, but a copy of his speech was distributed to reporters by the U.S. embassy in Phnom Penh. Fuller warned that "an excessively restrictive" law could hurt the effectiveness of U.S. aid money.

"USAID remains concerned about the necessity of the draft NGO law and the related implications for civil society organisations to operate freely in Cambodia...we strongly urge the Royal Government of Cambodia to reconsider the necessity of the draft NGO law, and if so, to adopt a law consistent with a commitment to expand, rather than restrict, the freedom of civil society organisations to operate."

Critics say the proposed law will give the government too much arbitrary control over who can form an NGO. A briefing paper released this month by the International Centre for Not-for-Profit Law (ICNL) noted that the draft law would make it mandatory for NGOs to register and would thus ban unregistered groups.

"This means that every group of individuals who gather together with a differing level of frequency and perform the broadest variety of imaginable activities, from trekking and football fans, to chess and silk weaving groups, will be acting in violation of law," the briefing stated.

At the same time, few protections are in place that would allow denied groups a chance to appeal, meaning the draft law could make it easier for authorities to arbitrarily shut down its critics. "The absence of safeguards could have a disproportionate impact on groups that engage in advocacy, support unpopular causes, or are critical of the government."

Rights groups say recent years have seen the government grow increasingly intolerant of criticism. Leading politicians with the opposition party have been stripped of their parliamentary immunity and sued in court; opposition leader Sam Rainsy hasn't set foot in the country in more than a year after fleeing into self-imposed exile.

United Nations officials have also come under fire over the last year. The government publicly lashed out at a senior rights representative, who they accused of siding with the opposition. At one point, authorities threatened to expel the U.N.'s highest-ranking delegate to the country after he urged the government to show restraint in proceeding with a separate controversial law.

Since then, critical statements from U.N. agencies have become a rarity. Earlier this year, the U.N. granted the prime minister's wife the unusual role of National Champion for Women's and Children's Health – a move some observers saw as an olive branch to the Cambodian leader.

This week's U.S. statement on the draft NGO law was welcomed by some civil society groups, who have urged international donors to take a stronger position with the government.

"I think it's smart for donors to take a very clear stance," Ou Virak, president of the Cambodian Centre for Human Rights told IPS.
Aid money represents roughly half of Cambodia's national budget; last year, donors pledged a record 1.1 billion dollars in funding. But it's unclear whether donors such as the U.S. would follow through should the government eventually pass its NGO law without major changes.

"They have enough power to influence the government's decisions. The question is what is in their interest. Where will they draw the line? What is the value of human rights over the other forms of cooperation they're looking for," Virak said.

"The Americans' number one concern is terrorism. They need cooperation from the Cambodian government. If you look at all these priorities, you question whether human rights is up there. The answer has always been that human rights hasn't been number one and I doubt that it will be number one for most of the donor countries."

For their part, Cambodian authorities say the draft NGO law is necessary to make such organisations accountable.

"We want the NGO law to comply with accountability and transparency for the NGOs," said Phay Siphan, a government spokesman. "We understand the NGOs help Cambodia a lot as a nation. We need these people. But the NGOs also have to be protected under the law."

Khieu Sopheak, spokesman for the Interior Ministry, which would have oversight over NGO registration, said critics of the draft law should be patient.

"We're finishing the draft. It hasn't already passed and become the law yet," he said. "It will go through many stages. So I think we have more time." (END/2011)