



Joint NGO and Civil Society Position on the

Draft Law on Associations and Non-governmental Organizations

We, National and Foreign Organizations, Community Based Organizations and Associations, would like to thank the Royal Government of Cambodia (RGC) for sharing the draft Law on Associations and Non-governmental Organizations (“draft NGO Law”). Within the time provided, we have conducted consultations on the draft and prepared initial comments.

We play an important role in the development of Cambodia’s economic, health, education and justice sectors, as well as others. This role is unique in that our efforts focus directly on public welfare and fill the gap in meeting needs not fully addressed by the state or private sector. We also directly benefit the economy by employing and training people throughout the country, while dispersing millions of dollars in projects and programs that assist the people of Cambodia. Moreover, Foreign NGOs bring significant resources and knowledge to the Kingdom of Cambodia.

The draft law, however, in its current form, will restrict the work of these organizations, as it places significant barriers on their registration and implementation of their work. The effect will be to reduce funding for the many important development projects currently delivered in collaboration with the government and to reduce potential new funding sources for long-term development.

If the draft law, in its current form, will be enacted and come into effect, our significant practical concerns include:

1. Need to ensure the fundamental respect of civic rights
2. The complex registration, reporting and auditing obligations
3. The ambiguity of terms

Additionally, it is highly probable that the draft law in its current form will create a burden for the government agencies responsible for administering the new regulations, especially the Ministry of Interior (MoI) and the Ministry of Foreign Affairs and International Cooperation (MoFAIC) will be impacted. It would be to the government’s advantage to define terms and simplify processes. This simplification will also have the advantage of reducing the administrative burden on smaller, provincially-based domestic NGOs and CBOs, who are the agents of sustainable development in Cambodia.

We understand the government’s need for a legal framework to ensure the stability and security of the country, as well as to ensure that development and humanitarian aid is delivered

effectively. However, such a framework needs to ensure the freedom of citizens to engage in law-abiding activities without undue restrictions or burdens. Article 2 of the draft reflects this idea as it states its purpose is, “to promote the practice of rights and the freedoms of Cambodian citizens in forming associations and domestic non-governmental organizations in order to jointly and lawfully protect personal and public interest.”

To address our major concerns, we respectfully urge The Royal Government of Cambodia to consider the following:

- The 10 January National Consultation be the starting point in a continued dialogue between the RGC and NGOs/CSOs;
- Establish a joint working group with government and civil society representatives in order to address the issues and concerns raised in the attached Consolidated Report.

The attached report is the collective effort of more than 500 civil society organizations. This collective effort reflects the will of the international and domestic communities operating in Cambodia to make meaningful contributions to the draft NGO Law. All contributors recognize the real effect this law will have on Cambodia’s development and feel it deserves in-depth consultations with all stakeholders.

Phnom Penh, 5 January, 2011

On behalf of National and Foreign NGOs in Cambodia

- CCC
- MEDiCAM
- NGO Forum
- CHRAC