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CAFOD
55 Westminster Bridge Road
London SE23 2HS

Jeremy Browne MP
Minister of State
Foreign and Commonwealth Office
King Charles Street
London SW1A 2AH

4 August 2011

Dear Mr Browne,

Re: Urgent diplomatic intervention on Cambodia NGO Law

We are writing to you concerning a draft law on “Associations and Non-Governmental Organisations” which is due to be adopted imminently by the Royal Government of Cambodia (RGC). Our agencies are very concerned about the impact that this law will have on the ability of civil society to operate in Cambodia. We therefore request your urgent intervention to prevent its adoption, unless and until further amendments are made to address concerns. There is a small but remaining window of opportunity to do this.

Strong regulation can enable, support and strengthen civil society. However, the draft legislation as it currently stands in Cambodia will have the opposite effect. Key concerns include that the law will limit freedom of association by rendering unregistered associations illegal, and leaves the door open to subjective, arbitrary and politicized decision-making by the RGC regarding registration of NGOs. This is particularly concerning in a country with no meaningful political opposition and where we are already seeing an increase in the incidences of intimidation, arrest and prosecution by the RGC against its critics. We are including further information on specific concerns about the draft law in Annex.

Without international intervention, it is unlikely that any of these concerns will be meaningfully addressed. We therefore ask that the UK government:

- 1) **Press for the EU** to use all available diplomatic channels to stall the law’s adoption until concerns are addressed. Inter alia, the External Action Service should raise concerns about the law in its forthcoming meeting with the RGC this month
- 2) **Use all bilateral channels available** to stress the importance of protecting an enabling environment for civil society and to convey how seriously the international community views this.

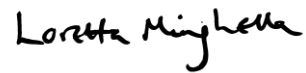
This is just one instance of a worrying trend in South East Asia and elsewhere towards the closing down of civil society space. We would also welcome information as to how the UK Government is responding to this trend.

We would be happy to provide any further information, and again, underline the urgency of action on this matter.

Yours sincerely



Chris Bain
Director,
CAFOD



Loretta Minghella
Director,
Christian Aid



Barbara Stocking
Director,
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Belinda Calaguas
Director of Policy and Campaigns,
Action Aid

Annex: Further background information

The draft “Law on Associations and Non-governmental Organizations”, aiming to regulate civil society in Cambodia, has been in development since last year and is now in its third draft, made public on Friday 29 July 2011.

Civil society organisations (CSOs) have contributed to discussion on the law including inputting to previous drafts. However, the RGC has not sufficiently taken on board these concerns and the third draft continues to raise serious concern.

Although the RGC has invited civil society organisations (CSOs) to submit written comments on the third draft, the time period in which to do this is extraordinarily short (one week). We note that the draft has already been passed on to the Council of Ministers and is likely to pass quickly to the National Assembly. Past experience has shown that once legislation reaches this stage, there is very limited opportunity for further amendments to be made. In the absence of any clear timeline, the legislation could pass at any time so there is a real need for urgent action from the international community.

There are three aspects of the law which continue to raise particular concern:

1. Registration is mandatory

Under the law any activity by a non-registered group would be considered illegal, limiting freedom of association.

2. There is an absence of clear criteria for granting or refusal of registration to both national and international NGOs

The draft law leaves the door open to subjective, arbitrary and politicized decision-making. It is important that the draft law includes clear and objective provisions governing suspension and termination, which are consistent with international law.

3. There is no appeal process for the denial of registration for international NGOs.

4. Registration is overly complex. A lengthy and heavily administrative registration process will prove challenging for smaller community based organisations and associations to manage.

As such the law is likely to have a serious negative impact on the ability of both foreign and national NGOs to operate and to hold the government accountable. This runs counter to its own stated objectives, which include to “provide for the rights for Cambodian citizens in establishing associations or domestic non-governmental organizations in order to jointly protect lawful personal and public interests”.

ENDS