

Mr. Seamus Gillespie,
Head of Unit for South East Asia,
European External Action Services,
Directorate-General of the European Commission,
Brussels.

cc. Mr. Rafael Dochao Moreno, Head of Delegation, Phnom Penh

2 August 2011

Dear Mr. Gillespie,

We would like to thank you for meeting with CIDSE members and our Cambodian partner NGO Forum on 11 July. It was a positive opportunity to exchange information about the situation in Cambodia and to share with you the specific concerns of civil society organisations (CSO) relating to the draft NGO law.

However, as you will be aware, the third draft of the law has now been made public and we are gravely concerned to see that few of the key issues raised by civil society have been addressed. We note that some positive amendments have been made relating to the registration process and that an appeals process for national NGOs has been introduced but the law still fails to consider the following fundamental issues, namely

1. Registration is mandatory and complex, rather than voluntary and simple
2. There is no appeal process for the denial of registration for international NGOs and the process for national NGOs is unclear
3. There is an absence of clear criteria for refusal of registration to both national and international NGOs

Furthermore, although the Royal Government of Cambodia (RGC) has invited CSOs to submit written comments on the new draft of the law, the time period in which to do this is extraordinarily short (one week) and we note that the draft has already been passed on to the Council of Ministers and is likely to proceed quickly to the National Assembly. Past experience has shown that once legislation reaches this stage, there is very limited opportunity for the incorporation of further changes. 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.

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You mentioned that the EC Delegation would be meeting with the RGC to discuss the law in August. In your capacity as a key development and trade partner of Cambodia, we ask you to

- 1) Use this August meeting to call on the RGC to prevent this law from being passed until the aforementioned concerns of CSOs are adequately addressed. We welcomed your commitment for the EC Delegation to meet with Cambodian civil society to feed back to them following this August meeting and would invite the Delegation to coordinate directly with the civil society core group to arrange this.
- 2) We also ask you to write to the Prime Minister and Deputy Prime Minister of Cambodia to raise these concerns directly, as well as the Council of Ministers and the Chairman of the National Assembly.

As we expressed to you in our meeting, if the legislation passes in its current form, it will significantly restrict the voice and space of civil society organisations in a country where we are already seeing an increase in the incidences of intimidation, arrest and prosecution by the RGC against its critics. In the absence of any meaningful political opposition in Cambodia, civil society serves as the only real means to hold government accountable.

The window of opportunity to ensure that this law strengthens rather than hinders civil society is rapidly closing. We recognise that this is a politically sensitive issue but ask you to use all diplomatic channels available to you to further highlight these concerns as soon as possible.

We look forward to hearing from you,

Sincerely,



Bernd Nilles
Secretary General

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