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NGOs warn law close to 'point of no return'

David Boyle

CIVIL Society groups yesterday blasted the government's drafting of the NGO law, pinpointing a lack of any "meaningful consultation" with affected stakeholders and deceptive language within the legislation itself.

The Cambodian Center for Human Rights, International Center for Not-for-Profit Law and rights group Licadho all expressed grave concerns about the third draft of the law and inadequate public consultation yesterday.

A policy paper released by CCHR said Cambodia was "fast approaching the point of no return" for the adoption of a law that had been formulated with almost no public input.

"Given the fact that the law has already been passed to the Council of Ministers, it is now highly likely that civil society within Cambodia will be denied any opportunity for the meaningful consultation which it rightfully expected and requested," the statement read.

"It would seem that the point of no return is fast approaching insofar as the law is concerned and any remain-

ing opportunities to influence its passage and content."

In a summary report on the draft released yesterday, ICNL said the latest version was "little changed" from the previous one. It also questioned the legislation's broad definition of NGOs, all of which would have to register with the government if the law was passed.

"This would seem to cover not only social service providing groups and human rights groups, but also those focused on trekking or football, chess or silk weaving," it read.

Licadho yesterday welcomed the inclusion of a mechanism to appeal rejected registrations, but said assurances from government that public concerns with the law had been addressed were completely discredited by the draft. "Most worrying is the law's lack of clear grounds for denying registration to an association or NGO. As such, there are still no safeguards in place to prevent arbitrary decision-making by the ministries," it read.

The paper questioned why an exemption from registration for "people's organisations", defined by the 1980s-era term "Ankar Moha

Chen", had been removed and replaced with misleading language.

"Article 6 has been supplemented with some essentially superfluous language in its first sentence which, if read in isolation, may mislead some to think that there is now an exception to registration. There is not," it read.

But Phay Siphon, spokesman for the Council of Ministers, said yesterday the Council of Ministers had not yet "touched the law" and would not do so until Monday. Groups would still have many opportunities to contest it and propose amendments after that, he said.

"They still have a chance to protest at National Assembly. If they don't like it they can protest at the constitutional council, if they're still not happy they can go to the Supreme Court."

Phay Siphon also dismissed concerns that the law would define almost any assembled group of people as NGOs as "exaggerated", adding it was in the public interest to regulate a sector that was sometimes prone to malpractice.

"We understand we are together trying to build a rule of law, a state of law, we are not in the jungle," he said. ■