

Intervention of the EU at the NGO-Conference held by the National Assembly on Wednesday

8 July 2015

FINAL, DELIVERED by Alain VANDERSMISSEN, Chargé d'Affaires a.i. of the Delegation of the European Union to Cambodia

Mr Chairman,

Excellencies,

Ladies and Gentlemen,

Thank you for giving the EU and the EU Member States represented in Cambodia the opportunity to input into today's debate.

As the largest grant donor to Cambodia, the EU and its Member States support a number of both domestic and international NGOs in Cambodia. Therefore, many taxpayers and politicians in the European Union are following the current debate with great interest. As a testimony of this interest, the European Parliament has placed the Law on Associations and Non-Governmental Organizations (LANGO) on the agenda for debate this week. The EU believes that, besides the support we provide to the Royal Government of Cambodia and to the private sector, EU support to civil society has been, and still is, critical to the development of Cambodia. In fact, it is hard to imagine, how our development cooperation with Cambodia could be fully effective without our partners in Cambodian civil society. Therefore the EU believes that the planned LANGO should set up an enabling environment for civil society organisations.

We are confident that most politicians in the Kingdom, no matter which party they belong to, understand the crucial role of civil society for their country and support its peaceful and constructive activities. An active civil society is a standard feature in every modern country – its existence is proof of a healthy attitude of citizens towards their country, of their readiness to identify with their society and their willingness to make their own contribution to the common good. Cambodia's Constitution contains provisions to this end. Its Article 1 stipulates a pluralist society. It would be a very important signal if those responsible for the draft law and its eventual enforcement, both in the National Assembly and in the Royal Government, expressed their commitment to pluralism.

We are aware that among representatives of the RGC and members of the National Assembly there are security concerns with regard to elements within civil society and among foreign NGOs who may affect the stability and security of Cambodia. We take these concerns seriously. We know all too well that such concerns exist in our own countries too. It is the legitimate right indeed of every sovereign nation to take adequate measures in this regard.

However, after careful analysis of the draft before us, we have concluded that few of its stipulations can justify their present wording with regard to legitimate security concerns. It seems to us that the balance between these legitimate concerns on the one hand and the constitutional rights of the members of civil society on the other hand is not right. The current Cambodian Criminal Code already contains all the necessary provisions to tackle any criminal activities that individuals may carry out under the cover of NGO activities. If the Chair so wishes, we are happy to provide specific details, either here or at a later occasion prior to the final reading in the National Assembly.

Given these shortcomings in the Draft before us, we would like to reiterate our suggestion that the deliberations on the text of the Draft be given some more time, as no doubt in the end everybody, including the Royal Government, will profit from a law that is both in line with the Constitution and practical in its application.

We also would like to recall that numerous foreign NGOs operating in Cambodia either have their home base in one of our member states, are employing our nationals and/or are funded with our taxpayers' money. Therefore we would like to point out that the law touches upon our own national interests, and we would appreciate it if this is duly taken into consideration in order to avoid any difficulties at a later stage in our cooperation with the Royal Government and NGOs.

Mr Chairman, Excellencies, Ladies and Gentlemen, I would like to conclude by repeating what has already been said last week in bilateral consultations: the EU does not question the principle of the legitimacy of a law on associations and NGOs, --but we do not support the current draft. The law needs to enable civil society organisations to contribute to a prosperous and democratic Cambodia by freely carrying out activities based on their respective mandates. This law, in principle, can provide a real opportunity to safeguard the critical work of NGOs and associations for the good of Cambodia, but in its present form, the law will stifle that work, to the detriment of Cambodia.

Thank you, Mr Chairman.