



CAMBODIA¹

In Cambodia, “civil society organization” (CSO) is an umbrella term that is used to refer to voluntary citizen’s groups, non-profit organizations, non-government organizations (NGOs), faith-based organizations, interest groups, labor and trade unions, community-based organizations, professional associations, student groups, and political parties. These organizations are heavily involved in national and international development efforts to address societal issues (UN-OHCHR Cambodia, 2015).

Civil society organizations play important roles in promoting and protecting human rights, monitoring government policies, influencing decision-making, assisting communities in expressing their concerns, and seeking government accountability. At times, CSOs also provide services for persons who are at risk or vulnerable on multiple fronts (UN-OHCHR Cambodia, 2015).

However, as in many other countries, authoritarian and populist regimes have led to the constricting of civic space in Cambodia, and have decreased the trust between CSOs and the Government (Min, et al., 2019). The performance of CSOs themselves, the lack of public awareness on CSOs, unharmonious relationships between organizations, and the lack of visibility of promotion of CSOs are among the other factors that contribute to the tightening of CSO space in Cambodia (Min, et al., 2019).

This paper was therefore prepared to: a) provide a description of civil society organizations in Cambodia, b) to assess the legal and political environment for NGOs, and c) to present recommendations on protecting and enhancing CSO space in the country.

Methodology

This study was put together using secondary and primary sources. Desk review was conducted on the topic and was supplemented with inputs from civil society workers gathered during a focus group discussion on 17 August 2022 and a key informant interview with Mr. Chea Vibol, staff of the Cooperation Committee for Cambodia (CCC) on 29 August 2022. The draft of this report was then presented to civil society organizations during a validation workshop conducted by STAR

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Kampuchea on 17 August 2022. Due to funding constraints, the study could not visibly conduct a broader interview with a large sample of the civil society and NGOs in Cambodia.

History and evolution of NGOs

During the pre- and post-Khmer regime, social groups created were religious-based associations focused on volunteerism and social services (ADB, 2011).

Following the Paris Peace Accords in 1991, a peace-keeping operation - called the United Nations Transitional Authority in Cambodia (UNCTAC) - was formed to restore peace and civil government in a country ruined by decades of civil war and cold war. It is in the same year that the first NGO was established.

During the UNCTAC period in 1992 to 1993, many more NGOs emerged, mostly focusing on human rights and voters' education activities. From 12 in 1992, the number of registered local NGOs in Cambodia increased to 595 in 1995 (Khus, n.d.). Many Cambodian organizations and institutions then were still at an extremely nascent level. Due, in part, to the availability of external funding, many of these NGOs switched their focus to development activities (ADB, 2011).

The violence of the 1997 Cambodian coup d'etat, as a result of long tensions between the then two governing parties, compelled Cambodia's emerging civil society (religious leaders and NGOs) to once again visibly work towards national reconciliation, increasing tolerance and peace. Meanwhile, the international donors were shocked at the violent authoritarian behavior of Cambodia's ruling elite, thus limiting their financial assistance to Cambodia for humanitarian purposes.

In 2009, there was emergence of CSO roles in democratic, social, economic, and political affairs of the country. It is in the same year that the Law on Peaceful Demonstration was implemented which provided that "anyone wishing to organize a peaceful assembly at any public place must notify the local authorities in writing at least five working days before the planned date of the assembly" - which widely denied civil society demonstrations in practice (The Right of Peaceful Assembly Worldwide, 2021).

Various CSOs working at the national and provincial levels have also focused their actions towards health, education, land, forestry, water and indigenous peoples' rights as well.

In late 2017, the Supreme Court dissolved the main opposition party, the Cambodia National Rescue Party, in accusations of plotting strategies with the United States

to topple the Cambodian Government. The Government has since then “cracked down on independent media; arrested trade union leaders and environmental activists; and, silenced any oppositional voices” (Sok, 2021).

Today, the number of active CSOs in Cambodia are not clearly recorded within the database of government institutions and CSOs. Reported figures for registered CSOs working across all provinces and cities and levels of government range from 4,378 to 6,268 (Neb, S., et al., 2017). A study on the *Image of Civil Society Organizations perceived by Cambodia Public* (2019) reported a figure of 5,523 CSOs in Cambodia (Min, et al., 2019).

Typology of CSOs

Several types of CSOs exist in Cambodia today. Among these are:

- **International NGOs**, which are organizations operating in Cambodia but whose headquarters are in other countries. These organizations provide humanitarian and basic services, at times in conjunction with government institutions, while also advocating for reforms in the fields of health, rule of law, and economics. International NGOs also carry out advocacy research. Some of these organizations provide support to local NGOs and Community-Based Organizations, through direct funding and capacity-building (ADB, n.d.; Khus, n.d.).
- **Local NGOs** are organizations that have originated in and whose headquarters are in Cambodia. Majority of the members of these organizations are Khmer (Khus, n. d.). These local NGOs come in the form of: (a) democracy and human rights organizations, (b) development organizations that are involved in education, health, and other activities, (c) support organizations that conduct capacity-building and organizational development training, (d) community-based organizations, and (e) organizations that conduct analytical work and advocacy research on various topics (ADB, n.d.; Khus, n.d.).

These local organizations may be based at the national or provincial levels. Most of these local organizations are funded by international organizations, with a portion of their funding coming from multilateral or bilateral agencies and from income-generating activities. Community-based organizations (CBOs) at the grassroots level receive sporadic support from international donors, and operate nation-wide or at provincial levels. Some of these CBOs are not registered with any ministry.

- **Associations** are private non-government organizations (Khus, n.d.)
- **Networks or Federations** are composed of groups of people or organizations that come together to jointly work on specific causes or issues.

These may be formal organizations or informal alliances with varied activities (Khus, n.d.).

- **Membership organizations** originate and operate in Cambodia, and are composed of members that may be Cambodian or international organizations (Khus, n.d.).

The CSO network covers all provinces and cities of Cambodia with activities focused on issues related to human rights, land, natural resource, health education, and indigenous peoples' rights.

Legal environment for developmental NGOs

In 2015, the Royal Government of Cambodia (RGC) enacted the controversial Law on Associations and Non-Governmental Organizations (No. 0415/010) or LANGO, which today governs the registration and operations of CSOs in the country.

In order to be allowed to operate, all associations or NGOs must register with the Ministry of Interior (Mol), who possesses absolute discretion in approving or rejecting registration applications. Registration also allows CSOs to avail of tax exemptions. An organization will only become a legal entity on the date of its registration with the Ministry. Operating without official registration documents may lead to criminal charges and fines.

The LANGO also requires domestic NGOs to annually submit activity reports and financial reports to the Mol and Ministry of Commerce. For foreign NGOs, activity and financial reports must also be submitted to the Ministry of Foreign Affairs and International Cooperation and Ministry of Economy and Finance.

These registration and operational requirements restrict the freedom of small groups and grassroots organizations, who are also subject to the same tedious and resource-consuming bureaucratic requirements (FIDH, 2015).

Using the LANGO as their reference, government offices have implemented stricter controls on the activities of CSOs, effectively limiting their freedom of movement. According to participants of the validation workshop conducted by STAR Kampuchea, local authorities would inspect and take photographs of CSO activities without informing the organization. They also require CSOs to submit activity and financial reports to local government offices.

CSOs may also choose to be certified by the Cooperation Committee for Cambodia (CCC), for being compliant with the standards of NGO Governance and Professional Practice (NGO GPP). From 2007 to 2019, CCC received 230 applications for NGO GPP certification, and released 60 GPP certificates. In 2021, CCC processed 14

applications, and released five (5) NGO GPP certificates (source: interview with CCC, 29 August 2022). It suffices to say that receiving this certification is no easy feat.

While this additional layer of legitimization may be useful for showing the organizational robustness of some CSOs, it also pits small CSOs against larger ones, especially in relation to accessing donor grants. Organizations based at provincial or community levels may not have the resources to undergo the accreditation process, but the lack of certification may provide the impression that these organizations are not competent enough to manage grants. On the contrary, even small CSOs have financial management policies and regulations that are required to be in place prior to their registration with the Mol (source: FGDs).

Overall, due to NGOs' critical views on and recommendations for government policies and actions, these organizations have received a negative reputation from public officials. In 2008, the Prime Minister even stated that the government would legally limit the activities of NGOs to allegedly prevent the infiltration of terrorists in Cambodia who might arrive under the guise of NGOs (Ke, 2011). Civil society organizations in Cambodia therefore face regulative policies that impact their work and operations.

The relationship between Government and CSOs

For the next two decades following the United Nations Transitional Authority in Cambodia (UNCTAC) period in Cambodia, the RGC recognized the roles of CSOs in national reforms on health, education, human rights, the legal system, social services, the environment, and women and children's rights. However, there was a breakdown in the relationship between the RGC and the CSOs during the time when the Cambodian People Party (CCP) won an election majority in 2008 (Ke, 2011) – which paved the way to the enactment of the LANGO in 2015 led by then Prime Minister to control NGO activities (Ke, 2011).

Another law seen restrictive by the CSO sector is the Law on Access to Information taking particular issue with an article (in the draft version) that says that confidential information can be withheld in certain unspecified cases. While the said concern was called on the government by CSOs, the Ministry of Information has maintained the draft and moved ahead without further revision.

These laws have increased government interference in the works of CSOs and thus presented challenges particularly in promoting and protecting human rights – subjecting human rights defenders, activists, independent media outlets, and opposition politicians to criminal charges and imprisonment (CCHR, 2017).

Conclusion and recommendations

Civil society organizations in Cambodia have flourished after the country's democratization in the 1990s. However, in recent years, CSOs have been battling the shrinking of democratic space caused by restrictive laws, decrease in funding, and heightened government interference. The issues brought out in this paper are intended to stimulate discussions on the future of NGOs in Cambodia.

Since NGOs are not-for-profit entities operating on limited resources, donor support sustains their activities. Donors play a crucial role in expanding the civic space, especially in a country like Cambodia where NGOs operate with restrictive policies. International organizations and donors must: (a) invest in the capacity-building of local NGOs, (b) provide core and not just project-based support to local NGOs, and (c) provide resources for supporting staff remuneration and not just project activities. Organizations that provide funding should also recognize the comparative advantage of smaller CSOs, being careful not to pit them against large organizations in funding opportunities, and remaining aware of their operational limitations. Donors must also engage in frequent and productive dialogues with NGOs and government, supporting as well existing donor-NGO-Government platforms, to assess NGO needs and enhance working-relations among the three sectors.

It is crucial that the distrust between the government and NGOs be mended by engaging in meaningful dialogue, restructuring existing working relationships, and looking for ways to collaborate with one another. Instead of viewing NGOs negatively, the government must also recognize the good work and positive effect that NGOs have on society. Further, the government and NGOs must review the LANGO together, as well as other policies on regulating CSOs, towards amending or striking out provisions that unnecessarily restrict operations of civil society organizations. ■

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