



Cambodia

1. The Royal Government of Cambodia (Government) expresses its gratitude to the European Union for its steadfast efforts in support of the development of Cambodia, the strengthening of its human resources and the modernization of its economy.
2. The Government is very keen to pursue and nurture further the constructive dialogue, born out of a successful partnership with the EU over the past twenty years. With that in mind, the Government has felt the necessity to dispatch a goodwill mission to Brussels, the purpose of which is to bring additional clarifications and update information pertinent to the *“List of Issues”* sent on April 30th, 2018 by the Directorate-General for Trade, the Directorate-General for Employment, Social affairs and Inclusion and the European External Action Service in the framework of the *“Enhanced Engagement on EBA with Cambodia”*.
3. The Government wishes to draw the attention of its EU counterparts to the fact that the *“List of Issues”*, as annexed to the April 30th communication, refers on numerous occasions to matters identified in reports which are more than four years old. By default, these reports could not have taken into account subsequent reforms and progress made by the Government during its 2013-2018 mandate.

To better illustrate that claim, while the communication states *“serious and systematic violations of the fundamental social rights”*, it ignores a recent report dated January of this year of the International Labour Organization’s *“Better Factories for Cambodia”* program, which underlines that *“compliance in the garment industry with working conditions regulations has improved substantially in the last four years”*. Driven by the spirit of transparency and accountability, this Government mission aims to bring the necessary updates on the latest development in the situation of Cambodia in areas pertinent to the scope of this *“Enhanced Engagement”* exercise.

4. Moreover, the Government takes careful notes that the main concerns appearing in the *“List of Issues”* are spun out of the reports and sources of the UN Special Rapporteur on the situation for human rights in Cambodia (Special Rapporteur), which are quoted more than thirty times. In fact, the harshest criticisms of the Government emanated from these secondary reports. Worse yet, we have to recognize that these reports reflect, for the main part, the point of views expressed by the main opposition party, the CNRP, and by a small group of very politically motivated NGOs. Regretfully, the explanations provided by the Government are generally not taken into account or are simply absent in these reports.

When it comes to human rights, these reports conveniently and systematically make no mention of the populist tirades of the CNRP, whose approach to opposition consists of throwing indiscriminate insults and slanders, inciting to racial hatred and xenophobia, to the use of provocations aimed at exciting nationalist tendencies and jeopardizing the peaceful relations with one of our main neighbors (falsification of treaties, fabricated maps, uprooting of border markers).

At no time were such practices, which would undoubtedly be condemned in Europe, mentioned in the reports of the Special Rapporteur. On another occasion, when the president of the CNRP declared, on May 27th, 2013, that the torture center S21 of the Pol Pot regime was “*a fabrication invented by the Vietnamese*”, this negationist proclamation was neither acknowledged nor condemned. The unbalanced, partial and biased character of the Special Rapporteur’s reports challenges their very own integrity and can only but deprive them of any credibility.

5. Sadly and quite unfairly, in a very large number of cases, the Government felt like a victim of unfounded accusations and excessive generalizations. For example, the criticisms against the law on NGOs and the Law on Political Parties, obviously highlighted in the Special Rapporteur’s reports, are based on unfounded accusations. The Government is condemned well in advance for its intent to apply certain legal provisions even before the legislation is enacted.

Again, quite conveniently, it has never occurred to the critics to mention that the various controversial provisions are in fact found in the legislations of numerous renowned democratic countries, from which our lawmakers have found as their sources of legislative inspiration. Quite ironically, it was never brought to light that the strongest criticisms came from a minority of NGOs, which openly did not see the need to even have such a law that regulates associations.

On another specific case of excessive generalization, the Government can pinpoint to the matter related to the expulsion of a foreign NGO for its one year long non-compliance of a simple statutory administrative requirements. Somehow, this matter was immediately blown out of proportion as a “*massive attack against the freedom of association*”.

Here we are talking about a single NGO. And naturally, there was absolutely no mention or credit given to the Government for the vibrant community of some 6,000 NGOs, which are operating legally in conformity with the local laws. In the same reasoning, when a press entity, operating as a private and commercial enterprise, refuses to comply with its current tax obligations and decides to end its commercial activities, it was interpreted as a “*repression of the freedom of the media*”.

To give unwarranted weight and stature to a single local news bulletin at the expenses of hundreds of newspapers, a multiple radio stations and television channels which are operating freely, is a bit harsh a criticism against the government, to say the least. The case of another news media, *The Phnom Penh Post*, is a good example. The *Phnom Penh Post* pays its tax obligations and, as we speak, is conducting its journalism business in the most unfettered way.

6. As to the actions carried out against the CNRP, his president and his leaders, the Government deems that it is acting within its sovereign rights, with the facts and the evidence clearly established. There is a conspiracy and a treasonous act of collusion with a foreign power to do a regime change through undemocratic means.

How could it be otherwise? The Government would not have acted that way if it wasn't the case, especially knowing full well the ensuing criticisms and threats from the international community. In its recent history, Cambodia was once a victim of such plot, which was at the origin of one of the worst tragedies of the last century. The Government can't take the chance to risk its country plunging again into another civil war.

7. The Government is committed to build gradually a viable democracy. It is conscious that it would require the uplift of the overall general education of its citizenry. We believe that a respect for the democratic values and practices does not come spontaneously just because a treaty has envisaged it or because it was enshrined in its Constitution. Here and in this respect, the international community can't doubt the resolute will of the Government.

It is in fact the Government which had proposed the "*culture of the dialogue*", who was vindictively rejected by the CNRP after one year of practice that had nevertheless brought positive results. The way this opposition party expressed its views does not bear even a semblance of democracy. The Government counts on the help of the European Union to properly coach people who choose public life on the proper democratic behaviors and principles.

8. The Government is quite conscious that despite considerable achievements made up to now, much more challenges remain to be tackled before Cambodia can benefit from a peaceful and respectful democracy cherished by all. In its humble view, an economic sanction on the Government and the country would not help achieve this noble end.

For more than ten years (1979-1991), Cambodia underwent the most unjust sanctions: a total embargo imposed on the survivors of one of the biggest tragedies of the XXth century. And this embargo, which punishes our people and whose consequences are still felt in the present day, in terms of the human and social resources, is perhaps the very source of the current Cambodian political drama.

To suspend the EBA because the Government chose to protect its institutions against an attempt of regime change by undemocratic means will in no way alter the will of the Cambodian authorities to give priorities to the maintenance of peace, stability and its development.

No doubt the people will suffer and the remarkable journey of the country towards sustainable development will be stopped. To suspend the EBA on Cambodia, while such similar sanctions was not applied to countries where there is no freedom of the press, where massacres took place in total impunity, where repression is the daily happening of government, would be tantamount once again to inflicting on Cambodia another terrible injustice. Why apply such treatment on Cambodia when it is not

applied to Burundi, to Equatorial Guinea, to the Democratic Republic of the Congo and in many other countries which benefit from EBA?

9. The Government has achieved during its past mandate important progress, in areas that even impressed the EU authorities. It is only fair that these tangible achievements are acknowledged and recognized, be they in the areas of land or labor. This Government mission have real proof to substantiate its claims.

Having stated that, the determination of the Government goes beyond the desire to please the expectations of its development partners. The Government wishes to work with the European Union in the realization of its ambitious action plans to solve, within a time-bound calendar, the most complex aspects of land and social related issues.

10. The Government is fully committed to make of the upcoming general election on July 29th a success for democracy. Nineteen political parties are going to oppose the ruling party, the CPP. It is worth mentioning that it is about a true democratic contest with real contenders to the present ruling party.

On the one hand, we have political parties which are longstanding opponents to the CPP. If they had not much success in the past, it is because they refused to resort to ultra-nationalist and racist populism rhetoric of the CNRP of Messrs. Sam Rainsy and Kem Sokha. On the other hand, we have also witnessed the emergence of new political parties which do not necessarily share the politics of the CPP. As a matter of fact, one of them has just announced that 60% of its 261 eligible candidates are former officials of the CNRP. We cannot deny that what is happening now is the continuum of the political pluralism.

11. The Government trusts in all its good faith in the impartiality of the European Union. As such, the Government wishes that the EU dispatch its observers to observe the electoral campaign process, the counting of ballots and seats allocations. The Government hopes that the international community would not prejudge the plurality of the electoral competition and the quality of the ballot and that any final appreciation of the entire electoral process should be done *in situ*.

Brussels, June 2018

