

APRIL 25, 2018

H.E. DR VIVIAN BALAKRISHNAN

Minister for Foreign Affairs
Ministry of Foreign Affairs
Tanglin, Singapore
Republic of Singapore

Re: Cambodia's Political Instability

Dear Foreign Minister;

We, the undersigned international and regional organizations, write to you on the occasion of the 32nd ASEAN Summit to urge your immediate attention to the severe deterioration in the state of human rights and democracy in Cambodia in recent months. Recent actions by Cambodia's government to dissolve the opposition Cambodia National Rescue Party (CNRP), effectively transformed the country into a one-party state. The arrest of Kem Sokha, the leader of the CNRP on spurious charges, the banning of over 100 opposition leaders from political activities, the arrests of political and human rights activists, restraints on freedom of expression and assembly, and the crackdown on independent news media and civil society have isolated the country and put its further democratic development in serious doubt. In addition, the ruling Cambodia People's Party (CPP) has systematically replaced local and national lawmakers affiliated with the opposition with those loyal to the ruling CPP.

These and previous actions by the Cambodian government are in disharmony with ASEAN's core principal to "promote regional peace and stability through abiding respect for justice and the rule of law," and should be seen as nothing less than a clear violation of the spirit and letter of the 1991 Paris Peace Agreement, which ended the nation's 12 year civil war. That agreement -- signed by 19 governments, including nine current ASEAN member states, required Cambodia to respect human rights as enshrined in principal international human rights instruments, and called for Cambodia to follow "a system of liberal democracy on the basis of pluralism." The accords also mandated "periodic and genuine elections...with a requirement that electoral procedures provide a full and fair opportunity to organize and participate in the electoral process."

The Paris Peace Accords of 1991 created clear legal obligations upon the signatories, which included the obligation to immediately undertake appropriate consultations with the members of the Paris Conference – in the event of violations of these Accords. As outlined in this joint letter and in past calls by a variety of stakeholders – international, regional and national – a severe deterioration in the state of human rights and democracy in Cambodia has occurred in the past year, which has led to clear violations of the Accords. We respectfully draw your attention in particular to Article 29 of the Agreement on a Comprehensive Political Settlement for Cambodia (the "ACPS"), which provides:

Without prejudice to the prerogatives of the Security Council of the United Nations, and upon the request of the Secretary-General, the two Co-chairmen of the Paris Conference on Cambodia [France and Indonesia], in the event of a violation or threat of violation of this Agreement, will immediately undertake appropriate consultations, including with

members of the Paris Conference on Cambodia, with a view to taking appropriate steps to ensure respect for these commitments.

We appeal therefore, in particular to the Indonesian Government, to request for the reconvening of such a conference or one similar in nature that will outline concrete collective actions to reverse course in Cambodia, ahead of the elections in July.

The national election scheduled for July 29, 2018 has no chance of legitimacy if present circumstances persist, and far-reaching remedial steps would be required for this election to be deemed genuine, participatory and inclusive. The rights to freedom of expression, freedom of association, freedom of assembly, and political participation, among others, are being systematically violated through amendments to the Law on Political Parties and the Criminal Code, in contravention of the Cambodian constitution and Cambodia's international human rights obligations, including under the ASEAN Charter and Human Rights Declaration, the International Covenant on Civil and Political Rights, and the Paris Agreements.

In light of the alarming and rapidly deteriorating situation for human rights, the rule of law and democracy in Cambodia, we urge you to fulfill your obligations as laid out in the 1967 Bangkok Declaration to "promote regional peace and stability through abiding respect for justice and the rule of law in the relationship among countries of the region," by working through all diplomatic channels, both formal and informal, to call on Cambodia to reverse its course. It is not too late for the Cambodian government to restore a fair environment for the July 29, 2018 national election, which will allow the Cambodian people to choose their leaders in a credible electoral process. No Cambodian government elected under the current circumstances would have any claim to legitimacy.

In order to establish the conditions in which credible elections could be held, measures the Cambodian Government must implement include: reinstating the CNRP as a legal entity; immediately releasing Kem Sokha and permitting Sam Rainsy and other CNRP leaders to return from exile; freeing all political prisoners, including civil society leaders and political activists; allowing journalists and media outlets to operate free of violence and intimidation, including VOA, RFA and The Cambodia Daily; restoring fundamental liberties including the right to freedom of expression, peaceful assembly and association. Once these conditions are met, domestic and international election observer groups should be granted free access to monitor all aspects of the electoral process, and a new election commission should be formed that includes members of the opposition.

Cambodia's backsliding also threatens to overturn the efforts of the international community, which has spent billions of dollars on Cambodia's democratic development, advancing ASEAN goals of regional stability, prosperity, and cohesiveness -- as well as the tireless work of countless Cambodian citizens -- over the past 26 years.

ASEAN can play an important role in mediation with the Cambodian government until conditions in the country show marked improvement, and there is precedent for its engagement. ASEAN issued a strong statement following the 1997 coup, and postponed Cambodia's membership application which was pending when that coup occurred. The international community and the Cambodian people have invested a great deal in efforts to build a stable, democratic and prosperous Cambodia since 1991, and we urge the ASEAN community to stand by the Cambodian people to exercise their legitimate civil and political rights as important elections approach.

Very few countries suffered more violence in the 20th century than Cambodia, and its people deserve a fair and just future, and live in "peace, stability, and prosperity" as envisioned by the ASEAN Charter.

Yours sincerely,

ASEAN Parliamentarians for Human Rights (APHR)
Asia Democracy Network (ADN)
Asian Forum for Human Rights and Development (Forum-Asia)
Asian Network for Free Elections (ANFREL)
Council of Asian Liberals and Democrats (CALD)
Human Rights Watch (HRW)
National Democratic Institute for International Affairs (NDI)

CC:

Erywan Yusof, Second Minister of Foreign Affairs and Trade, Brunei Darussalam
Prak Sokhonn, Minister for Foreign Affairs, Cambodia
Retno Marsudi, Minister for Foreign Affairs, Indonesia
Saleumxay Kommasith, Minister for Foreign Affairs, Laos
Dato' Sri Anifah Aman, Minister for Foreign Affairs, Malaysia
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