

Op-Ed

The importance of trust

Public trust is an essential ingredient of stability, as the United Nations High Commissioner for Human Rights, Mr. Zeid Ra'ad Al-Hussein explains: "A stable country is one where the people trust the government and each other." Public trust does not come about spontaneously, nor does it occur by accident. It comes from openness and frank, even if heated, dialogue. The building blocks are the concrete actions that demonstrate that the trust is merited. That the authorities permitted the peaceful unfolding of the Labour Day celebrations two weeks ago, following ominous pronouncements to the contrary, certainly counts as one. The recent release on bail of the Boeung Kak Lake activists is another; it was an encouraging way to greet the Khmer New Year, as well as a reversal of a disproportionate injustice.

In his final public statement before ending his mandate on 30 April 2015, the United Nations Special Rapporteur on the human rights situation in Cambodia, Prof. Surya Subedi, echoed the view of the High Commissioner, stating that "The reform agenda is not the business of the ruling and opposition parties alone. It is a national agenda to which people from all walks of life should have an opportunity to contribute and have ownership... [That] important laws have been enacted in recent past without meaningful public participation ... sends an unhelpful message to the public that the old ways of managing the country have not changed, and it is an injustice to the true reformers that I believe exist in both main parties ..." His final recommendation was "to open the critical process of law-making, and win over the critics – not by pushing them aside, but with the strength of your arguments and a demonstrated willingness to take the best route to solutions, no matter who they are proposed by."

In contrast, a critical law on associations and non-governmental organizations (LANGO) was reportedly just submitted to the Council of Ministers and is due to be enacted this month. On 4 May, over 300 civil society organizations active in a wide range of fields came together to ask the government to "stop and consult" them. The calls to be included are not coming from a small group of vocal organizations but encompass development NGOs, on whom the

nation is so dependent. A helpful response would be to extend an approach of openness to the enactment of laws, as some Ministries are doing, by formally integrating in the legislative process specific rules that will require transparent engagement with the public. It is a human rights obligation, as well as a useful way to build trust and ensure stability in the long term.

The current climate of uncertainty and thus distrust stems from the fact that, beyond the Government, no one knows the contents of the latest version of the draft LANGO. The same applies to a draft law on unions of enterprises. This process recalls that followed for the enactment of the three fundamental laws on the judiciary, which was criticised by many for its opaqueness and resulted in a sense that the work on guaranteeing the judiciary's independence remains incomplete.

Should there be any doubt as to whether ensuring public participation is an obligation, it is helpful to recall that Article 21 of the Universal Declaration of Human Rights, which provides that "Everyone has the right to take part in the government of his country". This has been codified in international human rights law, notably in Article 25 of the International Covenant on Civil and Political Rights. In its General Comment no. 25, the United Nations Human Rights Committee, the expert body that monitors the implementation of the Covenant, explains that citizens "take part in the conduct of public affairs by exerting influence through public debate and dialogue with their representatives or through their capacity to organize themselves." With respect to Cambodia, the Committee recommended just two months ago that it specifically "ensure transparency in the legislative process."

According to human rights standards and experience, the process is as important as the end result. The Ministry of Environment has understood this and invited national and international organizations in the most inclusive process of elaborating a draft law seen in recent years, in this case with the aim of obliging all development projects to undertake environmental impact assessments and to engage affected populations in those projects. The Ministry of Information has also understood this point and has undertaken to draft a law on access to information through an inclusive "technical working group" that includes specialized national civil society organizations as well as United Nations agencies.

NGOs have and continue to play a critical role in the Government's efforts to build quality social services; they are essential actors in supporting the majority of Ministries to deliver on the development goals, supporting the strong economic growth in the country. In doing so, reaching into the smallest and most vulnerable villages and bringing support that the Government readily admits they are neither sufficiently organized nor resourced to currently provide. Good partnership exists when there is open dialogue and frank exchange and trust is built.

It is in this spirit that the Office of the UN High Commissioner for Human Rights (OHCHR), United Nations Children's Fund (UNICEF), the UN Population Fund (UNFPA) and UN Women have come together to encourage that the draft LANGO be shared as soon as possible, that genuine consultations on it be conducted and the recommendations genuinely considered prior to its finalization. We stand ready to support the Government and civil society in the conduct of an open and genuine consultation on this and all draft laws of central importance to the realization of human rights.

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