

Joint statement – CSOs call on the Royal Government of Cambodia to repeal the sub-decree on the establishment of the National Internet Gateway

Friday, February 19, 2021

We, the undersigned civil society groups, are seriously concerned about the sub-decree on the establishment of the national internet gateway (NIG) issued on Monday, 16 February, and call on the government to immediately repeal this sub-decree.

The enforcement of this sub-decree by government authorities will restrict the fundamental rights and freedoms of people, especially the freedom of expression, the right of access to information, the right to privacy, and online democratic expression. It will also restrict competition between internet service providers (ISPs) in Cambodia, which will harm the country's economic development.

Some articles of the sub-decree, especially Articles 6, 12, 13 and 14, are broadly written, not clearly defined and harshly restrictive of the fundamental freedoms and rights of all internet users, as well as the competitiveness of telecommunication operators in Cambodia.

In fact, Articles 6 and 12 of the sub-decree force any operator(s) of the NIG to collaborate with the Ministry of Posts and Telecommunications, the Telecommunication Regulator of Cambodia, and relevant ministries or institutions to take action in order to censor and disconnect any network connections that affect the national revenue, security, social order, morality, culture, traditions, or customs. This article is broadly and vaguely defined. It can be broadly interpreted by authorities and wielded against human rights activists, local community members, or any people who express opinions criticising the government online and through social media, by authorities deciding that those criticisms affect the social order, morality, culture, tradition, or customs.

Aside from these concerns, the lack of clear definitions in these articles also empowers the authorities to easily take action to restrict access to information online, or to block websites or social media networks that authorities label as dissenting or critical, even if those websites and social media networks provides independent news or information to the public.

Actions taken under this sub-decree may violate the right to access information, a right which the government has previously acknowledged when drafting and holding consultation forums on the draft Law on Access to Information.

Article 14 requires the operator(s) of the NIG to retain technical records, a list of the allocation of IP addresses, and identification of the route of traffic through the NIG for 12 months. This means the operator(s) of the NIG can track the activities of all internet users in Cambodia, including a user's browser as well as unencrypted search history for up to one year. The overly long duration that these records must be retained will violate the right to privacy of internet and social media users in Cambodia.

In addition, this sub-decree will have negative effects on the economy, especially hurting competitiveness in Cambodia's developing digital sector. The NIG will hurt ISPs' ability to compete to provide fast internet speeds for all Cambodian people, and will hurt the ability of ISPs to operate on a level playing field . We believe the establishment of the NIG will empower authorities to intervene in the operations of private ISPs, which can facilitate or allow any ISP who has a close relationship with the authorities or powerful individuals to provide internet speeds faster than other ISPs. We are concerned that this sub-decree will become an obstacle for technology companies and become a reason for investors to not invest in, or even leave, Cambodia's online sector. In addition, if private companies are forced to leave, the burden of paying

the service fees of internet usage will increase and fall upon internet users, and the quality of internet service will decrease.

We suggest that the government repeals this sub-decree immediately to ensure respect for fundamental freedoms, safe and quality internet access for all Cambodians, and benefits for the national economy, in accordance with the Constitution.

Signed,

1. 197 Land Community (Koh Kong)
2. Activities for Environment Community (AEC)
3. Areng Indigenous Community (Koh Kong)
4. Andong Trabek Land Community (Svay Rieng)
5. Boeung Pram Community (Battambang)
6. Building Community Voices (BCV)
7. Buddhism for Peace Organization (BPO)
8. Cambodian Food and Service Workers' Federation (CFSWF)
9. Cambodian Human Rights and Development Association (ADHOC)
10. Cambodian Center for Human Rights (CCHR)
11. Cambodian Center for Independent Media (CCIM)
12. Cambodian Journalists Alliance Association (CamboJA)
13. Cambodian League for the Promotion and Defense of Human Rights (LICADHO)
14. Cambodian Institute for Democracy (CID)
15. Cambodian Youth Network (CYN)
16. Cambodia Youth and Monk Network (CYMN)
17. Center for Alliance of Labor and Human Rights (CENTRAL)
18. Chek Meas Land Community (Svay Rieng)
19. Chi Kha Kraom Land Community (Koh Kong)
20. Chi Kha Leu Land Community (Koh Kong)
21. Chray Indigenous Community (Ratanakiri)
22. Community Peace-Building Network (CPN)
23. Equitable Cambodia (EC)
24. Haong Samnam Community (Kampong Speu)
25. Independent Democracy of Informal Economy Association (IDEA)
26. Independent Monk Network for Social Justice (IMNSJ)
27. Kleang Tuek 78 Community (Siem Reap)
28. Kouy Indigenous Community (Preah Vihear)
29. Land Community (Pailin)
30. Lor Peang Land Community (Kampong Chhnang)
31. Mean Chey Land Community (Svay Rieng)
32. Ou Vor Preng Community (Battambang)
33. Peace Bridges Organization (PBO)
34. Phum Phsar Kandal Land Community (Banteay Meanchey)
35. Phum Sela Khmer Land Community (Banteay Meanchey)
36. Ponlok Khmer (PKH)
37. Prey Lang Community Network (PLCN)
38. Rural Cambodia Technological Support Organisation (RCTSO)
39. Sahmakum Teang Tnaut (STT)
40. Steung Khsach Sor Forestry Resource (Kampong Chhnang)
41. Ta Noun Land Community (Koh Kong)
42. The Cambodian NGO Committee on CEDAW (NGO-CEDAW)

43. Youth Resource Development Program (YRDP)
44. Transparency International Cambodia (TIC)
45. ActionAid Cambodia
46. Coalition of Cambodian Farmers Community Association (CCFC)
47. Committee for Free and Fair Elections in Cambodia (COMFREL)
48. Cambodian Alliance of Trade Unions (CATU)
49. Cambodian Tourism Workers Union Federation (CTWUF)
50. Independent Trade Union Federation (INTUFE)
51. Labor Rights Supported Union of Khmer Employees of Naga World (L.R.S.U)
52. Free and Independent Trade Union Federation (FUFU)
53. The Building and Wood Workers Trade Union Federation of Cambodia (BWTUC)
54. Workers' Solidarity Strength Independent Union (WSSIU)
55. Coalition of Cambodian Apparel Workers Democratic Union (C.CAWDU)
56. Cooperation Committee for Cambodia (CCC)
57. Klahaan
58. Advocacy and Policy Institute (API)
59. People Center for Development and Peace (PDP Center)
60. Overseas Press Club of Cambodia (OPCC)
61. International Federation of Journalists (IFJ)
62. Community Legal Education Center (CLEC)