



Observations and Recommendations of the SEAPA Dialogue Mission to Cambodia

The Southeast Asian Press Alliance (SEAPA) visited Phnom Penh, Cambodia on December 4 and 5, with the objective “to dialogue with local media stakeholders, including journalist groups, government agencies and Southeast Asian embassies on the situation of the media in Cambodia.”

SEAPA organized the dialogue mission in view of international concern on the media situation in Cambodia after the closure of one of its independent newspapers, the *Cambodia Daily*, and the shutdown of programs affecting some 30 local radio stations, particularly those broadcasting content from Radio Free Asia (RFA), Voice of America (VOA), and Voice of Democracy (VOD). These closures of independent media outlets occurred less than one year ahead of national elections in July 2018.

The group was comprised of representatives from SEAPA member organizations from five Southeast Asian countries: Indonesia, Myanmar, Philippines, Thailand and Timor-Leste. Participants met with local and foreign journalists; a journalist association; the Minister of Information of Cambodia, Khieu Kanharith; and other stakeholders. The mission also extended solidarity with SEAPA members, the Cambodian Center for Independent Media and the Cambodian Center for Human Rights.

From the activities of the mission, SEAPA is sharing the mission’s observations and recommendations to different stakeholders on the media situation in the Kingdom of Cambodia.

General climate of the media

The mission is concerned about the apparent lack of response from the media community and the general public about the situation and its impact on press freedom in the country. The impression obtained by members of the mission is one of the absence of a pushback from the incidents of August -September 2017.

Before the mission, SEAPA has rarely heard of responses from local journalist groups on the recent incidents, considering their scale and the potentially lasting impact of the closure of one major newspaper, suppression of content from radio news providers or criminal charges against journalists. These closures were precipitated by issues that according to persons interviewed by the mission, are “simply” implementations of the laws on taxation, or obligations of radio license

holders or content providers. There seems to be an assumption that there is no immediate and pressing threat to press freedom in Cambodia.

On the other hand, the Minister of information reassured the delegation that press freedom exists in the country because “no journalist has been killed, no journalist has been arrested and no media outlet has been shut down or blocked.” Such statement gives an appearance of normalcy on the press freedom situation.

Further, interviewees described a cycle of restrictions on the media around the period of elections. The recent events have been framed in the context of this political cycle, even though the events of August-September are more severe and happened earlier than previous restrictions.

The mission cautions the journalist community to further evaluate their sense of normalcy on the situation.

Use of technical rules to shut down media outlets

Various stakeholders interviewed by the mission point out that media outlets have been shut down due to the implementation of rules that either fall outside the media regulation or, as in the case of broadcasting regulations, should have been implemented from the outset. For instance, the Cambodia Daily decided to shut down because of a tax bill amounting to US\$6.3 million, which is an excessive amount by local standards for a media company. Meanwhile, the RFA, VOA, VOD and other content providers were also stopped in relation to “unimplemented rules” on the need for permits for content providers, and the obligation of radio frequency license holders to report on third-party purchase of airtime.

The mission is concerned about the threat of seizure of assets or immediate shutdown as first resort to what are described as technical issues presented as ordinary government procedure. Proceedings should have been conducted in a transparent, fair, and consistent manner so that these do not appear as directed attacks on selected media outlets.

Cambodia also uses penal laws over the 1995 press law for alleged offences committed by journalists in relation to their work. For instance, two RFA reporters were recently charged with ‘espionage’ for allegedly continuing to provide news reports to their former employer. The serious charge is a form of intimidation to other journalists in the country, particularly freelancers. Furthermore, the mission found it curious that government prosecutors opted to file charges of espionage, which is by legal tradition a crime that is committed when a country is at war.

Press card issuance and validity

The mission learnt of the short validity of, and in some cases difficulty in obtaining press cards from the Ministry of Information. These cards are a requirement for journalistic practice in Cambodia.

The short validity of the press card -- with some issued with a validity of only three or six months -- can be a point of control by the Ministry of Information over journalists to regulate their work and role to inform the public. Indeed, some reporters told the mission about experiences of difficulty in obtaining their cards as they are associated to specific critical media outlets. The Ministry's role in its issuance is also prone to misuse by unscrupulous persons that can abuse their identity as journalists. For example, we were told of cases of journalists being arrested for blackmail after demanding bribes from illegal loggers in exchange of non-publishing of news stories about the latter.

In other countries in the region, journalists and media associations play a role in vetting their colleagues to obtain press cards. This practice is more transparent, and adds a layer of responsibility to certain groups in ensuring the integrity of the profession. The mission reiterates that practice of journalism must not be regulated by government and should instead be governed under the principles of media self-regulation to uphold ethics and professionalism.

Sale of airtime

Unimplemented rules on the obligation of radio license holders to report on the sale of airtime to content providers have been invoked in the previously-cited closures of a number of radio programs. The role of the affected news content providers are much appreciated in upholding the critical role of the media in public information. However, there is a tendency for some license holders to solely rely on such practice as a source of content, providing a less-costly, easier source of income compared with actual content production.

Members of the mission stress the need for more clarity and consistency on the rules governing the sale of airtime to content providers. The practice of selling airtime provides a diversity of content in Cambodia broadcast media but is prone to abuse as airtime buying can be vulnerable to monopolistic control by the private sector. Members of the mission stress the need to assess and set clear guidelines among broadcast license holders to ensure diversity of content and that news related programs adhere to ethical standards of the practice of journalism.

Collaboration amongst journalist associations

There are more than 30 media associations, including 17 journalist associations in Cambodia, and each seem to be working independently of the others. Such a situation has prevented the sector from establishing a Press Council in the country to promote self-regulation. Because of this, many functions of the practice of journalism have been left in the hands of state authorities,

from the issuance of press cards, and regulating content providers, to calling out ethical lapses and addressing corrupt practices.

The mission emphasized several times the importance of establishing a common and independent Press Council, essential in creating a healthy media environment. Such a self-regulating body must function primarily through the cooperation of journalist associations in order to reduce state interference in the practice of journalism in Cambodia.

Government interference in newsrooms

During our meetings with local journalists, the mission discovered that the government issued letters directly to the newsroom regarding news content that is disagreeable to the state. Such letters are perceived as official warnings that serve as boundaries to what constitutes acceptable reporting by the standards of government. Although a mechanism to enforce such warnings does not seem to exist, these are still are a form of pressure or intimidation to influence newsroom decisions.

Media ownership and independence

Cambodia is one of the few countries in the region that allows foreign ownership of media companies. It reflects a more liberal media policy that provides an opportunity for diversity of content, not found in other Southeast Asian countries. However, the recent events point to a trend of pressure or targeting foreign journalists and media outlets that provide critical news. It is important for government to support the role of the media in providing information and facilitating public opinion, so that they must accord impartial treatment to journalists regardless of nationality and media affiliation.

On the other hand, the trend for media outlets owned or run by local entities seems to hew closely to the political realities of the country, comprising of allies of the ruling party or to a lesser scale the opposition. While respect for political opinion or belief of journalists must be upheld, members of the mission caution about the overly politicized media environment which could be dangerous for the country, especially in the context of the current situation. It is important for journalist associations not to be directly involved in political activities, and not to be used as political tools by both the government and opposition. Such a politicized press environment jeopardizes the public perception of the media and its role to play in society.

Recommendations

To reiterate, the mission puts forward the following recommendations arising from its observations above:

For the Cambodian government:

1. Refrain from using criminal and other laws to prosecute journalists for acts committed in relation their work. The 1995 Press Law must be the primary set of rules that should govern journalistic practice in the country.
2. Lengthen the validity of and involve media groups in the process of issuing press cards to journalists. Media and journalist associations must play roles in such issuance, in order to reduce the monopolistic role of the government that has resulted in regulation of issuance, or corruption and misuse.
3. Clarify the rules in relation to the sale of airtime, and implement these rules fairly across all content providers.
4. Immediately finalize and enact a Right to Information Law that is in line with international standards in order to better support press freedom and strengthen the rights of citizens to participation in government. Such a law will be especially useful in the context of the upcoming national elections in 2018.

For journalists and media associations:

1. More vigorously assert the rights to press freedom in the face of creeping control of the media.
2. Unite for the formation of a Press Council in the country that will promote media self-regulation, instead of handing control over the media to the government because of the inability to unite for the benefit of the Cambodian people. We can also emphasize that the press councils would enable multi-stakeholder involvement that would include the public and civil society organizations in determining lapses in the media and fostering a press community that is critical yet ethical.

As a regional organization, SEAPA will continue monitoring the situation and engaging relevant stakeholders in the country. SEAPA will strengthen cooperation with different journalist groups to promote its advocacies on journalist safety, media independence and pluralism in the local context to protect and defend press freedom in Cambodia.

In closing, the mission also appreciates the effort from both the government and journalist associations and other stakeholders in dialoguing with members of the mission to arrive at a better understanding of the situation, as well as strengthen relationships for future cooperation to promote press freedom in Cambodia.

CONTACT

Southeast Asian Press Alliance (SEAPA)

Unit 4D Thakolsuk Place

#115 Ranong 2 corner Terddamri Road, Dusit

Bangkok 10300, Thailand

Office Tel: +66 2 2435579

Office Fax: +66 2 2448749

e-mail: seapa@seapa.org