

Chapter 64

Information Technology and the Law: The Case of Cambodia

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ABSTRACT

In today's globalized society, it is impossible for any country to be isolated and remain disconnected from the information chain. The purpose of this chapter is to highlight the growth of information technology and related laws in Cambodia. Additionally, this chapter gives readers an overview of laws related to information technology, explores how information technologies are transforming Cambodian society, and how the Cambodia government interacts with these technologies. This chapter recommends two main actions that Cambodia can implement to enhance freedom of information: honor the guarantee of freedom of expression by ensuring that Internet filters are not introduced and censorship of critical Websites is not allowed and create a clear legal framework that protects and promotes freedom of expression on the Internet. Limitations on Internet content should only be introduced in accordance with international human rights standards.

INTRODUCTION

In today's globalized society, it is financially impossible for any country, particularly developing countries, to be isolated and remain disconnected from the information chain. The rapid development of the internet and other information technologies has led to the growth in electronic communications, social networking, and trade in digital content such as movies, music, and software. Information technology also provides a significant space for political groups, civil societies, and other organizations to have their voices heard. At the same time, however, it also provides a very dangerous space for extremists and terrorists to destroy a society or attack a government.

Like other developing countries, Cambodia is a newcomer to information technology. Unlike the United States, Europe, and Japan, Cambodia lacks a strong influence over world affairs. However, the

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arrival of information technology may precipitate a crisis for Cambodia if attention is not directed toward the effect of rapidly-changing information technology on the Cambodia economy and society.

Cambodia has transitioned from a devastated and war torn zone to a nation with a promising future. As a fledgling democracy, Cambodia began to open and liberalize its economy in the early 1990s and has continuously pursued its integration policy to become part of the world by joining the Association of Southeast Asian Nations (ASEAN), the World Trade Organization (WTO), and the World Intellectual Property Organization (WIPO). Cambodia adopted, or is committed to adopting, dozens of laws in support of its bids to join ASEAN, WTO, and WIPO. The adoption of these laws ensures compliance with the requirements of the legal frameworks of these international bodies, and the conditions and commitments agreed upon between Cambodia and other members (Samreth, 2011).

The purpose of this chapter is to highlight the growth of information technology and related laws in Cambodia. Additionally, this chapter gives readers an overview of laws related to information technology, explores how information technologies are transforming Cambodian society, and how the Cambodia government interacts with these technologies. This chapter is currently the only information in the English language about these issues in Cambodia. There are also no up to date English language publications with respect to information technology and laws in Cambodia. Therefore, this chapter will not only be helpful to foreign readers who are interested in the development of information technology in Cambodia, but also to Cambodian readers who work with foreign clients as private lawyers or as foreign counterparts and legal staff in government or in private institutions.

Section two of this chapter highlights that globalization and information technologies are here to stay, how these technologies open Cambodian society, and how they have created unprecedented opportunities and challenges for Cambodia.

Section three of this chapter provides an overview of a number of related laws and regulations. Section three also illustrates that some important laws and regulations regarding the development of Cambodia's information technology infrastructure are missing.

Section four examines the problems Cambodia faces. This section focuses on how Cambodia interacts with information technology. This section also explores the extent to which information technology, namely mobile phones and the internet, are used in Cambodia; particularly, how they are used to promote democracy and respect for human rights. This study is based on field interviews conducted between September 1st, 2012 to September 29th, 2012 and closely examines the most recent developments in Cambodian information exchange.

Concluding remarks will be made in part five of this chapter. The Goal of this chapter is to provide relevant and applicable lessons to other developing countries with similar circumstances, with the hope that they may draw from Cambodia's experiences.

GLOBALIZATION AND INFORMATION TECHNOLOGY

Background

Cambodia has a long history of alternating between glory, war, and peace. Cambodia was known as the Empire of Khmer. The Empire of Khmer reached its height during the Angkor era (802-1431). Angkor's glory did not last very long as the empire continued to decline, losing its territory and independence to its neighbors--eventually the kingdom became a protectorate of France (1863-1953). After coloniza-

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