



# IJCSL NEWSLETTER

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## ANTI-TERRORISM CASES AND LEGISLATION

### **MALAYSIA—ANTI-TERRORISM LAWS TO BE REVISED OR REPEALED**

Prime Minister Najib Razak of Malaysia has promised to abolish two contentious security or anti-terrorism laws that allow for detention without trial and to relax a law governing the media in what analysts say is an attempt to revive his public support before elections that could be called by early next year.



Mr. Najib announced that he would repeal the laws, the Internal Security Act, which allows indefinite detention, and the Emergency Ordinance. Human rights groups say the laws have been used to silence critics of the government. He also said that he would propose changes to rules for the media so publications would no longer have to renew their printing licenses annually, and that the government would review laws relating to freedom of assembly. The two security laws would be replaced with new legislation, Mr. Najib said. “The new law will provide for a substantially reduced period of detention by the police compared to what we have now,” he said. Important details of the legislation have not been released, including how long people might be detained without trial under the new laws. See <http://www.nytimes.com/2011/09/17/world/asia/malaysian-prime-minister-says-he-will-abolish-2-security-laws.html?ref=asia>.

### **U.K.—CHARITY COMMISSION CONCLUDES CRESCENT RELIEF CASE**

According to its Press Release, The Charity Commission became aware in August 2006 of media allegations linking Crescent Relief with a conspiracy to commit terrorist offences. The police examined this issue and the charity as part of its wider investigation known as Operation Overt. Due to the serious concerns about the charity and individuals connected to it the Commission opened a statutory inquiry on 22 August 2006. As a result of Operation Overt, no individuals connected to the charity were convicted of



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terrorist offences. The inquiry looked at: whether funds of the charity, or funds raised on its behalf, had been used unlawfully, the financial management of the charity by its trustees, the supervision of overseas activities and the governance of the charity. The Inquiry opened on 22 August 2006 and closed on 29 September 2011 with the publication of this report. The inquiry was prolonged in order to avoid prejudicing the criminal investigation, which took precedence over the Commission's investigation, and the time taken to obtain evidence from overseas. The [full report](#) is published on the Commission's website. The charity was exonerated of any terrorist links, but problems with the disbursement of funds in Indonesia and Pakistan were found.

## **U.S.—OFFICIALS IMPROPERLY SEIZED ASSETS OF ISLAMIC CHARITY DESIGNATED AS TERRORIST ORGANIZATION**

United States officials correctly designated an Islamic charity, Al-Haramain Islamic Foundation Oregon, as supporting terrorism but improperly seized its assets, a federal appeals court ruled on September 23. The United States Court of Appeals for the Ninth Circuit ruled that the Treasury Department was correct in finding the organization connected to terrorism because one of its board members was designated by the Treasury Department as linked to terrorism and because the group financed such activities in Albania and Chechnya. But the appeals court found the department's Office of Foreign Assets Control improperly seized the charity's assets using a "blocking order" to freeze them without a warrant supported by probable cause, violating the Fourth Amendment right against unreasonable seizures. The decision can be found at <http://www.ca9.uscourts.gov/datastore/opinions/2011/09/23/10-35032.pdf>.

## **CITIZEN PARTICIPATION AND FREEDOM OF INFORMATION**

### **AFRICA—NEW PLATFORM ON ACCESS TO INFORMATION ADOPTED**

The [African Platform on Access to Information Declaration](#) was adopted at the Pan African Conference on Access to Information held September 17-19 in Cape Town, South Africa. Developed by a variety of groups, the wide-ranging declaration sets out 14 principles on the right of access to information, but also discussed how they should be implemented and makes suggestions or governments, civil society groups and the media. The final document was the sixth draft, resulting from a public consultation process that had begun in June. After being adopted, the declaration was signed by Frank La Rue, UN Special Rapporteur on Freedom of Opinion and Expression, Faith Pansy Tlakula, Special Rapporteur on Freedom of Expression and Access to Information in Africa, and Norris Tweah, Liberian Deputy Minister of Information, Culture and Tourism, and representatives of major media and human rights groups. The three-day conference was organized by the Windhoek+20 Campaign on Access to Information in Africa in partnership with the United Nations Educational, Scientific and Cultural Organization (UNESCO); the African Union Commission (AUC) and the Special Rapporteur on



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Freedom of Expression and Access to Information of the African Commission on Human and Peoples' Rights.

## GHANA—FOI BILL PASSAGE BEFORE END OF YEAR POSSIBLE



OB Amoah says the bill needs proper scrutiny before passage and Rashid Pelpuo is optimistic the Bill will be passed into law before the end of 2011

Writing in Peace FM Online, William Yaw Owusu reports that in Ghana, a right to information bill has been stalled in Parliament since 2003, when the John Agyekum Kufuor administration tabled a draft. It was reintroduced after the National Democratic Congress (NDC) took power under John Evans Atta Mills, but it still has not been passed, a fact that puts this country behind regional neighbors like Nigeria and Liberia, and well in the rear of continental cousins like South Africa. Since coming into office, the NDC government has made some of the right noises about passing the bill into law. Recently, a series of public input sessions came to a close, and they were praised by the Ghana Right to Information Coalition (GRIC). But skeptical Ghanaians just have to remember the erstwhile New Patriotic Party (NPP) government, which enthusiastically drafted the bill, but soon developed cold feet towards passing it into law. It seems an odd irony, given that the NPP was responsible for striking the Criminal Libel Law from statute books. The current government will not give a specific time in which the bill will be passed, although Deputy Majority Leader in Parliament Abdul-Rashid Pelpuo is optimistic the bill will be passed before the end of 2011. "It is possible we can wrap this up by the end of 2011," says Alhaji Pelpuo, who also sits on the Parliamentary Joint Committee on Constitution, Legal and Parliamentary Affairs and Communications, the legislative body tasked with overseeing the drafting of the bill. For more analysis of the situation and comparisons of Ghana with its neighbors, see <http://news.peacefmonline.com/features/201108/65352.php>.

## GLOBAL—OPEN GOVERNMENT PARTNERSHIP LAUNCHED

The OGP is officially launched with 46 countries joining. FreedomInfo.org's wrap-up story addresses reviewed the New York City kick-off, who's in and out, next steps, organization. This report links to articles on the action plans submitted by the eight founding members: the United States, Brazil, Norway, the Philippines, South Africa, Mexico, the United Kingdom and Indonesia. Seventy-nine countries were eligible under OGP criteria. For more, see <http://www.freedominfo.org/2011/09/open-government-effort-officially-begun-at-nyc-event/>.



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## FREEDOM OF ASSOCIATION AND PEACEFUL ASSEMBLY

### **EGYPT—FORMATION OF PARTY LINKED TO ISLAMIST GROUP PROHIBITED**

The Associated Press reports that Egypt has prohibited the formation of a political party by Al Gamaa al-Islamiyya, an Islamist group that was once involved in a bloody insurgency against the government. Egypt's state news agency said the Political Parties' Affairs Committee rejected the request because the proposed party would be based on "religious grounds in violation of the law" and advocated a strict interpretation of Islamic law under which thieves can be punished by cutting off their hands and murderers can be beheaded. Al Gamaa al-Islamiyya waged an insurrection in the 1990s but has since renounced violence. See [http://www.nytimes.com/2011/09/20/world/middleeast/egypt-islam-based-party-is-banned.html?\\_r=1&ref=world](http://www.nytimes.com/2011/09/20/world/middleeast/egypt-islam-based-party-is-banned.html?_r=1&ref=world).

### **MYANMAR—PEACEFUL PROTEST ALLOWED TO PROCEED**

The New York Times reports that democracy activists tested the government's promise to tolerate dissent by gathering peacefully on Monday at a central landmark in Yangon. Four truckloads of riot police officers and two prison vans hovered nearby, but the police did not interfere as about 60 activists held a prayer vigil at the Sule pagoda. Officers, however, did harass or stop marchers in other parts of the city. The protesters called for freeing political prisoners and stopping construction of a dam. See <http://www.nytimes.com/2011/09/27/world/asia/myanmar-activists-rally-without-arrests.html?ref=world>.

## FREEDOM OF EXPRESSION

### **CHINA—NEWSPAPER CRACKDOWN FEARED**

South China Morning Post reported that control of two influential Beijing-based newspapers has been transferred to the municipal propaganda department, prompting speculation that their coverage will be subject to more censorship. The Publicity Department of the Beijing Municipal Communist Party Committee will take over political supervision of the *Beijing Times*, a daily newspaper belonging to the *People's Daily* group, and the outspoken *The Beijing News*, a newspaper belonging to the *Guangming Daily* and *Nanfang Daily* media groups. Despite being positioned as city dailies, both papers were formerly overseen by the national-level Central Publicity Department, which made them free from reporting directives issued by the Beijing city authorities. The decision was announced at an internal meeting held at *The Beijing News* offices by a group of seven or eight officials headed by Lu Wei, deputy chief of the municipal publicity department. For more see <http://www.scmp.com/portal/site/SCMP/menuitem.2af62ecb329d3d7733492d9253a0a0a0/?vgnnextoid=e95e8ddb1a22310VgnVCM100000360a0a0aRCRD&ss=China&s=News>.



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## **OSCE—REPRESENTATIVE ON FREEDOM OF MEDIA EXPRESSES CONCERN ABOUT MEDIA LAWS IN OSCE STATES**

The OSCE Representative on Freedom of the Media, Dunja Mijatović, voiced concern today about Internet regulation policies proposed by several participating States and reminded them of their OSCE media freedom

commitments. “Such initiatives endanger freedom of expression and risk erecting ‘mind walls’ - barriers to the flow of information and ideas,” Mijatović said. She cited in particular an initiative by Russia, Tajikistan and Uzbekistan, among others, to introduce an “international code of conduct for information security”, a proposal they would like to see adopted as a United Nations resolution. “Especially worrying is the draft code requesting States to curb ‘the dissemination of information that incites terrorism, secessionism or extremism or that undermines other countries’ political, economic and social stability, as well as their spiritual and cultural environment,” Mijatović said. “This neglects the fact that any country’s ‘spiritual and cultural environment’ is enriched by a free flow of information and a vibrant civil society, as well as by a free and pluralistic media fostering debate, in particular on controversial issues of public interest. As is already the case with the national laws in the countries that support this initiative, the draft code relies on subjective and vague notions of ‘secessionism’ and ‘extremism.’” For more information see <http://www.osce.org/fom>.

## **SOUTH AFRICA—COURT ORDERS BAN ON “KILL THE BOER” SONG**

The freedom song Ayesaba Amagwala, now popularly known as “Dubul’ ibhunu,” constitutes hate speech, Equality Court Judge Colin Lamont has ruled, Business Day reports. Although Judge Lamont’s order is, strictly speaking, confined to the one song and its lyrics, one consequence of his judgment could be that a number of liberation songs may also be found to constitute hate speech — because they also contain the words “dubul’ ibhunu,” or similar words. After African National Congress (ANC) Youth League President Julius Malema sang the song last year on four occasions, it was widely reported in the media as “kill the boer.” Civil rights organization AfriForum took Mr Malema to the Equality Court after the song had provoked a storm of outrage. But others, equally passionately, defended the song, saying that properly understood it was not a call to kill or shoot anyone. Rather, it called for the destruction of the apartheid regime. To ban the song would be to erase the history of SA and misconstrue the culture of the struggle for liberation, they argued. Judge Lamont said: “By this stage (when the matter got to court) society had become polarized into two factions ... essentially along language and racial lines. The factions were divided into those who had struggled, largely members of the ANC and its supporters, and those who perceived themselves to be the target of the song, namely white Afrikaners.” See <http://www.businessday.co.za/articles/Content.aspx?id=153177>.



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## FREEDOM OF RELIGION AND BELIEF

### **BAHRAIN—CRACKDOWN SMACKS OF RELIGIOUS APARTHEID**

The New York Times reports that five months after the start of a ferocious crackdown against a popular uprising — so sweeping it smacks of apartheidlike repression of Bahrain’s religious majority — many fear that no one can win. “This is all cutting so deep,” said Abdunabi Alekry, an activist whose car was stopped at one of the checkpoints of trash bins, wood and bricks the youth had fashioned during the clash in August. “The fabric here was never that strong, and now it is torn.” In the revolts that have roiled the Middle East this year, toppling or endangering a half-dozen leaders, Bahrain, an island kingdom once best known for its pearls and banks, has emerged as the cornerstone of a counterrevolution to stanch demands for democracy. While the turmoil elsewhere has proved unpredictable — the ascent of Islamists in Egypt, the threat of civil war in Syria and the prospect of anarchy in Yemen — Bahrain suggests that the alternative, a failed uprising cauterized by searing repression, may prove no less dangerous. See [http://www.nytimes.com/2011/09/16/world/middleeast/repression-tears-apart-bahrains-social-fabric.html?\\_r=1&nl=todaysheadlines&emc=tha22](http://www.nytimes.com/2011/09/16/world/middleeast/repression-tears-apart-bahrains-social-fabric.html?_r=1&nl=todaysheadlines&emc=tha22).

For the accompanying slide show, click on

<http://www.nytimes.com/slideshow/2011/09/16/world/middleeast/16bahrain-ss.html?nl=todaysheadlines&emc=tha22>.

### **KAZAKHSTAN—PROPOSED LEGAL RESTRICTIONS ON RELIGION SENT TO PRESIDENT FOR SIGNATURE**

The proposed Religion Law, which reached Parliament in early September, would impose a complex four-tier registration system, ban unregistered religious activity, impose compulsory religious censorship, and require all new places of worship to have specific authorization from the capital and the local administration. A second proposed Law imposing changes in the area of religion in nine other Laws would also amend the controversial Administrative Code Article 375, widening the range of “violations of the Religion Law” it punishes. The laws passed by Kazakhstan’s Senate, the upper house of Parliament, on 29 September. Both laws now only need President Nursultan Nazarbaev’s signature to become law. The texts - seen by Forum 18 News Service - have been approved by Kazakhstan’s Prime Minister Karim Masimov, but have not yet been published.

[http://www.forum18.org/Archive.php?article\\_id=1610](http://www.forum18.org/Archive.php?article_id=1610)

### **U.S.—SAME SEX MARRIAGE CASE IN NEW YORK PITS RIGHT TO MARRY AGAINST RELIGIOUS FREEDOM**

Rose Marie Belforti is a 57-year-old cheese maker, the elected town clerk in this sprawling Finger Lakes farming community and a self-described Bible-believing



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Christian. She believes that God has condemned homosexuality as a sin, so she does not want to sign same-sex marriage licenses; instead, she has arranged for a deputy to issue all marriage licenses by appointment. But a lesbian couple who own a farm in the area would like to be married without delay and have challenged her actions in court, looking for an answer to how the state balances a religious freedom claim by a local official against a civil rights claim by a same-sex couple. The New York Times reports that the Governor has shown no sympathy for officials who refuse to perform such marriages, and Ms Belforti is facing opposition in her bid to seek re-election. For more see <http://www.nytimes.com/2011/09/28/nyregion/rights-clash-as-town-clerk-rejects-her-role-in-gay-marriages.html?ref=nyregion>.

## LEGAL FRAMEWORK

### **CAMBODIA—NGO LAW SENT BACK TO MINISTRY OF INTERIOR FOR RECONSIDERATION**

A contentious law aimed at regulating Cambodia's non-governmental sector has been sent back to the Ministry of Interior, following international concern that the draft as it stood could damage the country's development, according to reports by Voice of America's Khmer service. The NGO law was approved in August by the Council of Ministers (reported in IJCSL-N for August), despite widespread disapproval from local and international organizations, who said provisions in the draft would make it hard for them to operate and could leave them vulnerable to arbitrary punitive action by government officials. Nouth Sa An, secretary of state for the Ministry of Interior, said the law would not go to the National Assembly as planned but has instead been sent back to the ministry for reconsideration, following international "reaction." Ministry officials will now "review and reconsider" the draft before sending it back a second time to the Council of Ministers for approval. Lam Chea, a legal counselor for the Council of Ministers, confirmed the decision. The move was widely welcomed by members of Cambodian civil society, who had worried the law would stifle organizations critical of the government through excessive red tape or court action. Many also worried it would stymie the growth of small-scale associations at the grassroots. For more information, see <http://www.voanews.com/khmer-english/news/Controversial-NGO-Law-Sent-Back-for-Re-Draft-129446918.html>. Further developments regarding this law include a statement by Prof. Surya P. Subedi, UN Special Rapporteur for human rights in Cambodia, who urged in a September 28 [news release](#) issued in Geneva, that the Government take into account the concerns raised during the consultation process before enacting the law, especially the "onerous" requirements for registration and the lack of clear criteria on which registration applications will be considered.



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## **INDIA—PROCESS FOR DEVELOPING NEW NATIONAL POLICY ON THE VOLUNTARY SECTOR ADVANCES**

VANI, the Volunteer Action Network India, has published an assessment of the successes and failures of the governmental Planning Commission's efforts to create a new national policy for the voluntary sector. This is available at <http://www.vaniindia.org/blog/?p=76>.

The new national policy adopted in 2007

(<http://planningcommission.gov.in/data/ngo/npvol07.pdf>) had lofty goals, but many of them have not been met, according to VANI. ICCSL partner, Noshir Dadrawala of the Centre for the Advancement of Philanthropy in Mumbai, serves as a member of an Expert Group on the feasibility of an alternative "All-India Statute for Voluntary Organizations." Another new policy would be to establish a National Accreditation Council for India (NACI) for Voluntary Sector, and the final Task Force report for that initiative has been published by CAPART (Council for Advancement of People's Action and Rural Technology) and is available at <http://capart.nic.in/final.pdf>.

## **INDONESIA—GOVERNMENT SEEKS TO CONTROL FOREIGN-FUNDED NGOS**

The government says it is evaluating all foreign-funded non-governmental organizations (NGOs) operating in the country to assess whether or not their operations benefit the country. The evaluation team, from the Home Ministry, said it would prioritize evaluating the presence of Greenpeace Indonesia. "The team is working to evaluate the foreign-funded NGOs, especially Greenpeace. We are collecting data [on it]," ministry spokesman Reydonnyzar Moeloek told The Jakarta Post on Friday. "About Greenpeace, we [the Home Ministry] have received many inputs, including from the Islamic Student Association (HMI), Indonesian Ulema Council (MUI) and from the National Mandate Party (PAN) [about their illegal operations]." Currently there are about 1,600 NGOs, both local and foreign-affiliated, operating in Indonesia that are listed at the ministry. The 1985 law on mass organizations requires all NGOs receiving money from foreign countries to report their financial statements to the government. Foreign-funded NGOs are also required to report their financial sources and activities in Indonesia. "The compliance level of foreign-funded NGOs in reporting their financial statements is very low," he said, adding that the ministry would disband NGOs that failed to obey the law. "It is not fair if foreign-funded NGOs campaign for transparency in the government, while they are not willing to report financial statements to the public," he said. For more see <http://www.thejakartapost.com/news/2011/09/10/govt-get-tough-'untransparent'-foreign-funded-ngos.html>.

## **SCOTLAND—CHARITY REGULATOR PUBLISHES NEW GUIDANCE ON CHARITY ACCOUNTS**

The Office of the Scottish Charity Regulator has published new guidance on the requirements for charity accounts. Access to the guides in MS Word and PDF formats is



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available at <http://www.oscr.org.uk/publications-and-guidance/scottish-charity-accounts-updated-full-guidance/>.

## **U.K.--GOVERNMENT WILL BE URGED TO ALLOW NOT-FOR-PROFIT NEWSPAPERS TO BE CHARITIES**

The Charity Commission will be asked to make it easier for local newspapers to gain charitable status, according to a report in Third Sector's Daily Bulletin at <http://www.thirdsector.co.uk/News/DailyBulletin/1087464/Government-will-urged-allow-not-for-profit-newspapers-charities/4656EED231C1939C82DE780F69AB2BFC/?DCMP=EMC-CONDailyBulletin>. A group of journalists, academics, and charitable funders is to ask the government to make it easier for charitable trusts and foundations to fund not-for-profit local newspapers. Representatives from trusts and foundations, charities and newspapers will meet officials from the [Department for Culture, Media and Sport](#) next month to discuss changes they would like to see under the Communications Bill. These could include asking the Charity Commission to make it easier for local newspapers to gain charitable status, which would help them attract funding from trusts and foundations. The regulator does not recognize the provision of news as a charitable activity. A green paper on the bill is due to be produced later this year, according to culture secretary Jeremy Hunt, and a draft bill is due by 2013. The meeting, organized by the academic bodies [Polis](#) and the [Reuters Institute for the Study of Journalism](#), has been arranged to coincide with the publication of a new RISJ report, *Is There a Better Structure for News Providers? The Potential in Charitable and Trust Ownership*, which proposes new models for the charitable ownership of local news publishers.

## **FISCAL MATTERS**

### **AUSTRALIA—NEW LEGISLATION THREATENS ORGANIZATIONS WORKING INTERNATIONALLY**

Proposed legislation, which would create what is known colloquially as the 'in Australia' test, has caused alarm in many quarters of the not-for-profit sector there, according to a newsletter published by Neumann & Turnour Lawyers (<http://www.ntlawyers.com.au/home>). There are a number of concerns but they flag only three. The legislation threatens the income tax exemption of any organization that transfers funds overseas (unless it is through an overseas aid fund or to a prescribed organization). It also threatens the income tax exemption of any organization established in Australia but operating overseas. Further, it threatens the income tax exemption of any entity that supports such an organization.



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## MISCELLANEOUS MATTERS

### **CAMBODIA—THREAT TO HUMAN RIGHTS ORGANIZATIONS REPORTED**

On 6 September 2011 it was reported in *The Cambodia Daily*, that provincial authorities in Kampong Thom would seek the suspension of the Cambodian Center for Human Rights (CCHR) and the Natural Resource Protection Group (NRPG) as a result of perceived incitement on the part of the two groups through the provision of human rights training to communities affected by the ongoing destruction of Prey Lang forest. The article states that provincial police authorities would seek the suspension of the two groups by the Ministry of Interior should further training events proceed. Two additional human rights training events have been scheduled by CCHR and NRPG to be held in Mean Rith and Dang Kambith communes, Sandan district, Kampong Thom province on 7 and 8 September respectively. On the morning of 6 September, CCHR was informed that monks in the Dang Kambith pagoda where the training event on 8 September was to be held were summonsed by Sandan district governor Sim Vanna and told not to provide access to CCHR and NRPG to conduct the training event. CCHR is trying to establish contact with district officials to ensure that this event can go ahead. The allegations made against CCHR and NRPG relate to a human rights training event held in Dang Kambith on 9-10 August. The event, which was attended by individuals from communities in three provinces affected by the destruction of Prey Lang forest, was disrupted on 10 August by armed police but was eventually allowed to proceed. In the *Cambodia Daily*, Kampong Thom provincial police chief Phan Sopheng is quoted as saying these activities “included acts to incite citizens to oppose government [approved] land concessions.” The training events of 9-10 August, which were conducted at the invitation of individuals whose land and/or rights is being or may be affected by the ongoing destruction of Prey Lang forest, focused on informing those participants of the human rights legally owed to them according to the Constitution of the Kingdom of Cambodia and international legal instruments which Cambodia is subject to and could in no way be defined as to constitute acts of incitement. For further information from Human Rights Asia, see <http://www.humanrights.asia/news/forwarded-news/AHRC-FPR-043-2011>.

### **CHINA--SURGE OF INDEPENDENT CANDIDATES FOR LOCAL ELECTIONS NOTED BUT ATTEMPTS TO INTERFERE WITH THEIR CANDIDACIES GENERALLY SUCCESSFUL**

The *Washington Post* reports that all across China, scores of ordinary citizens are challenging the Communist Party’s ironclad grip on political life, launching full-blown campaigns outside its grasp for local “people’s congresses.” The local congresses — the lowest rung in China’s government structure, equivalent to neighborhood commissions — are relatively powerless bodies in the complex system that the party maintains as a formal display of grass-roots participation. Until now, they have been filled almost entirely with candidates from the party, or people endorsed by it.



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Keith B. Richburg/THE WASHINGTON POST - Xu Yan, 27, an active microblogger with some 10,000 followers, announced on his blog in May that he intended to be a candidate in district-level elections this fall, and has since come under heavy pressure, including having to quit his job.

But the unprecedented number of candidates stepping forward without the party's backing for elections that begin this fall marks a potential watershed in China's political evolution, testing the leadership's professed commitment to allowing democracy to develop from the bottom up. "Under the law, Chinese people have the right to stand in these elections and to vote, but in reality, China is far away from democracy," said Zhang Kai, a Beijing lawyer and activist in an unauthorized Christian church who is running as an independent. "Right now, China is experiencing a peaceful transformation," Zhang said, explaining how this year's many candidates, from many different backgrounds, demonstrates a growing political consciousness and a popular hunger for more say in how they are governed. For more read the story at

[http://www.washingtonpost.com/world/asia-pacific/china-sees-surge-of-independent-candidates/2011/09/07/gIQAc7tNEK\\_story.html](http://www.washingtonpost.com/world/asia-pacific/china-sees-surge-of-independent-candidates/2011/09/07/gIQAc7tNEK_story.html). On the other hand, the Jamestown Foundation has noted in China Brief that the attempts by the CCP to control access to the local election process and limit it to their preferred candidates have generally been successful. See

[http://www.jamestown.org/programs/chinabrief/single/?tx\\_ttnews%5Btt\\_news%5D=38410&tx\\_ttnews%5BbackPid%5D=25&cHash=8251d16f044f609e7cf7f0fb40be5607](http://www.jamestown.org/programs/chinabrief/single/?tx_ttnews%5Btt_news%5D=38410&tx_ttnews%5BbackPid%5D=25&cHash=8251d16f044f609e7cf7f0fb40be5607). The South China Morning Post has also reported on recent interference with meetings of independent candidates. See

<http://www.scmp.com/portal/site/SCMP/menuitem.2af62ecb329d3d7733492d9253a0a0a0/?vgnnextoid=02e59085cdc82310VgnVCM100000360a0a0aRCRD&ss=China&s=News>.

## **INDONESIA—PARLIAMENT PASSES CONTROVERSIAL LAW ALLOWING POLITICIANS TO SERVE ON ELECTION COMMISSION**

The Jakarta Post reports that legislators have approved a revision to the 2007 Election Organization Law to allow politicians to serve on the General Elections Commission (KPU), despite criticism that it will jeopardize the KPU's impartiality. Fourteen NGOs said they would challenge the law at the Constitutional Court shortly after it was passed by a House of Representatives' plenary meeting. Protestors rallied in front of the House in Jakarta as House deputy speaker Pramono Anung of the Indonesian Democratic Party of Struggle (PDI-P), who led the meeting, banged his gavel, declaring the passage of the



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controversial bill into law. “Within two weeks, we will file a judicial review with the Constitutional Court to challenge the law under the 1945 Constitution,” one activist, Hadar Nafiz Gumay of the Center for Electoral Reform, said. The House dropped a clause in the 2007 law that required political party members to wait for five years after resigning from their parties before applying to serve on the KPU or Election Supervisory Committees (Bawaslu). The new law says that politicians must resign from political parties before applying to serve on the KPU, but does not stipulate a waiting period.

Critics and political observers have raised concerns on the House’s decision, which they said might lead to conflicts of interest for KPU and Bawaslu members. Hadar said the scrapped clause was needed to prevent partisans from “infiltrating” the election oversight bodies. For more information, see [http://asia-pacific-solidarity.net/news/jp\\_housepassespubillintolaw\\_210911.htm](http://asia-pacific-solidarity.net/news/jp_housepassespubillintolaw_210911.htm).

## **JAPAN—NIPPON FOUNDATION URGES DEVELOPMENT OF NON-GOVERNMENT COORDINATING BODY FOR DISASTER RELIEF**

Noting in a recent seminar held to discuss more effective support measures, Yohei Sasakawa, chairman of The Nippon Foundation, said “Now it is your turn. A structure within the private sector to help the private sector is needed.” Mr. Sasakawa also said his foundation has the advantage of supporting disaster areas since the 1995 great Hanshin earthquake, “We want to be a catalyst to teach others from our experiences.” According to the Foundation, The seminar was held on September 1 at The Nippon Foundation’s



Taro Tamura, a project planning officer for the cabinet secretary, speaking to the group head office in Tokyo. About 150 people from companies and NPOs attended the seminar. For more see [http://www.nippon-foundation.or.jp/eng/current/Cooperating\\_In\\_Disaster\\_Recovery\\_Assistance.html](http://www.nippon-foundation.or.jp/eng/current/Cooperating_In_Disaster_Recovery_Assistance.html)

## **ISRAEL—FEELING THE HEAT OF ISOLATION**

Israel has diplomatic relations with only three nearby countries. In the space of ten days its ambassadors have been humiliatingly forced out of two of them: Turkey and Egypt. The king of the third, Jordan’s Abdullah, commented without apparent displeasure that Israel was “scared”. A week after the Turkish démarche, and linked to it in the eyes of many Israeli commentators, a Cairo mob attacked the Israeli embassy, housed on three floors of a high-rise building in the suburb of Giza. Policemen did little as demonstrators



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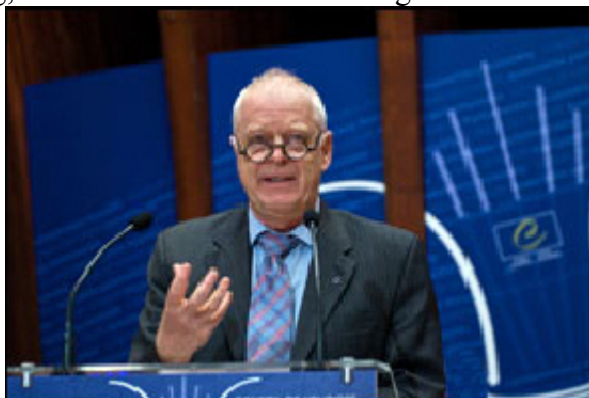


with hammers battered down a wall of concrete slabs put in place to protect the building. The embassy had recently been menaced by protesters in the wake of an incident along Egypt's border with Israel in Sinai, when several Egyptian soldiers were killed, apparently by Israeli troops engaged in a battle with Palestinian fighters.

<http://www.economist.com/node/21529055>

## ITALY—COE REPORTS RACIST SENTIMENTS

Thomas Hammarberg, Commissioner for Human Rights of the Council of Europe (COE),



has warned in the COE's annual report of the serious situation in Italy. The report reveals that over the past three years Italy has not made any progress where the protection of the rights of the Roma people and migrants are concerned. The Commissioner also stigmatizes the Italian politicians who use racist slogans in their election campaigns and in statements given to the media. After the publication of the report, EveryOne Group - which periodically submits dossiers and complaints about human rights violations taking place in Italy to the Commissioner - is once again requesting the necessary legal tools for tackling the grievances of the Council, because mere general recommendations have proved ineffective, and make the work of the Council of Europe in the field of human rights pointless. Related links:

[http://www.coe.int/t/commissioner/News/2011/110907ReportItaly\\_en.asp](http://www.coe.int/t/commissioner/News/2011/110907ReportItaly_en.asp)

<https://wcd.coe.int/wcd/ViewDoc.jsp?id=1826921>



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## GLOBAL—

- **APPLE TO MATCH EMPLOYEES' GIFTS TO CHARITY**

Apple is offering to match employees' contributions to non-profit organizations, making a difference in society as well as the tech industry. The Cupertino, Calif.-based company's CEO Tim Cook told employees it will match up to \$10,000 per employee annually. "We are all really inspired by the generosity of our co-workers who give back to the community and this program is going to help that individual giving go even farther," Cook said in a letter. Apple's matching contributions, which set to start on September 15, will at first match only donations made by U.S. employees, but will eventually spread worldwide. Apple has as many as 46,000 employees worldwide, and the program may tally up to millions of dollars for non-profit charities. According to Mabledia, Cook's announcement marks a change from chairman Steve Jobs' previous policy of not matching gifts to charity. For more see <http://www.mabledia.com/news/107443.html>.

- **INTERNATIONAL YEAR OF THE VOLUNTEER PLUS TEN CONFERENCE HELD**

A conference to celebrate the International Year of the Volunteer plus Ten was held in Budapest, Hungary on 15-17 September 2011. For more information, look at the new website at <http://www.worldvolunteerweb.org/iyvplus10/>. One of the important conference resources was developed by ICNL and ECNL under a grant from the Canadian government. It is the report [Drafting and Implementing Volunteerism Laws and Policies: A Guidance Note](#).

## ENGLAND & WALES—

- **CHARITY COMMISSION ANNOUNCES CHARITY REVIEW PROJECT**

Sam Younger, Chief Executive of the Charity Commission, has announced the launch of a project to help charities review their financial controls and systems of risk management. Speaking at ICAEW's Charity and Voluntary Sector Group Conference in London, Mr. Younger said that the project comes as a precursor to a wider Review Program being developed in partnership with the sector and other relevant partners. He said the initial project would see charities receiving a free review of their systems of financial management and controls, to be conducted by an ICAEW member with relevant sector experience. The results of the reviews would be collated anonymously and analyzed by the reviewers to help the Commission and the sector gain a better understanding of the risks facing charities. Nick Brooks, Chair of the Charities and Voluntary Sector Group at the ICAEW said: "This is an exciting new project that will further enable our



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members to continue to add value to the charities they work with.” See [http://www.charitycommission.gov.uk/RSS/News/pr\\_review\\_project.aspx?utm\\_source=feedburner&utm\\_medium=email&utm\\_campaign=Feed%3A+CharityCommissionUpdates+%28Charity+Commission+updates%29](http://www.charitycommission.gov.uk/RSS/News/pr_review_project.aspx?utm_source=feedburner&utm_medium=email&utm_campaign=Feed%3A+CharityCommissionUpdates+%28Charity+Commission+updates%29).

- **CHARITY COMMISSION GUIDANCE ON EQUALITY ACT PUBLISHED**

The Charity Commission, the independent regulator for charities in England and Wales, has published more detailed guidance for charity trustees about a key section of the Equality Act that may have implications for them. The Equality Act 2010 was introduced to consolidate previous equality legislation and to protect people who share specified [characteristics](#) against discrimination. The guidance is designed to complement the material already produced by the Government Equalities Office and the Equality and Human Rights Commission. The more detailed guidance, which replaces the existing summary published in September 2010, retains a focus on the charities’ exception in the Act. Following a short consultation exercise, this version also contains more

- illustrative examples;
- information about how other Act exceptions, such as the positive action provisions, can be used by some charities; and
- information to address questions and issues raised in the consultation. These include how Act exceptions might impact on grant makers and charities with restricted funds.

The purpose of the guidance remains focused on covering the part of the Act dealing with the ability of a charity to limit the group of people whom it helps, as set out in the charities’ exception. It explains what both existing charities and people seeking to register new charities need to know. The Guidance may be viewed here:

[http://www.charitycommission.gov.uk/Charity\\_requirements\\_guidance/Charity\\_governance/Good\\_governance/equality\\_act\\_guidance.aspx](http://www.charitycommission.gov.uk/Charity_requirements_guidance/Charity_governance/Good_governance/equality_act_guidance.aspx).

## SAUDI ARABIA—WOMEN CAN VOTE, STARTING IN 2015



Saudi Arabia’s King Abdullah has granted women the right to vote and run in 2015 local elections and to be appointed to his advisory Shura Council, but some women’s rights advocates are not satisfied,



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according to the PBS NewsHour. The decree, announced on September 25, is part of King Abdullah's gradual opening of Saudi Arabia to various rights for women, said Qamar-ul Huda, a specialist on Saudi Arabia at the U.S. Institute of Peace. Huda noted that two years ago, the king opened a fully integrated co-ed King Abdullah University of Science and Technology, or KAUST, in the town of Thuwal. The king also appointed the first female deputy minister -- of women's education. And "in the backdrop of the past seven months of the Arab Spring, I think they may have felt that it's important to make some gradual steps for women's rights inside Saudi Arabia," Huda added. But some advocacy groups, including Amnesty International, contend that the king shouldn't stop there and should grant women other rights, such as the ability to drive. No law in Saudi Arabia says women can't drive, but people must obtain local driver's licenses and they are never issued to women. In June, several dozen women risked arrest by driving in cities around Saudi Arabia in protest. For more on the story about the right to vote, click on the NewsHour website at <http://www.pbs.org/newshour/rundown/2011/09/saudi-arabia-women-vote.html>. With regard to the driving issue, the New York Times has reported that a woman, Shaimaa Ghassaneya, who was arrested for driving has been sentenced to 10 lashes for her conduct. See [http://www.nytimes.com/2011/09/28/world/middleeast/in-saudi-arabia-female-driver-sentenced-to-lashing.html?\\_r=1&ref=world](http://www.nytimes.com/2011/09/28/world/middleeast/in-saudi-arabia-female-driver-sentenced-to-lashing.html?_r=1&ref=world). Apparently, however, the King agreed on September 29 that the sentence will not be imposed. <http://www.npr.org/programs/tell-me-more/>.

## **UGANDA—DEBATE ON CONTROVERSIAL ANTI-GAY BILL POSTPONED**

According to sources in the House Business Committee, the meeting of the Parliamentary body that was supposed to have met in Kampala in early September had to be put off because the Speaker of the Ugandan Parliament, Ms. Rebecca Kadaga is out of the country. For more on this please follow the link below.

<http://www.mask.org.za/uganda-parliament%E2%80%99s-debate-on-anti-gay-bill-postponed-indefinitely/#more-6356>. The American government has once again said it was apprehensive about anti-homosexual laws in Africa and has promised to campaign forcefully against them. Follow the link below for the full story.

<http://www.mask.org.za/us-government-to-campaign-%E2%80%98forcefully%E2%80%99-against-uganda-gay-hate-bill/#more-6360>

## **RESOURCES**

### **CHINA—NEW GUIDE TO PARTICIPATORY POVERTY REDUCTION ISSUED**

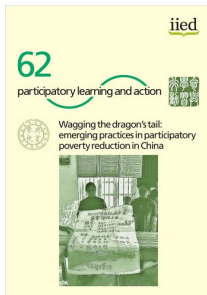
*Wagging the dragon's tail: emerging practices in participatory poverty reduction in China*, guest edited by Johanna Pennarz, Song Haokun, Deng Weijie, Wang Jianping



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has been made available for download by the International Institute for Environment and Development at <http://pubs.iied.org/14605IIED.html>.

## **THE ECONOMICS OF PEACE: FIVE RULES FOR EFFECTIVE RECONSTRUCTION**



Countries coming out of civil war or other internal chaos cannot engage in sustainable long- term development unless they first go through an interim phase: economic reconstruction or the economics of peace. The challenge of this phase is to reactivate the economy while simultaneously consolidating peace. During this phase, the economics of war or chaos—in which there is no rule of law and illicit activities favoring specific groups predominate— need to be reversed so that licit, broad-based, inclusive, and sustainable economic activity can be jump-started. All of the above needs to take place under the serious political and security constraints needed to minimize the chances of reverting to conflict or chaos. To engage productively in the economics of peace so that normal development can take root, countries need an integrated strategy for economic reconstruction in which security, political, social, and economic issues are addressed together, rather than separately.

[http://www.usip.org/files/resources/SR286\\_The\\_Economics\\_of\\_Peace.pdf](http://www.usip.org/files/resources/SR286_The_Economics_of_Peace.pdf)



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## **YASHENG HUANG: DOES DEMOCRACY STIFLE ECONOMIC GROWTH?**



MIT and Fudan University economics professor Yasheng Huang, an authority on how to get ahead in emerging economies, compares China to India, and asks how China's authoritarian rule contributed to its astonishing economic growth -- leading to a big question: Is democracy actually holding India back? Huang's answer may surprise you. For more information see [http://www.ted.com/talks/yasheng\\_huang.html](http://www.ted.com/talks/yasheng_huang.html)

## **THE U.S. ROLE IN SHAPING EFFECTIVE INTERNATIONAL FINANCIAL INSTITUTIONS FOR THE 21ST CENTURY**

The International Financial Institutions (IFIs) are major sources of financial and technical support for developing countries and play a critical role in promoting economic development and global stability. During the 2008–09 global financial crisis, the IMF and World Bank were central in helping middle- and low-income countries cope with the crisis and aided the economic recovery in high-income countries. As global integration increasingly links the interests of high-income and developing countries, the role of the IFIs becomes ever more prominent. In the coming years, there will be a number of major decisions pertaining to the financing, governance, and the U.S. role in the IFIs. The World Bank and the four regional development banks for Africa, Asia, Europe, and Latin America are proposing to increase their capital base through an unprecedented simultaneous general capital increase. And the unexpected leadership succession at the IMF in 2011 reignited discussions over IFI governance and leadership selection processes, drawing attention to the changing landscape in global economic power and creating fresh impetus for reform. The United States and other nations have a common interest in ensuring the IFIs are both well managed and well funded. This suite of policy briefs provides basic background information and practical analysis of the financial and governance issues facing the IFIs to help inform the debate and discussion.

<http://www.cgdev.org/section/topics/ifi/abcsofifis>



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## EASTERN BURMA—DEAD MEN WALKING REPORT



This 70-page report details abuses against convict porters including summary executions, torture, and the use of the convicts as “human shields.” The military should stop forcibly recruiting prisoners as porters and mistreating them, and those responsible for ordering or participating in such treatment should be prosecuted, Human Rights Watch and the Karen Human Rights Group said.

[http://www.hrw.org/sites/default/files/reports/burma0711\\_OnlineVersion.pdf](http://www.hrw.org/sites/default/files/reports/burma0711_OnlineVersion.pdf)

## GLOBAL — G-20 BUILDS MOMENTUM ON FIGHTING CORRUPTION



*Corruption undermines good governance*

The G20’s effort to tackle the global problem of corruption, arguably one of the group’s least anticipated and most unsung success stories, builds on work started by the G8 and other entities. The G20’s anti-corruption efforts, linked to the increased accountability, credibility, and transparency of the global financial system, have led to deeper institutional engagement and laid the grounds for further progress.

[http://www.cigionline.org/publications/2011/9/fighting-corruption-g20-builds-momentum?utm\\_source=feedburner&utm\\_medium=feed&utm\\_campaign=Feed%3A+cigi%2Flatest-publications+%28Latest+Publications%29](http://www.cigionline.org/publications/2011/9/fighting-corruption-g20-builds-momentum?utm_source=feedburner&utm_medium=feed&utm_campaign=Feed%3A+cigi%2Flatest-publications+%28Latest+Publications%29)



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