

United States Senate

March 21, 2022

The Honorable Antony Blinken
Secretary of State
U.S. Department of State
2201 C Street, NW
Washington, DC 20520

The Honorable Janet Yellen
Secretary of the Treasury
U.S. Department of Treasury
1500 Pennsylvania Avenue, NW
Washington, DC 20220

The Honorable Samantha Power
Administrator
U.S. Agency for International Development
1300 Pennsylvania Avenue, NW
Washington, DC 20004

Dear Secretary Blinken, Secretary Yellen, and Administrator Power,

We write concerning the Kingdom of Thailand’s proposed Act on the Operation of Not-for-profit Organizations (the “NGO law”), which poses an urgent threat to Thai civil society. President Biden has called the defense of democracy the “defining challenge of our time.”¹ But democracy cannot be defended without champions, and across Asia, governments are constraining the space for civil society champions to operate. We urge the Administration to raise concerns about this new NGO law and take steps to halt its implementation.

On January 4, 2022, the Cabinet of Thailand approved a draft of the NGO law.² It would give the Thai government an array of new tools to suppress dissent in the movements for democracy and environmental justice, and would trample the rights of Thailand’s southern Muslims and other minority groups. It would further provide broad authority to the government to restrict all non-profit organization activities in Thailand, with far-reaching consequences on the fundamental

¹ Press Release, The White House, Summit for Democracy Summary of Proceedings (Dec. 12, 2021), <https://www.whitehouse.gov/briefing-room/statements-releases/2021/12/23/summit-for-democracy-summary-of-proceedings/>.

² Vitit Muntarbhorn, *Tackling the Controversial NGO Law*, Bangkok Post (Jan. 6, 2022), <https://www.bangkokpost.com/opinion/opinion/2242831/tackling-the-controversial-ngo-law>.

freedoms of expression, assembly, and association.³ And the NGO law would impose stringent restrictions on international funding of local non-profit organizations, impacting development projects funded by the United States.

The NGO law would also affect organizations providing relief and support to Burmese refugees and those impacted by the ongoing intense fighting taking place near Thailand's borders with Burma. Many organizations providing first line response to the crisis in Burma could be forced to cease their activities. As conditions in Burma continue to deteriorate, the NGO law could have devastating effects on the provision of humanitarian relief and efforts to resolve the crisis.

In 2019, Thailand held its first elections since a 2014 coup, but regular antigovernment protests occurred during 2021. According to Freedom House, the Thai government's response continues to employ authoritarian tactics, press freedom is constrained, and there is impunity for crimes committed against activists.⁴ Enactment of the NGO law would cast a further pall on Thailand's already troubled democracy, and irreparably harm a wide range of civil society organizations.

Thai civil society has already widely condemned the proposed NGO law. More than forty non-profit organizations have signed a letter condemning it,⁵ and more than a thousand local and international organizations have opposed it.⁶ For example, on February 21, 2022, 200 people representing local and international NGOs attended a virtual public forum organized by Thailand's Ministry of Social Development and Human Security, with most requesting the NGO law's cancellation. International NGOs and human rights organizations, including Human Rights Watch and Amnesty International, have issued statements noting that the law is incompatible with international law and human rights standards.⁷

³ International Center for Not-for-Profit Law: Civic Freedom Monitor, Thailand, <https://www.icnl.org/resources/civic-freedom-monitor/thailand> (last visited Feb. 28, 2022).

⁴ Freedom House: Freedom in the World 2022, Thailand, <https://freedomhouse.org/country/thailand/freedom-world/2022> (last visited Mar. 7, 2022).

⁵ Open Letter: Thailand must withdraw draft act on not-for-profit organizations, <https://www.amnesty.org/en/latest/research/2021/12/open-letter-thailand-must-withdraw-draft-act-on-not-for-profit-organizations/> (last visited Feb. 28, 2022).

⁶ *Thai PM's Aide Seeks to Expel Rights Group Amnesty International*, Reuters (Feb. 11, 2022), <https://www.reuters.com/world/asia-pacific/thai-pms-aide-seeks-expel-rights-group-amnesty-international-2022-02-11/>.

⁷ *Thailand: NGO Law Would Strike 'Severe Blow' to Human Rights*, Human Rights Watch (Apr. 2, 2021), <https://www.hrw.org/news/2021/04/02/thailand-ngo-law-would-strike-severe-blow-human-rights#>; Press Release, Amnesty International, Thailand: Draft NGO Law Could Be Used to Suppress Civil Society (Dec. 27, 2021), <https://www.amnesty.org/en/latest/news/2021/12/thailand-ngo-law-civil-society/#:~:text=Ahead%20of%20a%20Thai%20Cabinet,copy%20of%20the%20latest%20draft.>

Without a concerted international effort to pressure the Thai government to drop the NGO law, the military-dominated pro-government Parliament may vote on it and pass it this year. If enacted, it will represent one of the most restrictive NGO laws in Asia and will have an irreversible effect on civil society in Thailand. It threatens to eliminate what could soon be the last available place for Burmese civil society organizations to operate. We therefore call for an urgent, coordinated, whole-of-government approach to pressure the Thai government to drop all consideration of this dangerous law.

We urge the U.S. Department of State to:

- 1) Use all available opportunities, including the upcoming US-ASEAN Summit, to raise concerns about the NGO law directly with the Thai government and forcefully lay out the U.S. position that the Thai government should not submit the NGO law to Parliament.
- 2) Coordinate with U.S. partners and allies to coordinate concerted pressure on the Thai government to stop this legislative initiative.
- 3) Call out the harassment of civil society in Thailand, push for an end to the systematic crackdown on free expression and free association, and work to protect universal human rights.
- 4) Issue expressions of support for Thai civil society, including public statements when appropriate, and engage directly with organizations that the Thai government has threatened, targeted, and criminalized.
- 5) Urge the Thai government to explicitly commit to uphold protections for civil society and freedom of expression, association, and assembly, as required under international human rights law.

We urge the U.S. Agency for International Development to:

- 1) Increase engagement with affected organizations in Thailand and in the region and work to understand the law's effects on civil society, including on USAID-funded projects.
- 2) Begin contingency planning for ways to continue assistance to civil society within Thailand should the law go into effect.

We urge the U.S. Department of the Treasury, in coordination with the U.S. Department of State and other relevant entities, to:

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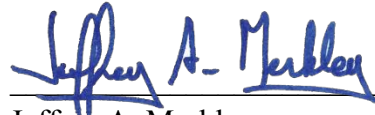
- 1) Coordinate outreach with the Financial Action Task Force to push back on the Thai government's intentional misrepresentation of provisions of the NGO law as advancing anti-money laundering and anti-terrorism efforts.

We look forward to working with you on the urgent need to prevent the NGO law from moving to Parliament.

Sincerely,



Edward J. Markey
United States Senator



Jeffrey A. Merkley
United States Senator



Richard Blumenthal
United States Senator



Benjamin L. Cardin
United States Senator



Richard Durbin
United States Senator



Ron Wyden
United States Senator