[Note: These minutes are not word-for-word transcripts and the NGO Forum apologises for any inaccuracies.]

PRESENTATIONS

Focus on Civil Society: "Addressing the problem of impunity."

Mr Thun Saray, President, Cambodian Human Rights and Development Association

(Association des Droits de l'Homme du Cambodge: ADHOC)

Mr Thun Saray raised some questions as follows:

1- What is impunity? And how does it occur in Cambodia?

2- What are the causes of impunity?

3- What to do to reduce impunity?

What is impunity? - The state of someone being free from court judgement. It is used for those who have violated laws and human rights and committed infractions but are free from punishment. They should be punished. If not, they would be incorrigible and various kinds of infraction would be widespread throughout the country. This causes intimidation, threat, and insecurity for people and the whole nation.

Our question is how does impunity take place? - This results due to violation of the law that, in general, due to abuse of power and money, happens without anyone being punished.

If there is impunity, then there is no deterrent to violators. If we allow this to go on it will be widespread and will be a real threat to society. I will not touch on politics - I am neutral and want to look neutral. But I can say that, in general, those who have power and money enjoy freedom from punishment.

At what stage does impunity occur? - When violations of the law takes place, the judicial process makes judgements at each step, each of which might cause a guilty person to go free of punishment. When there is an act of violence, the police or the court go to the field to investigate. The suspect can be arrested and sent to the court, but can not be judged guilty without enough proof. Because of the guilty person's bribery, and the lack of responsibility of the police and court for their role and profession, the guilty person remains free of punishment. For example, only a small number of kidnapping gangs, robbery and pickpocket gangs, rapist gangs, and sex and drugs (Indian hemp and opium) trafficking mafia, are ever arrested and punished. This results from poor competence of the local authorities to stop such law violations. In some cases, the judicial police arrest and detain the guilty people, but after being sent to the court they are set free due to the bad judgement of the court. In a number of other cases, local police and authorities did not conduct any investigation into the causes of violation nor arrest the guilty people. Sometimes the guilty people were arrested, and should have been sent to court, but were illegally and secretly freed on their way to court.

For example, in cooperation with ADHOC, police arrested a man who had kidnapped a woman; but she was threatened and the man negotiated with the police, gave some money to the victim and was finally set free. There are cases where homicide or causing injury, which are considered to be criminal acts, have been resolved in the police station. Later, when ADHOC found out about this and expressed their disagreement, the police replied that the victim's family has agreed and so human rights groups should not interfere. So, as the victim's family was afraid of the guilty person's revenge and of the authorities' threat, and even of being unbelieved by the court (which demands money for passing a judgement), they felt hopeless trying to arrest the evil-doer, and the family agreed to take the money from him and went back home. This is only one of various such cases. Sometimes, the district police

passed judgement in a homicide case by giving the victim $1,000 before he returned home. If the money was not used to decide this problem, the guilty person would be legally sent to court because there is enough proof.

Judges and prosecutors, in general, due to their poor salary, require bribes from guilty persons. For example, in Banteay Meanchey a prostitute was seriously wounded and died later. The pimp had badly beaten her in a room in the presence of twelve other prostitutes. When he was sent to the prosecutor, he could be detained only for two months and at last was set free on pretence of there not being enough proof. Elsewhere, in Prey Veng, a trafficker of women was arrested and then sent to court, but he obtained a certificate for a mental disorder. So the court sent him to hospital. At that moment we said that this was a mistake as a corrupt doctor had provided the certificate to him and as soon as he was sent to hospital he secretly escaped from there. Thus we sent a lawsuit to court for investigation but there was no result; only they were all blamed and a warrant for arrest was launched. The guilty person went to an officer working at the Council of Ministers to ask him for negotiation with ADHOC, but our organisation did not agree to do that.

Article 51 of the Joint Statute for Civil Servants states that the judicial police have the right to arrest any government official if he is found in the act of committing a crime. If not, even though he was seen doing the killing or there is enough proof, the prosecutor has no right to arrest him until the office where the offender is working gives permission. Of 117 cases that the Ministry of Justice has proposed to concerned ministries, there were only 50 for which answers were sent back. The lack of feedback contributed to the person's impunity or permitted him to escape. Sometimes, the guilty person was tried in court, but the court's decision was on paper only. Previously, the court asked ADHOC for cooperation in implementing the decision of the court. Our question is whether this is the right way. In fact, the court has enough and complete right to implement its own judgement.

Why is ADHOC's cooperation needed? - Regarding rape cases, on rare occasions the court makes good and proper adjudication, but generally the guilty person goes free from punishment. Among all types of law violation, only in 50% of cases were suspects arrested and called in to be investigated accurately. In addition, bribery and the acts of intermediaries encourage escape of a guilty person on his way to court. This results from his richness, and leads to impunity on pretence of having not enough proof. In the case where the guilty person is an ordinary person, not a government official, he can also be freed through bribery. But the guilty judgement still exists. What does it mean?

Why do such things happen in our society? These things are a threat to right to life and a threat to the rights of citizens. Cambodia has gone through a period of action with impunity, a period of no rule of law, a period of power of the gun. The genocide during Pol Pot's regime, where those who owned firearms were empowered to manage everything and make a final decision, constitutes a bad example for our present generation. After Pol Pot's death, we could arrest and detain only one or two Khmer Rouge leaders. This leads to impunity for other cases and this results from the gap in government officials' will to reduce impunity, the gap in the court's will, and the police's impartiality. The phenomenon also comes from high-ranking government officials. Nothing could be resolved. For example, I don't want to discuss politics, but after the arrest of an official from the Funcinpec Party, the official was killed inside the Ministry of Interior compound, but the murderer was not found. This really shows the lack of an impartial justice system.

Moreover, arms control measures are not yet going well. For example, the authorities using their own arms have committed arbitrary actions.

So impunity may occur at any of the following stages:

1. Robbers, pickpockets, rapists, drug traffickers and traffickers of women have rarely been arrested due to the authorities' lack of responsibility and violation of the law.

2. Offences have included bribery of authorities when placing someone under arrest; leading, for instance, to only a small number of kidnappers having ever been detained.

3. In some cases, because of government injustice, guilty persons are put under arrest and then set free. This results from compromise between both parties and bad investigations.

4. Having been arrested, but while being sent to the court, the guilty person is finally set free.

In the case of the kidnapped women, cooperation with the police led to arrest of the guilty person, but he was set free after he had negotiation with the police and gave some money to the victim. This case is a criminal case, but the decision was made to free him on pretence of having not enough proof.

Of 13 cases for arrest, there was one where the guilty person was killed without conducting any investigation. If the police use arms illegally, what should be the level of punishment? Should the guilty person be killed without judgement? But, due to Article 51, law-enforcement officers did not respect the law. On the contrary, in case of grassroots people, they would be accused as soon as they did such thing. But for government officials, they should not be accused without authorisation from the concerned ministry. This problem leads to degradation of the political situation and the investigation has not been conducted in the case of offence.

The implementation of the law is made without efficiency due to lack of cooperation between the police and the court. For example, in one province the police accused the court that they arrested a criminal, so why did the court later free him? Their answer was that the police was active in arrest but not in making reports to the court, so they could not detain the person any longer due to lack of proof. The police answered that if there was not enough witnesses why were the police not be authorised to investigate further. The court said regarding this incident, the concerned person was to be freed if there was no report and not enough proof. So the police became angry and roughly answered if they arrest a guilty person and send him to the court, he will be released due to bribery. The police would do better to arrest him and just ask him for money and that's all. This shows that the cooperation between the police and the court is very weak and results from the poor day-to-day living circumstances, and to lack of skills and competence. One-sixth of the people in prison have been beaten in order to obtain confessions; which is due to the lack of capacity to investigate, although some people have been trained in investigation.

What needs to be done to reduce impunity and provide security to the people?

- Military and police should be independent of political parties. This takes time. Currently, most people get government jobs through political parties and so are partial and show gratitude to members of the party.

- Newly recruited military and police staff should be properly trained. There should be a two-year training program for every policeman.

- Article 51 of the Joint Statute for Civil Servants should be struck from the law. The government asked the National Assembly for this already, and for establishing a number of laws in support of a legal state. For instance the UNTAC's criminal law is being officially used temporarily and contains only 100 articles. The use of the law is not enough and complete for Cambodia. Thus it should be amended or modified properly.

- Provide training on law to government officials and training to judges.

- The low budget for these things needs to be increased as well as the budget for other areas. Police complain that they must pay money from their own pocket to do investigations far away and so they don't go. Many judges have violated professional ethics and there is no punishment for those who are not fair. NGOs need to lobby international donors to give funding for these issues.

- Donors have four committees set up to monitor logging, demobilisation, administrative reform, and fiscal reform. It is very encouraging to see these committees, but now we see the need to have a committee about security in Cambodia. Investors will not come to a country which has lack of rule

of law.

I have other things to talk about, but let's stop for questions.

Questions and Comments

Q. A man has violated a girl but makes a compromise in which the latter asks the former for damages and he gave her some money. Is this problem related to law as an impunity issue?

A. It should be incorporated in impunity because it should not be resolved by damages. He must be punished by law. And all accusations with or without a lawsuit, e.g. murder, should be made with the participation of the prosecutor.

Q. Regarding the mediator, should he be punished?

A. By law, the mediator is liable, but usually he is free from punishment. It relies on the court's judgement.

Q. I know that many Cambodians are aware of corruption. Since the UNTAC period, have you seen changes, and how long will it take to do away with all the corruption?

A. To get rid of corruption you need the political will to do so. People in power do not have the political will to stop the corruption. For example, the import of toxic waste from Taiwan was absolutely an illegal act. There was an active protest from the people all over the country, including a number of activists but as a result of their efforts the guilty people and accomplices were free of punishment but only the protestors who were arrested. Another example, from Malaysia: a trafficker was arrested with only 0.10kg of opium and the court passed a judgement of death penalty for him. On the contrary during the toxic waste incident in Cambodia, only a company boss was arrested, and then found not guilty. In Hong Kong, a meeting with the participation of 50 countries discussed corruption and agreed that to eliminate this phenomenon they should provide the government officials with better salary. The situation is similar in Cambodia; if the salary issue is not addressed the corruption could not be eliminated. But in spite of the present low salaries of officials, we have to try to fight corruption. We can not allow this wide spread problem to continue.

Q. One problem is that it seems that many ex-cons go back to committing crimes. Many international organisations have lobbied for better treatment of prisoners and after two years many are released and go back to crimes. What do you say about this?

A. A good question. Every society has a division of responsibilities: human rights groups have responsibilities to monitor human rights violations, especially on the part of government. We have gone to prisons to investigate torturing. Why? Perhaps the person is innocent, but confessed due to torture. Why do we support better treatment of prisoners? Nowadays, in the world, the convicts are not to be avenged; there is no eye for an eye. This is not applicable, here in the present time. It is not good for society. If a victim loses an arm and we cut off the arm of the violator, then there are two people in society with only one arm. Who must look after such people? Society, of course. The present trend is education in non-violence. If children grow up in a non-violent society, then they are non-violent. If children grow up in violence they are violent. So the use of torture in prison will not deter future violence. So what to do? Kill prisoners? We can not do that. It is against the law. We do not have capital punishment in Cambodia. There has to be discouragement of killing. In Khmer Rogue times, people were killed for small things. In our present society, such a situation has to be in the past. We have to put the value of human rights very high. If we allow the killings of people for crimes, we only breed the culture of killing. We are not Pol Pot who gave authority to village and commune chiefs to kill people they don't like, people who did not agree with them. So we have to go and inspect prisons so that we know proper food is given to prisoners. If they do not have proper food, they may die and this is capital punishment. When released from prison, they have poor health and are a

burden on society. So the poor treatment of prisoners has bad ramifications for society. How would you feel when you are tortured and say you are guilty when actually you are not? This is the main reason torture is not allowed. If proper food is not given then the prison warden is passing judgement and only a judge can pass judgement according to the law. If you would like to talk with me more we can do so outside about this issue.

- Comment from the floor: I would like human rights organisations to increase their performance in the districts, and more for funds to be given to human rights groups so that they can do more work in Cambodia.

The chairperson thanked Mr. Thun Saray for his good thoughts, his clear speech and clear answers to the questions. She then announced a 15 minute break.

Focus on Women: "Empowering women, and preventing violence against women."

H.E. Kim Chamroeun, Under-Secretary of State, Ministry of Women and Veteran Affair

H.E.Ms.Kim Chamroeun explained that the minister was in Battambang and that she (the presenter) did not receive the information to come to the AGM until this morning. She apologised for not having any handouts and thanked the NGOs for taking the time to attend the meeting and thanked those who organised the meeting. She then began her speech.

In this, the second mandate of the MWVA, I would like to present the Five-year Strategic Plan called Neary Rattanak.

Empowering Women

We hope to empower and develop women and turn them into an important asset for the nation. We have an obligation to defend the rights of women. We need to improve health care, education and economic development. We will achieve this with the cooperation of NGOs in communities through out the country. For the Ministry to deal with more than half of the population of the country and achieve it goals, the Ministry needs the cooperation of government officials, NGOs and the people.

At present, the participation of women in decision-making at all levels is not appropriate to the number of women in the country. For example, among 61 Senators, there are only 8 women. Only 10 members of the National Assembly are women. Among 27 ministries (including 2 Secretariats) there are only 2 women ministers. Among 54 Secretaries of State, there are only 2 women in the MWVA and 1 in the Ministry of Social Affairs and Labor. Among 132 Under-Secretaries of State, there are only 5 women (4 women in the MWVA and 1 in the Ministry of Tourism). At district level, there is only 1 woman, as chief of Ba Phnom district in Prey Veng province, and 3 women as deputy-chief. Of the more than 1,000 communes chiefs, women comprise hardly 1%. Of course, there are larger proportions of women working in some village development committees (VDCs). For example, in the case in the VDCs of the SEILA program, the plans require participation of women to be at least 30% to 40%.

We recommend that organisations with development programs in provinces/municipalities, districts and communes should require the above policy of SEILA. If we don't have this plan, then men will automatically fill the positions. Women can be promoted in decision-making processes at all levels. For example, the National Assembly approved a bill saying that the minister of the MWVA should be a woman; but the Senate did not ratify, arguing that it is unconstitutional. Only participation of women can promote women to be an important partner in development with men.

Some people may say that since I received my position in the Ministry of Women's and Veteran's Affairs I am demanding a lot of things for women. But, if real development is to take place, women must be involved. Men lobby for things of interest to men. Women need to be involved in the development process so that their needs are met. In the private sector I have not seen a woman as director of a factory or company, but a lot of unskilled workers are women. So I would like to ask you

to follow and pay attention to women in your local projects. Men ask me why I talk about women only. I say it is like a scale. Right now we need more weight on women's side because men's side is heavy already. Since Cambodian women are at a significant disadvantage relative to men, we need to eliminate this gender gap. There is a strong need to promote and provide opportunities for women so that they may take part fairly and equally in the future. The need to improve the situation of women takes the will of all, especially men.

We need to address the problem of inferiority of women. Parents tend to favour males over females in terms of education. It is important to develop better education for both girls and boys. Before this, Mr. Thun Saray spoke about the violation of human rights. Crimes are widespread in Cambodia. Lack of education and training contributes to this situation. The level of morality is much lower than in our parents' generation. So education is very necessary as the first step to improve violence. Previously, the morality taught in schools gave a positive result. Now, it is producing gangs. This is due to the poor education in society.

Domestic Violence

Violence is a subject much talked about. Domestic violence is common in Cambodia. NGOs have programs to help reduce domestic violence, but a lot still exists. It is a crime according to legislation, but how much is done to stop it? We have a lot of women coming to us complaining of domestic violence. One idea is that domestic violence comes from poverty and lack of education. Although there is a higher incidence of domestic violence in poverty situations, it is my experience that it also exists in rich families and even among royalty. We must investigate the root, the real cause of this problem of domestic violence.

In this computer age there are still people living in poverty. There is a wide gap between rich and poor. Cambodia is a poor country, but we have some who live richly. There is envy in poor people and so they resort to crime. For example, recently, one gender program officer in CARERE was shot dead by gun in a robbery for her motorcycle. Education of men is important as well as for women. Women play an important role in the family and so must be educated so they can pass on good morals and ideas to the rest of the family. We never see a wife beating a husband, only a husband beating a wife, and sometimes using a gun. Ministry of Women's and Veteran's Affairs is working on legislation for rights of women for the National Assembly to pass. Now, it is a bit different from previous regimes. Before the 1970s there were media discussions about laws and legislation. Now I see a need to discuss this legislation on television in a fuller way. So, it is recommended that all NGOs should consider this problem and develop educational programmes on the role and value of women in society. If men don't understand, they will not be virtuous. Since both women and men are working together they need to discuss and come up with strategies for both genders to work together fairly. Legislation will hopefully change restrictive norms for women.

Concerning the traditional codes of conduct for women, there is fairness only in some of them. For example, the Kram Ngoy code is very severe for women. In one sentence, we can read that a wife must keep quiet when her husband beats her. This encourages wife beating. So education for the next generation should be undertaken to challenge that mindset. Moreover, I have recommended that non-formal education on men and women's role should be inserted into the Ministry of Education's curriculum. Even some officials don't understand these roles.

"Gender" seems to be a new word. This concept is difficult to get across because there is no direct translation. We need to continue the discussion and to work on legislation. I want to thank the NGOs that are working with women's issues and to ask all NGOs to help us in the future.

Questions and Comments

Question (from Cambodian Daily): You mentioned the number of women in the National Assembly. Are you advocating a quota system for women to have positions in the National Assembly and other political positions? (Translated as: Do you support a larger proportion of women than men in the National Assembly or government?)

Answer: What I mentioned was the small proportion of women in the National Assembly. There are only a small percentage of women in decision-making positions in Cambodian society. I want women to have more representation at all levels.

Question (from Ms.Koy Veth, President of the Khmer Women's Voice Centre): The issue of promoting women's role in the governmental and social institutions should be addressed by appealing to the Prime Minister to obtain dormitories for female students. Some say that women are incapable; so we must promote women and train them to be more active in society, especially girls at the age of study. The incapacity of women is due to their disadvantaged status in education. At present, does the Ministry have a plan to establish dormitories for female students?

Answer: It is true that the establishing of dormitories for female student will be an incentive for women to obtain higher education. Currently, women account only for 15% of the total students in higher education. This is due to the difficult economic conditions of families. Furthermore, some female students live far from school, so there are security problems. Now, the MWVA has a plan to establish female-only dormitories for female students in secondary schools. So far, only students of rich families can continue their studies in Phnom Penh. The MWVA intends to choose Battambang province first, because it accounts for more female students than other provinces. The Prime Minister already authorised us to use confiscated logs from illegal investments for building the dormitories. If any NGOs have a possibility to help, they may help in construction of the dormitories in the provinces or in any province as they can.

Question (from Ms. Yuk Kalyan of Programme Against Domestic Violence): Thank you for sending legislation to the National Assembly concerning domestic violence. Some ministers have said that they think this type of law is not necessary - that the penal code is sufficient. But we have cases where a husband beats and kills his wife and there is not yet a court prosecutor to respond to the complaint. Two years later, the matter has not been settled. Could you explain why we need this special law?

Answer: We need this law because domestic cases are not reported to authorities. They are considered personal problems. Village chiefs complain that they need a law so that they can intervene. Traditional norms of Khmer culture say that domestic violence is a personal problem. Not many people recognize that it is also a legal problem. The law is still being debated. If the National Assembly does not pass the law put forth by the Ministry of Women's and Veteran's Affairs, then there will have to be an amendment to existing legislation. Some of the present law is too general, and because of this generality it is difficult for the local authority to intervene.

Question (from Mr. Khoun Bunny of Sor Sor Trung): Women should have equality with men, but there are problems. What about girl gangsters and the girl-friends of boys in the gangs? In some places, girls are gang leaders, using guns illegally. What are the measures to reduce these actions?

Answer: I am aware of this problem. There have been stories in the newspapers. I myself saw young boys and girls spend their time at a games parlour in my quarter; and sometimes, police arrested them. So, measures should be regarding the game parlours, and education should be taken seriously for girls in schools and for their parents. But, it is a very difficult task, because parents think that their children go to school; but, in fact, they don't go to school; they join gangs. The MWVA has already established an inter-departmental committee, including departments from the Ministry of Justice, Ministry of Education, MWVA, and the Ministry of Social Affairs and Labor, and we are preparing a national seminar in July 1999 to discuss these problems. So far, there was discussion with LICADHO about trafficking of women, which involves many institutions and needs participation of all institutions and stakeholders, especially parents.

Question **(**from a foreigner): Domestic violence is very widespread in Cambodia. Is there a special unit in the Ministry of Women's and Veteran's Affairs to deal with violence/domestic violence?

Answer: In the human resource department there is an section in charge of legal counseling and referral. We do not encourage the women to divorce. We try to reconcile the family; but some women

want to fight for divorce.

We do not have a lot of time remaining. These are important issues and we hope that the Ministry of Women's and Veteran's Affairs and other groups can work together to solve these big problems. Thank you.

"Focus on the Environment: "The Sub-Decree on Community Forestry"

Mr Ly Chou Beang, Community Forestry Coordinator of Concern Worldwide

Mr. Ly Chou Beang thanked all the participants for giving him the occasion to speak on environmental issues. He apologised for not preparing any materials, as another Concern Worldwide staff had been scheduled to make the presentation but now could not come; and he had not received the invitation or programme.

I will talk about the sub decree on community forestry. Concern Worldwide has been working on forestry issues for several years now. Why talk about the environment? That is a very broad topic. So I will speak about community forestry. I hope that many more organisations will start community forestry. The hope of community forestry is to make sustainable use of forestry resources. We want to change the concept that forestry resources belong to the government. We need to raise awareness of people involved in forestry work. At the present time, under the present government legislation, the local people do not have rights for forestry use. We need to start community forests. So far, the exploitation of forests has not been done according to sustainable measures. Because of confusion concerning legislation, the powerful and rich people can cut down forests to the disadvantage of local people. The local people need protection through the government so they can implement sustainable forestry practices. Why do we need government to be involved in local forestry areas? Why do we need the government to make legislation to protect local people? Because the powerful people appear to have more rights than local people. We need to lobby the government to protect the rights of local people and protect their forest resources. You may think that this problem is not so important, but it is vital to sustain forest resources and protect the livelihood of local people who rely on forests. We also have to remember that deforestation has an impact on the weather, affecting the frequency of floods and drought.

Since community forestry is something new, we need to train people in techniques to run the projects and have forest production be sustainable. We need informal training at all levels to exchange ideas and share experiences. Those working in forestry issues should meet regularly to discuss and exchange ideas. We need participation and cooperation of all parties concerned. The ideas of all levels need to be solicited and put into policy for forestry. There will have to be a firm legal basis for local people to engage in forestry activities to give them protection.

Regarding the process for preparing the sub-decree: NGOs with experience in community forestry have tried to be involved in the process for preparing the sub-decree on community forestry. Previously, the Ministry of Environment cooperated with NGOs in setting up supporting principles and also sent this sub-decree to the Ministry of Agriculture. Between 1997 and the recent general elections, there was not any progress nor final decision from the Council of Ministers. We are now working to add and subtract ideas in order to improve the sub-decree. The Council of Ministers is open to suggestions. Concern Worldwide has run workshops to discuss how to improve the sub-decree. The sub-decree was revised, and was presented at a national workshop that was held on 25-26 May 1999 in the Juliana Hotel. On 28 May 1999, the sub-decree was reconsidered for rectification but the decision to approve this sub-decree has not been made yet because of different opinions. The Forestry Department needs the participation of NGOs to give ideas to help improve the sub-decree.

Thank you for your attention. I can answer questions now.

Questions and Comments

Q. (by Mr. Lim Phay from USG): Of course forest products are our resources. You talk about local people, how about people living far from forestry areas? How does the sub-decree help protect forests from concession companies? If we do nothing now, will there be nothing left in the future? The government is very hard on local people cutting trees, but I have seen concession companies transporting truckloads of logs.

A. The people living far away still benefit from local people having community forests. Only 58% of Cambodia is forested so community forests tries to sustain forests. Transporting forest products far away for benefit of others is possible. The old sub-decree only covered ruined land and excluded land already given to concessions. The new sub-decree covers all forests, including concession areas. We have added articles concerning concessions and populated areas. In what areas can community forests be established? All forestry areas can have community forests. Areas that are flooded, lowlands and upper lands can be made into community forests. The sub-decree says that the forests belong to the government. This should mean that it belongs to people in general. It makes a big distinction between local use and exploitation by companies with machines. Even though companies pay taxes, we must make sure that the techniques used to cut trees and transport logs allow for sustainable forests. Law enforcement needs to be strengthened. We need to raise people's awareness as to the impact of destruction of forests on their livelihood and on the climate. We need to clarify who has responsibility over what areas So far, the military is powerful and can appropriate forestry areas for their use. I do not know the power of the Department of Forestry concerning the military. I do not know what they can do to stop the military. I think if there is no clear legislation and development of policy, then the problem will be big.

Q. (by Mr. Narin from CWS) The impact of destruction of forests is flood, drought, and more difficulty in living. To what extent should we stop exploitation of the forest to ensure that the climate is not effected? Why did the deforestation occur here, which leads to drought and people's poverty? The sub-decree will be finished soon, but I believe that such phenomenon is going to exist again, and how will this sub-decree help?

A. Community forestry is a part of forest management but does not cover all. Before, the government did not authorise the people living near the forest to do community forestry; and yet, they have existed there for a very long time and have been involved in using and protecting the forests together. Forest management can not be efficient except with the participation of both local people and the authorities.

Focus on Information: "The media and NGOs"

Ms Caroline Gluck, Resident Correspondent for BBC World Service

The media often gets a bad press itself. Journalists are frequently criticised for focussing on the negatives - crime, political crises, disasters and so on. While its true that those things do get coverage, most reporters are also interested in wider issues - women's rights, the environment etc.- that shape society. Just as the media reports what is happening in the country, politically, socially and economically, turning to government sources and analysts, equally crucial is contact with what I'd term "civil society" - the man and woman in the street, or working in the ricefield.

NGOs by their very remit are not official government institutions. Many, through their day to day work, have built up strong relationships with their constituencies - often the rural poor - who are not well-represented nor have a voice in other areas. They are well placed to inform journalists about issues that are becoming hot topics - such as the problem of land disputes - and to put them into a wider context.

When I first came to Cambodia to set up office here, I wanted to ensure that as many people as possible know that I had arrived in Phnom Penh and I wanted to hear from them about any newsworthy items.

As well as contacting government ministries, diplomats and politicians, I made a point of sending out a flyer to all NGOs. Notices were sent out, through the CCC, informing people who I was, what I did, my contact numbers, asking organisations to reach me if they had an interesting project or a piece of news to publicise. I knew Cambodia had a lot of active NGOs and I wanted to contact them.

One person - from an NGO - told me it was the first time any journalist had appealed to NGO's in this way. All the same, I received just six responses to my letters ...though it must be said that several people did keep the contact details and phoned me several months later with offerings of stories.

But while NGO's carry out their work, I'm not sure that all realise that better relationships with the media can enhance their roles, and their public profiles.

But why should NGO's foster better relations with the media?

- The main reason: it raises your profile and highlights the work you do to a wider audience. It may open the way for further funding; talented people working in your field may contact you and provide further valuable information.

- Sending publicity clippings or cuttings could help impress your donors and funders - underscoring the important work you are doing.

- MPs and other government officials read about your work - and may mentally make a note that if you are doing something unique they may want to consult you in the future.

- Establishing good relations with the press may also help in a time of crisis or difficulty; if something has been misreported or there is a problem with a programme, the ability to tell your side of the story can be very valuable.

What is "news"? A questioned I have often been asked. The answer is: something that merits public attention, and is new or fresh. It can be political, economic, or social. If you are working on a programme that is unique in Cambodia or tackles an old issue in a new way, that can be news. Sometimes, the "news" element may not be the programme, but the people carrying it out. For example, employing women mine clearance workers; or blind masseuse at Seeing Hands.

At other times, there may be another item in the news - such as an international report out on child labour; and the journalist may want to follow-up on this, using a local angle, talking to NGO's working with children and trying to protect their rights.

How can you get more publicity?

- Giving journalists information about what you are doing.- tell us!

- Alerting us to any press conferences or openings of new projects - and giving us advance notice, rather than just a phone call half an hour before.

- Remembering key diary dates...e.g. "World No Smoking Day"...is a good time for NGOs working on anti-smoking projects to contact the press. Sometimes, if there is a public holiday, journalists are particularly keen to report on stories when it is normally particularly quiet.

- Try and be specific - pinpoint an idea - rather than dealing in generalities.

How can you be effective?

- Send out press releases/emails that give the right information: who, what, when, where, how.

- Having contact names and phone numbers for follow-up questions.

- Many newspapers would be interested in photographic potential.
- Think about the most interesting angle and write the press release highlighting that.
- Building up relations with particular journalists.

Also think about the different needs of different outlets: newspapers want photos; television is more interested in filming picturesque locations (news conferences make for very boring TV) and radio wants to hear good sounds - going out into the field is so much better than a sit-down press conference or meetings in offices, with lots of interruptions from other office workers and telephone calls. "Sound" for radio and TV is all important. I can't tell you how many times people have refused to do a recorded interview, saying they will give me a written or faxed statement…useless for radio!

Keep us updated: if you move office or change phone numbers; tell us!

Don't be discouraged if many of your ideas or offerings aren't acted upon. Journalists are often trying to juggle several stories at a time. But we do appreciate hearing from people with different perspectives - and sooner or later, an idea or issue will hit the mark.

Plus, it gives us an idea of who is "out there" and has strong views about certain issues. That can mean that the next time we tackle a story about that issue, we can turn to the NGO spokesperson for comment or analysis. Several times, I've met people who've complained about the way certain local newspapers report certain stories - but if you're not happy, then speak out! We can only report what we know and hear - so please make us listen.

I have nothing further to add but if you have questions I would be happy to answer them. I will write my name and contact information on the board for you so you can contact me in the future if you wish:

Caroline Gluck, phone/fax 023 211 400; home phone 012 802 397;

E-mail: Caroline.Gluck@bigpond.com.kh.

Questions and Comments

- *Question:* How should I handle a situation in which I have given information to the media and I have been misquoted?

  Answer: That is difficult to answer. It depends on how much you trust the journalist. Make sure the organisation (newspaper, magazine, radio or television station) knows you were misquoted, and maybe don't use the journalist who misquoted you in the future. Some people ask for the article to be read to them before agreeing to have it printed, but most journalists will not agree to do that because it takes away their responsibility for the article. I suggest you be as clear as possible when speaking to journalists and say that you do not want to answer a question if you know your answer can not be given clearly. You are under no obligation to answer journalists' questions.

Focus on Landmines: "Extent of the remaining landmine and stockpile-destruction problem."

Dr Sim Sammidh, Senior Public Relations Officer, CMAC

Thank you for the invitation to come today. Your questions are: How many mines remain in Cambodia? How long will it take for CMAC to remove the mines? Where are the stockpiles of mines and weapons? And when will they be destroyed?

How many mines are there, and how long will it take to remove them?

When the United Nations Transitional Authority in Cambodia (UNTAC) was here from 1991 to 1993, it was estimated that there were 8 million mines in Cambodia and that it would take 150 years to clear them. And during that time, we had 1,000 deminers and an annual budget of $ 6-7 million. There were as many as 400-500 casualties a month from mines and unexploded ordnance (UXO). Since 1993, CMAC has increased its staff to 3,000 and the annual budget to between $10-13 million. The management of CMAC is Cambodian, but we have 40-60 foreign advisors to assist the works. We have done many studies and surveys and estimate that there are now 4 to 6 million mines in Cambodia. Banteay Meanchey, Siem Riep, and Battambang have the most mines and the most casualties. Mine awareness activities and training were undertaken to facilitate coordination and reporting when a mine was met. Casualties by mines have diminished gradually to around 50-80 persons a month. Our goal is to have no land mine casualties.

CMAC and government cannot determine when all mines and UXOs will be destroyed; it depends on the support of foreign donors. But we are committed to destroying all mines and UXOs in 25 years. The demining time is long, because during the mine detecting, even a small piece of metal must be found. In brief, we have located and destroyed 80-90 thousand mines.

CMAC has used machines for identifying mines from Austria and Australia and these devises prove to be 99.5% effective. They sound the alarm at the slightest trace of iron. We are also seeking other ways of identifying mines. There is a devise from Japan that can see a mine through the ground and other machines, from Finland, that destroy mines without digging them out one by one. Moreover, we trained 20 mine detection dogs in the training centre in Kampong Chhnang province, with the support of modern training equipment and technicians. We are trying to find more effective ways so that we can remove mines in the shortest possible time. We want to give farmland back to people as quickly as possible.

We consider that 50-80 casualties a month is still a big number, because it costs many Cambodian limbs and lives. We will try to reduce the duration of demining from 25 years to only 10 or 15 years. This includes not just mines but also unexploded ordnance (UXOs), which are scattered in the ground mostly in Svay Rieng, Prey Veng, Kompong Cham and Kampong Speu provinces.

Where are the stocked mines and when will they be destroyed?

It is a very difficult question, but I would like to stress, that we already wrote a draft law and sent it to the National Assembly for ratification in April 1999, the Senate has now also ratified it, and now we are only waiting for the signature of the King. CMAC doesn't know when the King will sign. After the king has signed the law we will see what we can do. I believe CMAC can do it because we have support from New Zealand in terms of technical staff and training. At the same time, we cooperate well with the Royal Cambodian Armed Forces (RCAF). For example, on 28 May 1999, Lt.Gen. Pol Saroeun, vice-president of CMAC's governing council, with cooperaton of provincial authorities, handed over 244 hectares of demined land in Banan and in Rattanak Mondul districts to 633 families, to 483 families in Vatt Treng and to 150 families in Boeung Prey. As a lieutenant general, he is in the best position to solve disputes. On 1 June 1999, at the Army Engineer Compound, in a ceremony presided over by Lt.Gen. Pol Saroeun and Mr. Sam Sitha, CMAC transferred 100 Schiebel mine detectors to the RCAF. It is an another indication of close cooperation between CMAC and the RCAF. Moreover, according to a letter received from the Demining Commander in Banteay Meanchey province, Gen. Sok Sopheap of the Military Region 5, provided 360 mines, including 1 anti-tank mine, and 12 UXO to destroy. So I am optimistic about future cooperation between the military and CMAC in locating and destroying stockpiles of mines.

Questions and Comments

Question: When I went to Battambang I met war displaced people who wanted to return to their land now that there is peace. Some, fearing loss of their land and not wanting to wait for CMAC, try to

demine the land themselves. Is there a policy concerning such people?

Answer: In the UNTAC time, there were 1,000 staff for demining and now we have a staff of 3,000. But the problem is big even for present staff. Cambodia has extensive mined areas. CMAC has priorities for demining land: 1. for returnees, people with no land, and high casualty areas; 2. for farmland requiring demining; 3. upon the request of international organisations; and 4. upon the request of government and local authorities. We have maps of areas to demine. Before we begin to demine, we consider how many people need the land and we need a guarantee from local authorities for the security of our staff. If only a few families ask us to remove mines, that is not sufficient. We need to work with the local authority and we need security for staff. First we contact the local authority to find out the situation in the area.

Question: How does CMAC resolve land disputes regarding demined land? How can you ensure that refugees are able to return to their homes? Does CMAC have any rules about this?

Answer: The mandate of CMAC is to demine and destroy mines and unexploded ordnance. CMAC must turn over land to the local authority. The distribution of demined land is the responsibility of the local authority. CMAC can only ask for a report of land distribution. Land disputes have existed for many years. The local authority needs to solve land disputes. Some people run away during the fighting, and then their land is grabbed by the military, and then sold to another. Lt.Gen. Pol Saroeun, as a member of the RCAF and vice-president of CMAC's governing council, is sometimes able to help facilitate land settlements.

Question: (from Mr Uch Ponh, USG) I know of people displaced by mines. How many hectares of mined land and how many displaced families do you need, before CMAC will come and assist?

Answer: The locals must get the local authority to request CMAC to come and assist. Is there enough demining request documentation from the families and local authorities? Where is the area that needs demining? Why are they displaced? So, first CMAC must be informed, especially about the number of families, and decide about the priority, and only after that, the demining process will began.

Question (continued): People in my area are afraid to move in because they believe there are mines and explosives, but local authority is not responsive. What do you think?

Answer: CMAC will go to any area if we have permission from the local authority. You need to contact the commune chief and map out area, then contact CMAC.

Question: (from Mr Mak Sithirith) How does demining affect the environment? For example, after demining, people go in and cut trees and there is deforestation. What do you think and how do you resolve it?

Answer: We only do demining; we do not think about environmental issues. But we have conducted surveys and usually the mines were laid with a clear purpose or plan. Usually they were laid around military camps and around bridges, not in big tree areas. They were laid in areas in which it was expected the enemy would come - strategic points, not dense forest. Therefore, so far, there has not been much impact on the environment. Sometimes, mines were scattered in the uninhabited forest, maybe along the mountain border; in these cases, there is no policy to resolve it, as these areas are used to protect our territorial integrity against invasion from outside.

Question: (from Mr.Narin) I have a suggestion about land disputes. I would like to ask CMAC to please get involved in negotiations and reconciliation over land. Please help the victims. For example, in January 1999, in Thmar Puok, Pailin district, refugees returned to their villages in Samlot, but their lands were grabbed. This is a very serious problem for the 300-400 families who request to be resettled. They asked, then, for CMAC to coordinate with authorities in distribution of the land cleared. What do you think?

Answer: Usually the military, the soldiers, try to occupy the areas from a battlefield. In times of

insecurity people left their land, they were displaced, and now the country is at peace the people want to go back. They see their land is taken by military. So the local authority has a problem to solve. In Pailin district, people were listed, and the demining units were deployed for the people in the request. We don't know how many other people want to live there. We have to cooperate with the local military and ask for more land. For the old land, the distribution is already done.

Question: I would like to ask you, what are the types of mines?

Answer: There are mines two types of mines: anti-personnel mines and anti-tank mines, and some mines use splinters while other mines use "blast". The kinds of mines produced abroad a technician could explain better, but since UNTAC times Cambodia does not have new kinds of mines. We have mines from China, the Soviet Union, the United States and locally made mines - No new types.

Question: (from Mr. Nary) I am concerned about stockpiles of mines/ammunitions. Where are these and how much is there?

Answer: Because of concern about the military, we do not have skills or resources to find out about stockpiles. However, this does not fall into the mandate of CMAC. Our mandate is humanitarian in nature. I can't tell you because we don't know. In Kompong Chham, Prey Veng and Svay Rieng we have bombs left in the ground from war in the 1970s. These are very dangerous. In the northwest, we have newly laid landmines. We must work in both areas.

Thank you for your attention. To facilitate future contact, please be informed by phone number is 015 831 526.

Focus on Development: "Taming the Tigers" – launch of the Khmer version of Ms Nicola Bullard's book on the Asian financial crisis.

Ms Nicola Bullard, Senior Research fellow, Focus on Global South, Thailand

I am glad to be here to discuss the causes of the financial crisis in Asia, which I laid out in "Taming the Tiger". It has been two years since I have been in Phnom Penh and I see that there have been some very positive changes in the NGO Forum since I was last here. Thanks to Oxfam GB and NGO Forum for translating the report "Taming the Tigers" into Khmer. The report was written almost one year ago, and it has been almost two years since the collapse in Thailand, but the report is still applicable and some of the recommendations are still relevant. There has been a lot of discussion recently about the global economy and how to prevent such crises as the Asian collapse. What are the useful lessons we can learn for Cambodia from what happened in Thailand? In order to understand that, we must look at the development model that Thailand was following, which most developing nations are encouraged to follow. What is role of the World Bank, NGOs, the Asia Development Bank, government, etc in this development model?

The development model that was followed closely in Thailand is promoted by the World Bank and ADB. In fact, this model is one of the main reasons for the financial crisis in Thailand. The main features of this model are:

1. A country is encouraged to industrialise so that they can export products and get foreign currency. This foreign currency in then invested further to create more jobs and the "trickle down" will eventually benefit everyone in society.

2. The agricultural sector in the country is developed for export products, not food security products. Farmers are encouraged to grow non-food, export products.

3. The country is encouraged to liberalise trade and to open up to foreign ownership.

In Thailand, after implementing much of this model, there was a boom in the economy. Many people

left the countryside to work in the city in industry. There began to be a growing gap between urban and rural, between rich and poor. Everyone was richer than before, but the ratio between rich and poor was greater. And because Thailand opened its finance sector to foreign investors, it opened up to financial speculation.

Foreign money stayed in the country for a short time. As there was more and more money in the speculative sector and less and less money in the really developmental and productive sectors, there was not a lot of money in the country for increase of jobs and stabilisation of Thailand's economy.
In addition to these factors of growing gap between rich and poor, and foreign currency in the speculative sector rather than productive sector, this kind of development is dependent on cheap labour and exploitation of natural resources. When selling goods on the international market, a country must offer low prices. Many countries have been encouraged to follow this same model. China, Indonesia, Vietnam and Thailand all followed the same plan. All of these countries were producing the same kinds of products for the international market. Thailand did not invest enough in education and so when the price of labour went up in Thailand, the quality of the product did not. The same product cost more from Thailand than from Vietnam or China. World markets began to buy from Vietnam or China. Thailand had less and less export cash coming in, but was still having a building boom and borrowing money from overseas. This balance became more and more out of balance. When investors began to think that Thailand's economy was not in good shape, they took back short-term loans and did not renew them. They sold their shares in industries. Very very quickly, most foreign money left Thailand.

The Thai government had to find foreign money to repay foreign debt, but Thai currency was worth less and less as the Bhat devalued. The government used up nearly all of its foreign money reserves and had to borrow money from the International Monetary Fund in order to pay back debts. The government had insufficient funds to cover money owed and so had to borrow from the IMF. In Thailand, 65% of debt was in the private sector. 35% of total foreign debt was by government borrowing. But when economic collapse was so bad the government had to borrow money to cover private debt as well as government debt. Therefore, in reality, when the Thai government borrowed money from the IMF to pay off all the foreign debt, the ordinary people of Thailand, the taxpayers, had to assume the debt. There was no good way for the private sector to take care of their responsibility for their portion of debt. The Thai government assumed responsibility for it all.

What can Cambodia learn? It is clear that the more Thailand became open to the global trade in money and goods, the less control it had over that trade and less possibility for financial manoeuvring. Thailand also placed too much importance on exports and had an imbalance in its development. The country did not build up internally. It is possible to avoid these problems if:

1. Economic development goes hand in hand with social development. Development has to be in the context of very careful management of natural resources.

2. The government has a very active policy of redistribution of money so that the benefits of economic growth can be shared between all peoples. This creates local jobs, localised economies, and social structures.

3. Export has to happen, but needs to be balanced with local market development. We must develop the domestic economy at the same time as the export economy. Distribution of wealth is important in this, so that agricultural workers and labourers have money to spend in domestic economy.

4. For a long time Cambodia will be dependent on outside funds because it is a poor country. The Government will want to attract foreign investment, but must be very careful to only accept money which will stay in the country for a long time and not be sent out. This money will be needed to invest in the domestic economy to create jobs for Cambodians. It is important to control foreign investment because once you lose control of investment, you lose control of major portion of the country's economy. You need to create jobs for Cambodians, not profits for foreign investors.

I feel quite passionate about the IMF, World Bank, ADB and other regional banks. They build up immense power and have a lot of money. Countries like Cambodia are, or think they are, dependent on this money. This money comes with stringent obligations. Governments must adhere to strict economic policies to receive money and must pay it back. We can be quite critical about their policies, if we look at the development process already laid out in countries like Thailand. I think these international financial institutions really stand in the way of economic development of a country because these financial institutions take away the accountability of governments. The financial institutions stand between governments and their people. The result is no public debate, no expression of democracy, and no good discussion between the government and people of the country about the economic policies of the government. The government can say they have to follow the policies of the IMF, and people have no voice. Many people in Thailand were angry the government signed an agreement with the IMF to borrow 17 billion dollars without debate in parliament and without media coverage. People were not angry about IMF policies per se, but about the fact that the Thai government would enter into a contract to borrow IMF money without consultation with the Thai people. The government should, in fact, surface questions from the population so that they, in turn, can ask questions of IMF. The agreements between the IMF and governments are often very technical and government officials need help in deciphering the language of agreements and contracts in order to understand the ramifications for the country's economy.

I have spoken longer than I intended. Thank you for your patience.

Questions and Comments

- ***Question:*** Why is Thailand biting the same bullet that killed them? Why do we in Cambodia seem to be biting the same bullet also even though we know it is going to be bad for us?

  Answer: Many Thai NGOs are asking the same question. Why doesn't anyone change? Why not change? Perhaps because this model of development has led to a better quality of life for most of Thailand. This development has been won at a high price to the environment and to some sectors of labour, particularly women, but there has been an increase in well being of Thais overall. There is, however, another reason why nobody wants to "can" this model of development. There is a sector of people who benefited greatly by this development model. They became very rich. The military, the industrialists, the financial institutions. They all want the model to stay the same as before because it gave them great wealth. Bangkok is very different from the rest of Thailand. The officials and military and industrialists sit in Bangkok and do not see the problems in the rest of Thailand. Some NGOs and others are working for changes in agriculture and the rural economy, but it is very difficult. Now the national development plan (which many sectors of society had contributed to earlier) has been put aside and only the IMF letter of intent is being used as a guide for the economic policy of country.

- ***Question:*** Do you have an alternative model for economic development that is different from the model followed by Thailand?

  Answer: It is difficult to suggest a succinct plan which every country can follow. Every country must develop its own plan, depending on the needs in the country. There are some principals to follow: sustainability and equity. In practical terms, have a taxation system that taxes rich people and industries. Install a progressive taxation system that redistributes wealth. Legislate land reform and give people access to land and water so they can farm the land. Encourage food security - food for the population rather than for export. Security for the population so they can be free of violence, which prevents them from farming their land. Natural resources must be carefully managed. Do not be anti-development, but you must have a balance between industrial development and social development, export economy and domestic economy, political democracy with economic democracy. You can't have one without the other.

We are out of time. Thank you again for your attention. It's nice to be here, even if for a short time.

The following organisations took copies of "Taming the Tigers" (Khmer version): PADV, UPWD, TAF, SST, MCC, CADFP, KID, CEPA, CWS, EDCO, MKD, Outreach, New Humanity, USG, CREDO, ADHOC, Licadho, Don Bosco, Oxfam GB.

Further copies are available from the NGO Forum office.