

វេទិកានៃអង្គការមិនមែនរដ្ឋាភិបាល ស្តីពីកម្ពុជា
The NGO Forum on Cambodia

ធ្វើការរួមគ្នាដើម្បីការប្រសើរឡើង

Working Together for Positive Change

ANNUAL REPORT

JANUARY - DECEMBER 2010



JANUARY 2011

The NGO Forum on Cambodia
Working Together for Positive Change

Annual Progress Report

January – December 2010

January 2011

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Executive Summary

The Core Programme delivered significant growth and consolidation across the programme and organizational areas during the implementation of the 2010 Action Plan. The overall representation, management, and governance of the NGO Forum increased both in terms of its effectiveness and observable impacts. The Programme also benefits from the technical focus on developing strategy that incorporates: increased staff commitment by engaging in capacity building activity, developing organizational process improvement to establish appropriate systems leading to higher levels of ownership and engagement by staff across their individual and collective roles and responsibilities.

The NGO Forum continues to provide a good model of advocacy in Cambodia, specifically in: good governance, transparency and accountability through stronger financial management systems and organizational structures. This is an important building block to achieving effective advocacy targets with the Royal Government of Cambodia (RGC). The foundation of this has been confirmed by government institutions, donor agencies, in addition to NGO network members who have been very vocal in communicating their regard for the professionalism and work the Forum delivers. And this support has translated to: sufficient membership funding, continued support for 2011; and the following three year period.

The first draft of 'the Law on Non-Governmental Organizations and Associations' has created in-depth debate. In making preparations for this debate, the NGO Forum continued its work by remained closely aligned to CCC and MEDiCAM and other relevant NGO and network members to coordinate and consolidated all comments. These consolidated messages and comments from Non-governmental Organizations and Civil Society Organizations have now been communicated to the Ministry of Interior, related ministries, and development partners. As a result, the consolidated comments from all NGOs/CSOs have heard and seem to be positive accepted by the Ministry of Interior. NGO Forum will continue this advocacy to ensure the law will serve the interest of the NGOs and Associations in Cambodia and to enabling working environment.

The Development Issues Programme (DIP) successfully advocated for the inclusion of 8, from 17 sectoral NGO comments received, incorporated by government in the final National Strategic Development Plan (NSDP) Update 2009-2013. The RGC and DPs applauded the Forum's efforts in delivering the strategic messages in the NGO Position Papers on Cambodia's Development in 2009-2010. These messages were again communicated following the endorsement of JMIs at 3rd CDCF meeting in June 2010. The underlying intent of the NGO Position Papers was in delivering an assessment of the actual progress being made. The assessment was made against the implementation plans, with variances being explored, prior to directly communicating the outcomes of this assessment to relevant policy markers within the RGC.

The NGO Forum also developed a policy matrix to make this assessment. This was undertaken following the need being identified by DPs in the TWG-PPR meeting with the Ministry of Planning (MoP). In addition, staff gained advanced skills in monitoring government policy by organising a training workshop on 'Monitoring Government Policy and Advocacy', delivered on 17-19 November 2010 in partnership with CAFOD and TROCAIRE. The impacts from this training session will be seen into the future with improved capacities of staff working on activities which monitor government development policy.

A long term impact was also achieved with the programmes advocacy activity gaining public access to three key budget documents. These had been advocated for since 2008 with access to these documents being finally posted on the MEF website (www.mef.gov.kh) in September 2010. More specifically, the Aid Project successfully influenced a change in policy language from 'government ownership' to 'country ownership' in the NSDP update. Secondly, full NGO membership in TWG and the inclusion in capacity building activity have been agreed to. And finally, agricultural financing findings were delivered at high standards so much so they were adopted in the ADB country strategy.

The Environment Programme was formally considered by government ministries as representing civil society organizations on the EIA reviews and comments. Overall, the programme achieved the following: recommendations from NGOs/CSOs on coal-fired power plants were accepted and incorporated within the final EIA report. Save the Mekong Coalition in the international, regional, national, and local sector on the Mekong Mainstream Hydropower Dam Developments were produced and made public with recommendations: to delay the Mekong Mainstream Hydropower Dam for 10 years, being accepted. Negative impacts of hydropower dam development were linked with a lack of political will in the Cambodian government; and increased financial restructuring of Chinese government investment in infrastructure development across the sector.

The Ministry of Agriculture, Forestry and Fishery (MAFF) has continually requested the Forum provide comments and input on legislation and policies, particularly on the draft pesticide law and contract farming sub decree. The activity was undertaken by the Forum with the consolidated collection of comments being accepted and included in the draft pesticide law and contract farming sub decree.

The Land and Livelihood Programme successfully advocated for the Federal Republic of Germany to refund GTZ work in the land titling program (LASSP). This was communicated in a joint statement to the German Federal Ministry for Economic Cooperation and Development. The result being the Forum's Executive Director was invited to give brief speech at the '*Get-together of partner organizations of the German Technical Cooperation*', (were the Deputy Prime Minister was in attendance) to celebrate the merger of the German Development organizations: GTZ, DED, INWENT and CIM - into the single German Society for International Cooperation (GIZ).

Longer term impacts were also observed with both AusAID and the ADB responding positively to RANs intervention and the network membership *increased their advocacy influence*. RAN members *strengthened their coordination* on the National Housing Policy. Some separate impacts also included: the Airport Development Project advanced with approximately 90% of affected people accepting increased compensation rates while another 10% still demand further compensation. The plight of indigenous people has been recognized by the RGC, UN treaty body, and the public, using international and national networks and media. FA recognized Economic Land Concessions (ELCs) pose immediate and considerable threat to forestry destruction in Cambodia.

Forestry Administration recommended government stop granting Economic Land Concessions overlapping with forested areas. The report stated "*Government should strengthening information sharing, baseline monitoring and its evaluation system on ELCs*". Moreover, the NGO Forum and network members' efforts led to an increased awareness of these issues with several government officials, connected to illegal logging activity, being dismissed from their posts.

The Research Information Centre (RIC) made advancements to considerably *improve the overall situation of access to accurate information*. Essential data and information across a number of land issues was made available to government and non-governmental organizations, donors, researchers and academics via the improvements made to the LIC webpage. The contributions of the RIC was acknowledged by relevant government institutions including the Ministry of Environment who now send EIA reports on ELCs to provide further opportunity for dialogue. The Investigation reports have also been used to advocate through: media, press release, and press statements, to share these widely among stakeholders working on land issues. Based on the investigation efforts, seven land dispute cases were settled.

Overall, the NGO Forum has been successfully engaged with a significant number of priority sectors and mechanisms that achieve better outcomes and longer term impacts for poor and vulnerable citizens within Cambodia. The NGO Forum remains committed to delivering its mandate and values the technical and sectoral contributions from its members and networks to facilitate the process of engaging on these politically contentious issues with the RGC. I was also observed that the Cambodian Government change their attitudes to work in collaboration with the NGO Forum on Cambodia such as land, financial management reforms and other issues.

Core Programme

Programme Goal

The Core Programme brings together member NGOs in member meetings, and covers the NGO Forum's core representational role. It also provides the governance, management and administrative support for the whole NGO Forum programme.

Key Achievements

The full year throughout 2010 provided many obstacles and opportunities for significant achievement. This was the second implementation year under the NGO Forum three-year Action Plan 2009-2011. The Core Programme's key priority in 2010 was to safeguard the effective operational plans and make improvements to organizational capacity, competency, and management systems. Major implementation efforts concentrated on the recommendations from evaluations, improvements to internal staff management practice, and delivering on the action plan.



Executive Director, Chhith Sam Ath giving a press conference address on the situation of land disputes in Cambodia (1st June 2010). This was held one day prior to the 3rd CDCF (2-3 June 2010).

The NGO Forum's Executive Director continued expanding his representational efficacy at the regional and international levels, where he addressed various national and international actors. These comprised: government-donor-NGOs meetings, forums, workshops, press conferences, government meetings, development partner meetings, as well as NGO meetings. Covering concerns and advocating on behalf of affected communities from the impacts of Economic Land Concessions (ELCs), land grabbing, forced evictions, in addition to the impacts from hydropower dams construction (both planned and actual) and mining concessions. These messages were targeted at appropriately high level decision-makers and other relevant institutions, through the Forum's engagement in: publications, dialogue - with

government and donors, and through effective communication and advocacy with national and international media organizations.

The professional reputation of the NGO Forum on Cambodia with other significant government actors has been improved. These consist of: Ministry of Land Management, Urban Planning and Construction (MLMUPC); Ministry of Agriculture, forestry and fisheries (MAFF); Ministry of Planning (MoP); Ministry of Economic and Finance (MEF); National Assembly (NA); and the Ministry of Interior (MoI). These improvements have seen ministries increased their participation, support, and cooperation with the NGOF on significant advocacy activities. Some of these covers: supporting the NGO Forum to organize a national consultation through the Lower Sesan II workshop, environment protection debates through the National TV of Cambodia, consultation on the draft National Budget Law, quarterly meeting between NGO Forum and representatives of the MLMUPC (to gather a more updated solution to land issues, national launch on pesticides law, national consultation contract farming, and campaigned on pesticide reduction and management in addition to other activities.



People affected by Land Grabbing were able to voice their concerns at the 5th National Advocacy Conference

The NGO Forum was able to progress its mandate, for example, by coordinating collective input on issues from NGOs and CSOs and facilitating a discussion on these points with the MoI. It is hoped this dialogue will facilitate better outcomes under the draft Law on Associations and Non-Governmental Organizations. To this end, the NGO Forum on Cambodia will continue working closely with CCC and MEDiCAM and other relevant NGO and network members specifically to advocate for the inclusion of a pro-poor agenda. Through these continuing efforts, the MoI released the draft law on the 15th December 2010. The MoI also agreed to delay planned public consultation from 28th December to 10 January 2011. The perspective of this law by NGO members' is, if there is a need at all for this law it should be built on mutual accountabilities that hold both government and NGOs accountable to the citizen of Cambodia. The NGO Forum will continue to advocate on this draft law to ensure it serves the interest of our members and the Cambodia society by requesting the establishment of a government and NGO representative technical working group. This would provide a forum for all NGOs and Association comments to be heard and agreed to under a mutual framework of accountability.



The programme continued to effectively monitor its mandate with good participation from all staff. Some of the achievements, challenges, and lesson identified across the programme areas were shared at regularly monthly staff and coordination committee meetings. In addition, the inter coordination plan coordinated across all programme areas was reviewed each month. This led to improved staff participation and engagement across the NGO Forum's policies and better implementation of the action plan.

The strategic activities of the NGO Forum continue to serve its member organizations. These activities are reported on at (3) Quarterly Membership Meetings, and an Annual General Meeting, held on: 12 February; 30 April; 23 July; and 3 November respectively). One-hundred and thirty participants with a gender balance of approximately 37% female participation joined the NGO Forum member organizations and provincial networks for each meeting.



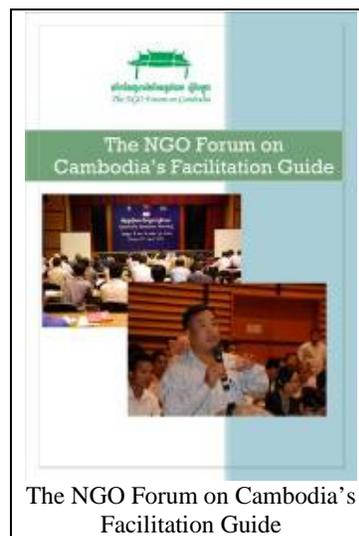
NGO Forum Quarterly Member Meeting

Topics discussed both set agenda items and emerging issues, such as: Climate Change; Land and Natural Resource Management; National Strategic Development Plan Update 2009-2011; NGO engagement in the Donor-Government dialogue mechanisms; The NGO Forum planning process and preparation of the NGO Forum Strategic Plan 2012-2017. This takes on: The NGO Forum's Key Achievements; Budget Expenditures; Gender Mainstreaming; Network Mapping and functioning; and Energy Development Plan in Cambodia; Advantages and Disadvantages of Coal-Fired Power Plants; with experiences being drawn on from other countries. Higher level activities also highlighted: The Result of the 3rd CDCF Meeting; Economic Land Concessions (ELCs); and Hydropower Dam Projects in Cambodia. And through these meetings, five Management Committee (MC) members were elected (1 successfully re-elected) to enable the effective governance and functioning of the NGO Forum.

The NGO Forum continues to be effectively governed by the expert function the management committee and governing board plays. During the reporting period, six regular bi-monthly meetings of the Management Committee (MC) were conducted on: 8 January; 12 March; 7 May; 9 July; 10

September; and 05 November. The MC members were also very active providing direction and guidance on: the management of the NGO Forum; approving revisions to the Budget and Action Plans; approving amendments to the NGO Forum Staff Appraisal Procedures; ToR – for the Network Study and Strategic Positioning Study; and feeding in timely comments the NGO Forum used when crafting advocacy messages responding to media. The MC also approved five new full-membership applications to increase the total number of member organizations to 86. Importantly, the governing body also undertook an appraisal of the performance of the Executive Director in 2010. The results from this assessment are not available at the time of producing this publication.

The NGO Forum's long term strategy from 2012 to 2017 is being considered. This strategy will draw inputs from the results of the Network Study and Facilitation Guides, Staff Retention Study, and Strategic Positioning Study to deliver a comprehensive strategic plan for 2012-2017. The Network Study and Facilitation Guide will help the NGO Forum to improve the function of the networks and linkages between these. The Strategic Positioning Study consolidates the views from NGO Forum members, networks and stakeholders to establish valuable input that sets the direction of the NGO Forum over the next period. This incorporates the Staff Retention Study which summarizes reasons for staff turnover and gives recommendations on how to improve staff motivation and professional development. The planning process will continue to be implemented throughout 2011 with the final programme evaluation planned for March 2011. A review of the strategic plan will be held in June 2011 and we expected this will lead to a new action plan for the period 2012-2014 being delivered in September 2011.



Organizational values and team building exercises were reinforced during the reporting period by staff attending an NGO Forum retreat. The Retreat was held on 2-6 August 2010, in the Modulkiri province. Following this, comments by staff on the outcomes from this retreat have been overwhelmingly positive citing stronger team solidarity and a greater understanding of Indigenous cultures and livelihoods. This was further strengthened by visiting 3 Indigenous People (IP) communities, including: Pou Chrey - where WWF supported for community forestry; Bou Sra - where land conflict between IP and companies over ELCs occurred; and Dak Dam - where a success story of land conflict was presented by CLEC's staff. Furthermore, the Forum's Core Values were discussed covering inputs in the development of the implementation guidelines and the establishment of a clear definition for each value.



A Staff Retention Study was finalized in November 2010 as a response to staff turnover. One action item from the study is to engage an external consultant in a review of the Staff Performance Appraisal Form, to ensure performance based assessment and quality recruitment practices are implemented throughout 2011. The outcome of this consultancy will be to set an agreed performance and rewards framework which aligns the expectations of the Forum and staff to achieve set performance goals. This will be done by setting intrinsic and extrinsic expectations - and articulating these within the Human Resource Strategy. The Retention Study also assessed: communication, teamwork, management, staff policy and salaries, work environment, organization goals and values and opportunities for training and development.

The capacities of staff have been supported by making internal and external trainings available. The NGO Forum staff trained on: Advocacy & Project Cycle Management (22-26 February); Report Writing Skills (08-11 June) and attended a refresher training on Best Practices in Advocacy on the 04-06 October, with 23 staff attending (including 9 females). A key result from this was staff developed a better understanding for effective advocacy skills and techniques assisting them to link the NGO Forum advocacy strategy, to professional report writing skills.



Staff Group Training
on the Result Based Management in Report
Writing.

In addition, 12 staff (5 female) built their capacity in an external training session with local and international participants on topics, including: general English, development and natural resource management, gender and rights based approach, forestry management, climate change mitigation and adaptation, coal-fired power plants, financial audit, budget monitoring, donor requirements and monitoring revenues from extractive industry. Following this, staff felt more confident they had developed skills equipping them to effectively advance their advocacy mandate, on behalf of the NGO Forum.

The annual program reflection was conducted on 20-24 December 2010. This was to ensure the NGO Forum Action Plan remained up-to-date and met the needs of member organizations and networks. The network inputs, lesson learnt and experience in disaggregated programme implementation of the action plan 2009-2011 was reflected on. This comprises a SWOT Analysis: strength, weaknesses, opportunity and threat. The results were developed through four programme areas of the NGO Forum and detailed in the Action and Coordination Plans for 2011. Importantly, this process also gave staff and management the opportunity to undertake team building activities.

During the reporting period, six policies and procedures were reviewed and developed. These consist of, for example: Child Protection, Complaint Mechanisms, expenditure procedures and HIV/AIDS. The staff performance appraisal procedures were approved by the Management Committee but the staff recruitment, procurement, and payment are still being reviewed.

The NGO Forum's Financial Management Information System has been upgraded to ensure transparency for all staff and other stakeholders. This integrates two procedures during 2010 (Procurement and Payment) in addition to a review of the financial system to ensure transparency, professional standards, and fewer complications. In early 2011, the NGO Forum will again put in place improved systems and procedures which improve implementing activities.

The NGO Forum has a sound reputation for financial management with most funding contracts being signed by its members for the entire three-year Action Plan (2009-2011) period. Some donors have confirmed their continuing support into 2011 with most donors have processed the funding agreement and transferred funds on time. Meanwhile, some new donors, for example KEPA, have even shown an interest in developing a formalized partnership with the NGO Forum.

Budget planning and monitoring were improved during the year. A funding grid was developed in January of 2010 to ensure the diverse donor financial reporting requirements were being met. In addition, a break-down of the budget, and effective budget monitoring of regularly quarterly budget reviews were undertaken.

The NGO Forum selected Price Waterhouse Coopers (Cambodia) Ltd after a competitive bidding process to audit the NGO Forum's financial statements. This external financial audit report incorporated the full financial year operations, as at 31 December 2009. The outcomes from this report mainly noted positive impressions of the NGO Forum's internal financial management system and controls over both fund and asset under management.

Gender Mainstreaming is a continuing priority. The Gender Focal Point and pilot being developed will build capacities which over time will allow the mainstreaming of all NGO Forum projects in Cambodia. Gender Mainstreaming Indicators were developed and presentations delivered to increase the understanding by staff of these. Staff knowledge on gender issues were also improved by engaging in a celebration of the International Women's Day held on 8 March 2010 (in all 15 female staff members participated). In addition, field visits integrated the opportunity to meet and discuss issues with community people, commune councils, and village development committees to learn the real issues affecting women, in progressing gender equality.

A Gender Officer working on gender mainstreaming activities in the NGO Forum has continued to improve her skills and knowledge, improving the uptake of gender knowledge, through a Gender Policy training series and Gender Rights Based Approaches to Gender Mainstreaming sessions.



Meeting between the NGO Forum staff and Community Representatives on the celebration of International Women's day

Gender and Development Network and Cambodia NGO-CEDAW Committee are the two networks to raise gender issues in. Some issues cover: the rights to participation, promotion and equality of women. Some of these were incorporated in the gender position paper for the Cambodian National Strategic Development Plan Update 2009-2013, and the 3rd CDCF meeting.

The mechanism for enforcing gender mainstreaming have been established and implemented. The Gender Focal Point (GFP) functions well with regular meetings involving the Deputy and Executive Directors, four Programme Managers, Finance Manager, Administration and Gender Officers. During the reporting period, five GFP bi-monthly meeting were organized to share, discuss, and identify the issues, challenges, and constraints in the consistent application of gender mainstreaming principles. Moreover, the final draft of the Gender Mainstreaming Guidelines expanded to provide basic knowledge, methods, and tools for NGO Forum project staff to implement gender mainstreaming principles in all activities: such as policy development, action plan, research, and advocacy, as well as in monitoring of all of these.

An Annual Gender Focal Point Reflection was organized on 16 December 2010 with complete participation from the gender focal point members. The workshop was facilitated by consultants from Oxfam Great Britain chosen for her extensive experience on gender mainstreaming initiatives in other NGOs. There were comprehensive discussions held on the progress of gender mainstreaming in the NGO Forum, comprising the challenges and obstacles being faced in mainstreaming this initiative. The result strengthened future planning activity on redressing gender mainstreaming imbalance through programming activities. Explicitly, this refers to the development of organization-wide gender guidelines for project implementation and pre-planning processes to monitor the evaluation process.



Gender Focal Point Reflection On 16 Dec 2010

The NGO Forum achievements set a foundation of professional advocacy work. For members and non-member organizations, in particular, the evidence based approach has improved the quality of these outputs. These publications were disseminated widely to NGO members, donors, and relevant government institutions, National Assembly, Senate and the King. The NGO Forum's website was developed further, uploaded to the server, and made publicly available. In addition, management ensured all publications were made available on the NGO Forum's website. This comprised articles from the Land Dispute Report, Development, Environment and Human Rights circulated through each of the four NGO Forum servers.



Distribution of Publications
at the National Assembly

In 2010, more than 25 publications were produced. The majority of these are contained in the following list.

Major NGO Forum Publications by language and quantity produced in 2010

Description	Language	Qty	Date Published
Core Programme			
1. NGO Forum's Magazine Year 07 Vol. 11	Khmer	500	March 2010
2. NGO Forum's Magazine Year 07 Vol.12	Khmer	500	June 2010
3. NGO Forum Progress Report for Jan-July 2010	English	50	June 2010
4. New Year NGO Forum Diary 2011	Khmer and English	1000	Dec 2010
Land & Livelihoods Programme			
5. Land is Life Report-land conflict interventions in Cambodia	English	500	Feb 2010
6. Land is Life Report-land conflict interventions in Cambodia	Khmer	700	Dec 2010
7. Land and Life Newsletter Vol. 12	Khmer	500	March 2010
8. Land Dispute Report 2009	Khmer and English	500	May 2010
9. CERD Report	Khmer	880	May 2010
10. Land and Life Newsletter Vol. 13	Khmer	500	June 2010
Development Programme			
11. NGOs Position Papers	English	2000	May 2010
12. NGOs Position Papers	Khmer	2000	May 2010
13. The Impacts of The Economic Downturn on Households and Communities in Cambodia	English	1500	June 2010
14. The Impacts of The Economic Downturn on Households and Communities in Cambodia	Khmer	1500	Nov 2010

15. Executive Summary on The Impacts of The Economic Downturn on Households and Communities in Cambodia	English	1500	June 2010
16. Executive Summary on The Impacts of The Economic Downturn on Households and Communities in Cambodia	Khmer	1500	June 2010
17. The Brief on “Agriculture Sector financing & Service for Smallholder Farmers”	Khmer and English	2000	Sep 2010
18. Agriculture Sector Financing and Services for Smallholder Farmers	English	1000	Sep 2010
19. Fact Sheet on Terms of Assistance of Foreign Concessional Loans to Cambodia	English	1500	Dec 2010
20. Assessment of NGO Participation and Representation in TWGs	English	500	Dec 2010
21. Brief of Budget Transparency 2010	English	1500	Dec 2010
Environment Programme			
22. Powering 21st Century Cambodia with Decentralized Generation	Khmer	1500	Sep 2010
23. Poster on “Coal-Fired Power Plant”	Khmer and English	1500	Feb 2010
24. Best Practices in Compensation and Resettlement for Large Dams: The Case of the Planned Lower Sesan 2 Hydropower Project in Northeastern Cambodia	Khmer	1500	04 May 2010



The NGO Forum's membership details have now been recorded in a database offering an easy way to update and provide relevant information to its members. The content consist of office address, contacting information, sector of the organization work, and place of work ...etc. Moreover, the media contact list has also been incorporated within this database; this is for faster retrieval and better contact management of media counterparts to alert them of press conferences, workshops, and other events.

The image shows two screenshots of a database application. The left window is titled "Organization Member" and contains a form for entering details for an organization. The form includes fields for Organization ID, Category ID, Type (International NGOs), Name (ActionAid International-Cambodia), Acronym (ActionAid), Address (#63, St 242, Chaktomok, Daun Penh, Phnom Penh), Phone (023 994 987 - 012 200 341), Director Name (Mr. Keshav Gautam), Director Title (Country Director), Fax (023 994 986), E-mail (keshav.gautam@actionaid.org / rasme), Website (www.actionaid.org), P.O.Box (66), and Provincial (Krotie, Banteay Meanchey, Siem Reap, Pursat, Kompot, Kampong Cham, Svay Rieng, Prey Veng, Kampong Thom, Preah Vihear, Koh Kong, Ratanakiri, Battambang). There is also a "Working in Sector" section with a list of sectors. The right window is titled "Media Form" and contains a form for entering media contact information. The form includes fields for Media ID, Category ID, Media Title (Cambodia Daily), Contact Name (Mr. Yan ran), Contact Title (Layout Design), Address (#129 Street 228 Phnom Penh), Phone Number (012 491 774023 994 806), E-mail (N/A), and Website (N/A).

Key Challenges and Lesson Learned

- Staff turnover is inevitable. This continues to impact the continuity of the NGO Forum's activities. In addressing this as an issue, a staff retention assessment was conducted to provide clear recommendations to remedy this in 2011. A key activity being followed up is the recruitment of a suitably qualified consultant to develop a Staff Performance Appraisal Form.
- It takes considerable time to effectively recruit technical consultants to deliver much needed research and technical capabilities. In particular, the Forum has not been able to attract a consultant to complete work on, for example: issue such as Coal-Fire Power Plants, Government Policy Mapping, and Extract Industry (EI) revenue information tracking. As a result, we have incurred delays and Forum staff has been required to allocate an increasingly larger portion of their time - backing up on technical aspect of the work.

Impact Observed

There was significant growth and consolidation of the programme and organization during the implementation of the 2010 Action Plan. Representation, management and governance of the NGO Forum overall became increasingly effective and well balanced in terms of the following observable impacts:

- It was observed team work and staff commitment increased from the previous reporting period. This occurred through capacity building and setting appropriate systems in place. In addition, staff also communicated a better understanding of their desire to assume greater levels of ownership and engagement across their individual roles and responsibilities.
- There is sufficient funding support for the 2011 Action Plan from a sufficiently diverse pool of donors who are able to respond to the real needs of the NGO Forum on Cambodia. These donors have expressed a strong commitment to continue their support for the NGO Forum over the next three years.

- The NGO Forum continues to provide a good advocacy model of NGO cooperation in Cambodia in terms of: good governance, transparency and accountability though the continuation of strengthened the financial system and other organizational structures. This is an important element to achieving effective advocacy targets with the government.
- Recognizing and appreciation from the government institutions, donor agencies, NGO members and network members regarding to professional work of NGO Forum staff in there ability to bring together disparate stakeholders through organized public events, policy consultation, press conference, statement and stakeholders engagement and other works.

Some donors changed their funding conditions from supporting the entire action plan to just specific project or programme areas. This has presented other less desirable challenges for the Forum. Particularly where we are seeking to allocate an appropriate level of the budget to priority issues, and successfully linking these issues to each other, to have a more sustaining impact overall.

Development Issues Programme

Programme Goal

The Purpose of the **Development Issues Programme (DIP)** is that *'NGOs cooperate across sectors to influence government and development partner policy and practices so that they benefit poor and vulnerable groups'*. DIP has four projects; the Development Policy project is central to the NGO Forum's activities, as it has direct links with all projects in other programs of the NGO Forum.

The key personnel within the Development Issues Programme include: a Program Manager and four Project Officers. They are responsible for four projects, including: the Development Policy, Economic Development, National Budget Project, and the Aid Effectiveness Forum. The Programme also benefits from the support of a full-time Volunteer Adviser, who has provided direction and support since November 2010. The Advisor's primary role is to develop the abilities and capacity of the Programme Manager and Project Officers by providing technical support on linking the national budget in their work and transferring this through skills transfer and capacity building activity to improve the English writing ability of all staff. The primary focus is on strengthening staffs ability to craft various messages to an appropriate professional standard to engage a wider readership to these advocacy messages.

Staff turnover continues to have an impact on the work of the DIP to some extent. Although the two projects (National Budget Project and Economic Development Policy Project) were re-staffed with new Project Officers in 2010, the impacts from staff turnover led to slight impediments in the programme implementation timeframe. The result was that this delayed some activities in the first half of 2010. It also added some extra burden on the existing staff workload, already very busy in the peak season (coordinating and producing NGO Position Papers). Ultimately, this caused delays in some activities with these needing to be completed within the second half of the year. However, DIP staff holds a continually high level of commitment to programme integration and a results oriented focus which meant staff shared the additional workloads and met this challenge by producing the outputs and outcomes, stated in the action plan. Moreover, by the time this report was being finalized, the Aid Effectiveness Project Officer resigned from his post and this would likely affect the current work pace and team dynamics at least until the first half of 2011.

Although faced with the above constraints during this whole year, the 4 projects of the programme have still been able to make substantial achievements using the programme integration and team work approach, although a bit burden to the current staff. These achievements could be summarized as following:

1. The Royal Government of Cambodia (RGC) recognized the important and constructive role and work of the NGO Forum particularly on its coordination of sector NGO Position Papers and NGO inputs for the NSDP Update 2009-2013. As a result of this and other specific work of DIP, NGOF working relationship (formal) both technical and political level with RGC has been improved.
2. Development Partners praised the effective coordination of NGOF for ensuring fruitful inputs into Aid Coordination Mechanism for Cambodia.
3. DIP advocacy messages have been welcomed and received positive responses (RGC has taken action to address to issues raised) as a result of our adherence to our principles (professionalism, credibility and being strategic in our ways of work).
4. DIP teamwork and spirit has been improved.

DEVELOPMENT POLICY PROJECT (DPP)

Project purpose: NGOs cooperate across sectors to influence government and development partners policies and practices so that they benefit poor and vulnerable groups.

Key Achievements

Eight from seventeen sectoral NGO comments on the first draft National Strategic Development Plan (NSDP) Update 2009-2013 were incorporated into its final version.

This resulted from project coordination between sectoral NGOs/Groups that started in July 2009. The full report: 'Compilation of NGO Submissions to Line Ministries/Agencies as the NGO Comments on the First Draft NSDP Update 2009-2013' is available online <http://www.ngoforum.org.kh/eng/core/dppdoc.php>

Improved dialogue was observed between the RGC and NGOs on the formulation of national planning process and concerns were taken into consideration by RGC on the limitation of wider Civil Society Organizations (CSOs) in engaging with this process.

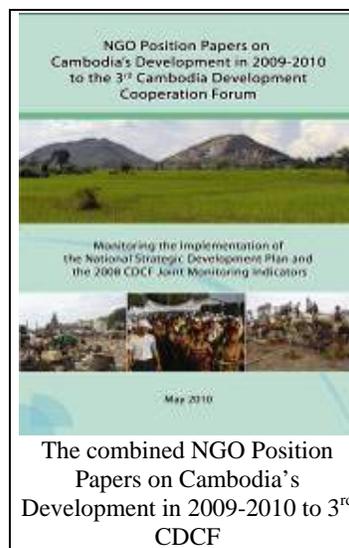
This has been attained through Tri-Partied National Workshop on CSO Comments on First Draft NSDP Update 2009-2013 organized by the NGO Forum in cooperation with Cooperation Committee of Cambodia (CCC) and MEDiCAM on 19 January 2010. At the workshop, some sensitive issues were dialogued by representatives from NGOs, RGC and DPs. Also, articles demanding increased CSO participation in the National Planning Process as well as incorporation of key sensitive issues into the national plan were covered widely by both English and Khmer media (Cambodia Daily, Phnom Penh Post, The Kampuchea Thmey newspapers and others). In addition, the NGO Forum comments on the JMI for Technical Working Group on Planning and Poverty Reduction (TWG-PPR) were accepted by Ministry of Planning which was later endorsed at the 3rd CDCF meeting and with this and the revised TWG Guidelines (see details in Aid Effectiveness Project) it will affect the participation of NGOs in the formulation of the Mid Term Review of NSDP Update 2009-2013 in 2011.



From left to right: Mr. Ham Hak of MEDiCAM, H.E. Theng Pangathun, Deputy Secretary General of MoP, Ms. Ann Lund, UN Coordination Specialist, and Mr. Chhith Sam Ath, Executive Director of The NGO Forum on Cambodia

The RGC and Development Partners (DPs) recognized and applauded constructive NGO comments, concerns and recommendations in the NGO Position Papers on Cambodia's Development in 2009-2010 through the monitoring of Joint Monitoring Indicators (JMIs) and NSDP's implementation.

To contribute to dialogue between RGC and Development Partners (DPs) as well as monitor Cambodia's development in 2009-2010, the NGO Forum coordinated 20 sector NGO Position Papers and compiled them into 'NGO Position Papers on Cambodia's Development in 2009-2010'. To have clear message on cross cutting issues to RGC and DPs base on the Position Papers, the NGO Statement on Priority Issues Toward the 4th Cambodia Development Cooperation Forum (CDCF) (in Khmer and English) was prepared and disseminated to relevant policy makers of RGC and DPs prior to CDCF and during CDCF. Three cross cutting issues identified as common issues across the 20 sector papers include: limited access to information, respect to rule of law, and accountability to implementation of JMIs. One immediate outcome of the statement was the inclusion of an agenda on anti-corruption and legal and judicial framework under the administrative reform into the dialogue at the CDCF, which was not included in the draft agenda. As a result of these, the Chair of this meeting, the Deputy Prime Minister, as well as the Development Partners expressed a significant appreciation for the efforts and timely contribution made by NGOs through the Position Papers in particular, for the constructive and valuable dialogue and inputs offered prior to and during the meeting. Additionally, it was observed that a significant number of issues and recommendations in some key sectoral NGOs Position Papers were raised and reiterated by the development partners as well as being discussed



during the meeting. A valuable outcome was a request following the meeting from the RGC, through the cabinet of the Deputy Prime Minister, and Minister of Councils of Minister Sok An, for more copies of the NGO Position Papers for their consideration.

After the endorsement of JMIs at 3rd CDCF meeting in June 2010, NGO concerns and views on the progress made against these JMIs' implementation were communicated to the RGC's policy markers via the NGO Statements on Monitoring the 3rd CDCF JMIs to 17th Government-Development Partners Coordination Committee (GDCC) meeting, on October 18, 2010. Two-hundred copies of the statement were distributed to relevant representatives of the RGC and DPs during and after the 17th GDCC, at the Government Palace of the Council for the Development of Cambodia (CDC).



The NGO Statement consisted of eight sector NGO statements including i) education, ii) health, iii) land, iv) forestry sectors, v) Decentralization and De-concentration, vi) PFM: Budget Transparency and Public Oversight and vii) PFM: Management of Revenue from Extractive Industry; and a statement on Hydropower Development in Cambodia was included as an annex.

The NGO Forum had a good outcome by producing a policy matrix of the NSDP Update as it hits the key issue on lack of policy matrix on NSDP Update raised by the DP in the meeting of TWG-PPR under Ministry of Planning. To advocate for more accountability in achievement of NSDP Update, the Development Policy Project produced the policy matrix of the NSDP Update and policy brief which assessed a link between the NSDP Update and sector plans as well as responsible RGC agencies for implementation of the NSDP Update. The policy matrix and the brief will be circulated to sector NGOs for further comments. These documents will serve as advocacy tools to influence the Ministry of Planning's (MoP) in their preparation for the NSDP Mid-Term Review (MTR) which will commence in April 2011.

A training workshop on 'Monitoring Government Policy and Advocacy' was organized from 17-19 November 2010 in partnership with CAFOD & TROCAIRE. This improved the capacity and confidence of staffs across sector NGOs/Groups by building skills that assist them to monitor government policy. There were 30 participants representing 30 areas of work from 15 sector NGOs, representing 60% of all 25 sector NGOs. A baseline survey and post training assessment confirmed that participants improved their understanding of the link between policy monitoring and their advocacy work from 23%-63%, overall.

Key Challenges and Lesson Learned

- In the future, there is a need to allocate more time for workshop preparation, especially the process of drafting invitation letters to relevant stakeholders. One approach could be to build informal networks with RGC officials and DPs so that there is more opportunity to engage with them in future fora.
- A challenge was the late submission of some sectoral NGO Position Papers that led to delays and increased workload in the following activities: i) printing of the NGO Position Papers in Khmer and English, ii) National Dialogue Preparation, ii) editing the Khmer version of each sectoral NGO Position Papers.
- A limitation that occurred was the NGO Statement on monitoring the 3rd CDCF JMIs was not available for distribution to either the Development Partners or the RGC before the 17th GDCC meeting. This was due to the late submission and finalization of sector NGO statements which prevented any further consultation on these documents.
- It was later learnt that the distribution of statements need to be done at least one week prior to the meeting. This was alerted by MEF official that policy makers should receive at least

summary statements - in Khmer before the cut-off. Therefore, sector NGOs should be alerted of this timing while their statements should be made both in Khmer and English in making preparations for all future GDCC meetings.

Observed Impacts

The NGO Forum’s suggestion on the revision of the NSDP Update M&E Framework and wider engagement and participation by NGOs in the preparation of the MTR were included in the policy commitment including in the JMI for TWG-PPR endorsed at the 3rd CDCF meeting in June 2010 and the NSDP Update. Moreover, this progress has been reported by the MoP in 17th GDCC meeting that: *“A list of consolidated of M&E indicators will be tabled at SNEC meeting for further comments and be shared with TWG-PPR DPs. A workshop organised for all concerned line ministries and agencies will be organised in mid December 2010 in order to have a sectoral cross-check; that list will be incorporated in the coming MTR.”*

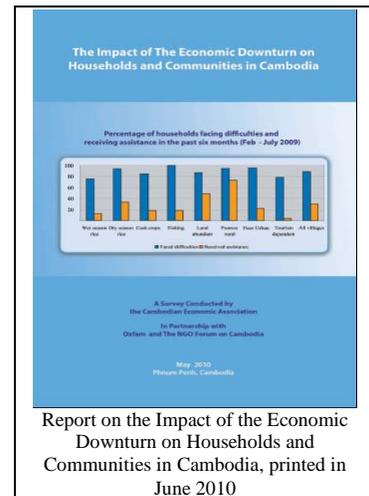
The NGO Statement on priority issues towards the 4th CDCF has been posted on the CDC/CRDB website: http://www.cdc-crdb.gov.kh/cdc/third_cdcf/default.htm as evidence that a significant change has taken place by the CDC/CRDB recognizing the concerns raised by this joint NGO statement coordinated by the NGO Forum.

ECONOMIC DEVELOPMENT POLICY PROJECT (DPP)

Project purpose: NGOs cooperate to influence economic development policies and practices so that they benefit the poor and vulnerable groups.

Key Achievements:

NGOs concerns and recommendations of the impacts the economic downturn (ED) on the poor were heard by the Royal Government and Development Partners. These concerns and recommendations were outlined in the NGO Position Paper on ‘The Impact of The Economic Downturn on Households and Communities in Cambodia’. The paper was subsequently included in the broader NGO Position Papers on Cambodia’s Development 2009-2010 for the 3rd CDCF. As a result, the recommendations raised by this paper were also reflected in the DP statement in the session on social protection of the meeting of 3rd CDCF. This session demanded a finalization of the social safety net program by Council for Agriculture and Rural Development (CARD). Subsequently, these demands were taken into consideration by the RGC and DPs. This demonstrates that the RGC has shown a commitment to finalize the program, and make it operational prior to the 4th CDCF in December 2011.



This publication, and a workshop with the RGC representatives on the research findings, influenced the RGC to speed up its finalization of the Social Safety Net Programmes. After publishing the research report, the project also organized a workshop to monitor policy measures taken by the RGC and DPs in addressing the impacts of the ED on the poor. Importantly, the project sort to establish a dialogue with both of them on key concerns that the Civil Society had on the severity and nature of prolonged impacts from the ED on poor households. Senior representative panelists from Supreme National Economic Council, Council for Agriculture and Rural Development and Ministry of Labor and Vocational Training presented their policy measures which drew from macro and grassroots level analysis. **A representative from**



From left: Mr. Chhith Sam Ath (the NGO Forum), H.E. Phan Phalla (SNEC), H.E. Hong Cheun (MoLVT), H.E. San Vathana (CARD), and Mr. Chan Sophal (CEA), at the workshop on “Impact of Economic

CARD reiterated the need to speed up and finalize the Social Safety Net Programmes which also served to strengthen the line of argument developed within the research report findings. In addition, 1,000 copies of the complete report (in English) and brief (in English and Khmer) were distributed widely to RGC, DPs, Embassies, NGOs and Universities. The Khmer report has been printed and will be distributed to all ministries and related institutions shortly.

There was improved dialogue and response by the RGC to NGO concerns and recommendations over the management of Revenues from Extractive Industries (EI). These were taken into consideration by DPs as they raised the issue with government. Included in this was the NGO Position Paper on Revenue from EI which was produced by the project for CRRT and was also included in the NGO Position Papers on Cambodia's Development 2009-2010 for the 3rd CDCF. These were also dialogued between NGO Forum, MEF and DFID¹ at the tri-partite workshop organized by NGO Forum prior to the meeting (see details in National Budget Project). We observed that the DP statement demanded further measures be taken by the RGC to increase transparency in budgeting and reporting revenues from EI. A result from this meeting was that the RGC showed commitment in ensuring more transparency in the management of revenues from EI by adopting some principles of the Extractive Industry Transparency Initiative (EITI). Moreover, the RGC expressed its willingness to engage with CSOs in monitoring the collection and management of EI Revenues.

But, NGOs still had significant reservations over the lack of consultation and closed formulation of the EI legal framework. This included a lack of public consultation with CSOs/NGOs on the drafting process of the Petroleum Law and Regulation on Tax on Petroleum Operations. As such, a NGO statement calling for CSO participation in this process to the 17th GDCC meeting was prepared. However, there has been no response. To address this, a tri-partite dialogue workshop between the RGC, CSO/NGOs and DPs will be organized to ensure space for consultation on the management of EI revenue.

Some positive advances were made by the RGC as they took monitoring and concerns raised by NGOs on the transparency of revenues from EI into consideration. A core piece of this work within the project is to monitor the RGC management of EI revenues, especially the consistency of reporting to the public. Through this work, the NGO Forum noticed changes to the reported revenues from EI in the Table of Government Financial Operation (TOFE) which is a public document available through the MEF website. The NGO Forum approached the MEF to seek an explanation on these changes. And the request was responded to positively by the MEF whereby they arranged a meeting to clarify this issue between delegates of the NGO Forum, and CRRT, and the Deputy Secretary General of SNEC - who is also a member of the Inter-ministerial Technical Working Group on management of EI Revenues. Moreover, during the meeting, the NGO Forum proposed a tri-partite dialogue workshop between CSOs/NGOs, RGC and DPs on the management of EI revenue to bridge the gap between CSO and RGC views particularly on the management of the revenue. This was also echoed by the Deputy Secretary General of SNEC.

Key Challenges and Lesson Learned

The additional workload from the Economic Downturn (ED) provided a key challenge in 2010. That is, the impacts which transpired in the ED project management work were in addition to the mandate to monitor EI revenue management at the same time. The project's resources were overstretched by working on two different issues simultaneously. With the result being that the additional workload impacted the effectiveness of the project, preventing its full concentration on each issue. Starting with this knowledge in 2011, the project will collectively focus on only revenue-related issues in its agenda for the coming year. In other words, the project will touch on specific revenue and taxation issues in addition to its existing work on EI revenue monitoring.

The project follow-up activities to the RGC on the impact of ED have been loosening as these were constrained by an absence of project staff in 2010. In addition, there was a lack of Economic Development Network (EDN) members' engagement with follow-up actions as a policy response to

¹ DFID: Department for International Development, UK, is one of key donors who support public financial management reform in Cambodia.

the ED. Moreover, there was no input from NGOs in the Technical Working Group on Food Security and Nutrition. Therefore, it is highly recommended that Caritas join and use their grass root work experiences to contribute to this TWG.

CRRT capacity to monitor EI revenue management is still being constrained. Unfortunately, this led to limited essential input in the NGO Position Papers and statements on EI Revenue Management and Transparency. This regrettably also extended to a poor follow up on the draft laws and regulations with relevant government institutions. With a majority of CRRT's time being spent on administration and financial matters, any further advances as the outcome of the project's activities (Report on EI company database) such as the development of EI company database and webpage, and advocacy activities around this issue have been made slow or stalled. Consequently, the project had to rely on its own capacity to work on EI revenue monitoring and NGO statements to the CDCF and GDCC.

The RGC, especially CNPA, MIME and MEF, is not willing to open lines of communication or engage with CSO/NGOs on EI revenues management and transparency. As such, there was no response or change made following the comments made by the project and CRRT on this section in the first draft NSDP Update or its final version. This was significant as the NGO Forum and CRRT were considered as the bridging organizations between the RGC and CSOs by SNEC. Likewise, there was a lack of CSO engagement in drafting the EI legal framework.

At the same time, while access to EI information remains closed and sensitive, there has been no interest at all from a suitably qualified consultant or researcher to undertake a study on assessing the public availability of these following the call from the project. This lack of research report findings led the project to be unable to produce a report for advocacy and organize a dialogue workshop with the RGC to discuss on EI information and transparency.

Observed Impacts

It was difficult to observe the impacts as we still don't have the necessary information available on the policy responses by the RGC and DPs to address how these will impact on the poor. However, there was an apparent development made through persuading the RGC to speed up its finalization of the Social Safety Net Programmes by CARD, to assist poor and vulnerable groups into the future.

NATIONAL BUDGET PROJECT (NBP)

Project Purpose: NGOs, CSOs, and the Public cooperate and participate in the budget process to influence the National Budget process to be more credible, transparent and fair so that it benefits poor and vulnerable groups.

Key Achievements

As a result of the project commissioned research in 2010 to assess the factors which slowed the implementation of the Asian Development Bank's (ADB) funded North West Irrigation Project, this work prompted both the Ministry of Water Resource and Meteorology (MoWRAM) and ADB to speed up the finalization of this project implementation. As a first step, analysis was conducted on the 2009 budget implementation and found that the ADB project contributed a significant amount of public investment in rural development. North West Irrigation funded by ADB has been one of major projects under the MoWRAM, and that it has been under-spent in the last few years. As such, the project commissioned a consultant to conduct research to find out factors that has led to this delay in spending. Findings showed delayed or pending irrigation sub-projects under this project has led to major delays in spending the MoWRAM annual budget. Importantly, as a result of the research initiative and activity by the NGO Forum (meeting with MoWRAM) both the MoWRAM and the ADB showed their commitment to complete all pending irrigation projects by 2010. Significantly, these commitments were influenced by the NGO Forum's practical approach which employed the use of a consultant who mediated the interviews with the Secretary of State (MoWRAM project head), and

ADB contact person, to reach these resolutions. As observed in the newspaper, MoWRAM took actions through its announcement for sub-projects bidding in finalizing these sub-projects.

The NGO Forum, through its NGO sector position paper received its first response from the Ministry of Economy and Finance (MEF) and entered into real dialogue with MEF and DP on the implementation of the Public Financial Management Reform Programme (PFMRP) since starting its budget monitoring work in 2006. A key part of the Project's work is to monitor the implementation of PFMRP, especially the section on communication with the public and budget transparency (public procurement & debt). The NBP prepared the NGO sector paper on PFM which was included in the NGO Position Paper on Cambodia's Development 2009-2010 for the 3rd Cambodian Development Coordination Forum (CDCF) meeting. Through this Development Policy Project dialogue workshop, key issues and recommendations on the implementation of PFMRP Phase II including EI revenue management were presented to MEF and DFID. The dialogue with MEF and DFID was fruitful and constructive which created a space for future dialogues on PFMRP. These were later covered by a leading local English newspaper end of May 2010 (The Cambodia Daily).



The project comments on inclusion of budget allocation by line ministries and fair budget allocation to priority ministries in the National Strategic Development Plan (NSDP) Update 2009-2013 were accepted by the RGC. These included influencing the increase in the allocation of indicative recurrent budget expenditure going to priority ministries and cutting a massive allocated budget increase in the Ministry of Defense (MoD) and Ministry of Interior (MoI). As a background, in the table of indicative recurrent budget allocation by line ministry which was included in the first draft NSDP, there was a huge increase in allocated budget to the MoD and MoI, with only minimal increase for priority ministries such as Ministry of Agriculture, Forestry and Fishery (MAFF), Ministry of Rural Development (MoRD) and MoWRM, and even a slight decrease in allocations to the National Audit Authority (NAA). As a result, a letter which outlined demands to cut the proposed increased budget allocations to the MoD and MoI was sent to MEF, and instead, budget increases across priority ministries including: the MAFF, MoRD and MoWRM were offered as recommendations that accompanied this request. It was subsequently observed that the final version of the National Assembly adopted NSDP Update formalized these recommendations by significantly increasing the budget given to the MAFF, MoRD, MoWRM and NAA with only a slight increase in the budget allocated to the MoD and MoI.

More budget documents are available to the public. The Project's key agenda is in the promotion and advocacy of greater transparency in the budget process. The aim was to generate interest and catch the attention of both the public and policy makers to generate debate on budget transparency issues. To influence the budget process, the project used a media strategy by arranging two live radio talk shows which included: i) General Understanding of the National Budget; and ii) Agriculture Financing and Extension Services. These were attended by representatives from the NGO Forum, Ministry of Agriculture, Forestry and Fisheries, CEDAC, and the Cambodia Economic Association, and several rebroadcasts of these shows occurred after the talks. As observed, two budget documents (The Mid Year Review of 2010 Budget Law Implementation and Cambodia Macroeconomic Framework 2000-2011 (also known as the Medium Term Expenditure Framework 2011-2013), **not previously published**, were posted on the MEF website in September 2010. This is a significant milestone for Cambodian budget transparency.

Moreover, **Launch of Open Budget Survey Result for 2010 prompted the MEF to release the 2011 Draft Budget Law to the NGO Forum a day after that in November 2010.** As the project participated in the 3rd Round of Open Budget Initiative (OBI) Survey conducted by IBP in 2009, the result was released internationally in October 2010. The NGO Forum, through discussion with other OBI regional partners in Southeast Asia in July 2010, decided to host regional launch of result of Open Budget Survey 2010 in Cambodia. The launch was organized on 11 November 2010 in Phnom Penh with participation of Government Representatives from the Philippines, Indonesia and Thailand and CSO representative who is OBI partner from Malaysia. Their participation was facilitated by OBI partners and researchers who are CSOs in these countries. During the launch invited representatives from MEF, NAA and NA were absent while only representative from the World Bank, a lead donor in PFMRP, participated as panelist. However, although without their participation, after the launch, the MEF released the 2011 Draft Budget Law to the NGO Forum following which the request letter made in its second time a few weeks prior to the launch.



A Website dedicated to raising public awareness and increased debate on national budget issues was completed. This initiative raises public awareness on the national budget by establishing a website www.cambodianbudget.org so that the public can access available budget-related documents from the government. The website will be made known to the public and all stakeholders in January 2011.

Key Challenges and Lessons Learnt

- There has been a low commitment shown by sector NGOs following the release of the results from the study on health budget information for advocacy purposes. This constrained the project initiative to decentralize sector NGO budget monitoring in this sector.
- Initiatives aimed at engaging potential sector NGOs in the National Budget working group received little interest. Only three sector NGOs confirmed participations in this working group. Therefore, more effort is still required from NGO Forum staff and management to generate interest from these sector NGOs.
- Staff turnover inevitably affected the progress of budget work due to its technical nature, requiring significant insight and in-depth knowledge, to engage with the budget process and come up with advocacy message for our targets.

Observed Impacts

- The pending irrigation sub-projects under the ADB North West Irrigation Project were announced for bidding a few weeks after the completion of the research and both MoWRM and ADB showed commitment to finalize the implementation of this project within 2010.
- Budget allocations to priority ministries in the Table on indicative recurrent budget allocation including MAFF, MoWRM, MoRD, and NAA were increased while allocations for MoD and MoI were reduced in the final version of the NSDP Update 2009-2013 following project comments.
- Three key budget documents that the Project has demanded since 2008 were posted on MEF website (www.mef.gov.kh) in September 2010 and released to NGOF in November 2010. Those are: i) Mid Year Review of 2010 Budget Law Implementation; ii) Medium Term Expenditure Framework 2011-2013; and 2011 Draft Budget Law.

AID EFFECTIVENESS PROJECT (AEP)

Project Purpose: NGOs cooperate across sectors to influence donor and government policies and practices so that foreign aid benefits poor and vulnerable groups.

Key Achievements:

Project comments on national planning process prompted the Royal Government of Cambodia on moving its commitment from government ownership to country ownership. With opportunity for providing comments on the first draft NSDP Update, the project commented on the development partnership's section which requested to Council for Development of Cambodia (CDC) to change RGC policy commitment from *'the government ownership'* to *'country ownership'*. This request with the suggestion in a constructive manner for clearer role and meaningful participation of sector NGOs in TWGs was accepted by the CDC. As a result, the high commitment to work and strengthen a partnership approach with NGOs was clearly highlighted in the final version of the NSDP update, mainly on participatory space and mechanisms for CSOs/NGOs in the process of planning, budget and aid monitoring.

Roles and functioning of CSO/NGO representatives in the aid coordination mechanism have been improved and officially recognized by the Royal Government of Cambodia (RGC) and Development Partners (DPs). Through research on the 'Assessment of NGO Participation and Representation in Technical Working Group (TWG)' commissioned by the project to Economic Institute of Cambodia, the findings suggested a need to redefine a clearer role and function for NGOs to engage with the aid coordination mechanism, which is revising the existing Guidelines on Role and Functioning of TWG. This has been a priority of the project and other sector NGOs since mid 2009, and to achieve this, a series of advocacy efforts have been made under the coordination of the project, for example, through the NGO Joint Statement to the 16th GDCC in September 2009, Position Papers to the 3rd CDCF meeting in June 2010, and the coordination of NGO comments on revised Guidelines on the Role and Functioning of TWGs to the TWG on Partnership and Harmonization.

Following repeated calls from NGOs to revise the existing TWG Guidelines, it was finally accepted by the RGC with support from DPs during the meeting of the 3rd CDCF in June 2010. This topic was put into action by including it on the agenda in the TWG-Partnership and Harmonization in later months. As the TWG-P&H drafted the revised TWG guidelines, NGOs were asked to provide their comments to this working group. As a result of the coordination and advocacy process with both RGC and DPs, many comments were accepted. These were then incorporated by the TWG-P&H into the final draft TWG Guidelines which were endorsed at the 17th GDCC meeting in October 2010, for implementation by each TWG. Two key comments were milestones toward meaningful engagement of NGO into aid coordination mechanism including 1) the recognition of NGO representatives as full member in each TWG; and 2) the inclusion of NGO representatives into the capacity building scheme of TWG.

The project commissioned work on 'Agriculture Financing and Services for Smallholder Farmers,' which influenced behavior of DP and RGC in supporting agriculture development. As a continued activity, the project jointly commissioned research with other projects² of the NGO Forum and Action Aid on 'Agriculture Financing and Services for Smallholder Farmers'. A workshop on 'Agricultural Sector Prospects, Financing and Services' held on 1 October 2010 influenced both ADB and MAFF to support these findings. In the process of reviewing the country strategy, ADB also used the research findings to revise their country strategy paper for Cambodia. Moreover, as announced by the Minister of MAFF in the Cambodia Daily in October, the ministry planned an additional 40 million USD in support of rice processing, market research, and trade facilitation toward achieving an annual export target level of 1 million tons of milled rice in 2015.

The project inputs on the observed progress made in the implementation of the Paris Declaration were included in the final report of Paris Declaration Evaluation Phase II. This is the project effort to demand for recognition and legitimacy of the role of NGOs in Cambodian

² Including National Budget Project and Sustainable Agriculture and Pesticide Project
Annual Progress Report
January to December 2010

development mechanisms. Soon after the CDC shared and uploaded a research report on its website, the project highlighted sections and wrote an instruction to sectoral NGOs for providing their comments. The comments were collated by the project and sent to CDC via CCC with most of these subsequently being accepted by the consultants. Through reviewing the final report, it is found that the role of NGOs is acknowledged as contributing an important role in supporting the government in the Cambodian development context. The study recommended that an effective partnership and trust between the government and CSOs should be promoted. However, the real impact from this study can be observed only after the new international declaration from Seoul, Korea is adopted and committed to, within the implementation stages, by government and DPs.

The project, in cooperation with CCC, ensures that upcoming declaration will provide a better enabling environment for CSOs/NGOs in Cambodia's development. The project provided direct technical support and assisted CCC to organize the national and regional workshops on aid effectiveness and enable a shift from aid effectiveness to development effectiveness. The outputs from a series of workshops were used to write a communiqué which was sent to the government and DPs. Both the government and DPs accepted the support CSOs offered in assisting with their effective operation (participation, information sharing, conditionality and capacity building). At the regional level, a report on the contribution of CSOs to Cambodian Development was submitted to the regional meeting on aid effectiveness in Istanbul. This case was compiled with that of other countries and all these will form key outputs to discuss in a global forum on aid effectiveness in Seoul in 2011. There have been more activities to reach this end.

In addition to the above achievements the project already produced key outputs for its advocacy purposes. They include a Fact Sheet on Concessional Loans to Cambodia, Brief Summary of the 'Report on Assessment of NGO Participation and Representation in TWGs', and Khmer Version of the Report on Agriculture Financing and Services for Smallholder Farmers. Through the request from the National Assembly, the project re-printed English versions of a report on Agriculture Financing. Reports on: Mapping the Availability of Budget Information in Education and a brief on Cambodian Aid Information Transparency are also being finalized for publication.

Key Challenges and Lesson Learned:

- One key challenge identified during this year was the lack of openness observed of the RGC in engaging NGOs into discussion on the draft revisions made to the TWG Guidelines. NGO comments were received at the mid-way point of the TWG-P&H with only half of these comments being included in the final version.
- Delays in two pieces of research, on: agriculture financing, and transparency of aid information affected the timing and use of these research findings. Especially, prior to the meeting of the 17th GDCC and in the time allowable for reviewing and printing other publications including the Report on Mapping of Availability of Budget Information in Education, Fact Sheet on Concession Loans to Cambodia, and a Brief Summary of the research 'Report on Assessment of NGO Participation and Representation in TWGs'. Further these delays of research report, time spent on producing article on concession loan and reviewing report in English and Khmer as well as sharing workload of other projects in the programme incurred less time for arranging a training workshop on aid effectiveness advocacy for NGOs.

Observed impacts:

- The first remarkable impacts during this period were the influence on the government attitude and policy. Firstly, aid project successfully influenced the change of policy concept from 'government ownership' to 'country ownership' in the NSDP update. Such change despite of just in the overarching policy document, it already influenced the

government attitude towards the important role of NGOs in aid coordination mechanism. This based on the readjustment of government development cooperation approach, commitment to engage CSOs/NGOs in the TWGs and willingness to include more potential groups in the process of planning and budget monitoring mainly National Assembly.

- The second immediate impact is that observed in the revised TWG Guidelines which clearly stated that the full membership of NGOs in TWG, their role, and inclusion in capacity building should be available across all TWGs. Although this has progressed to being included in a guideline, it is not yet in practice. However, there has been a focused advocacy effort made on this agenda by this project, since beginning of this year.
- The third impact observed was the application of the findings of this report on agriculture financing and the use of these by the ADB. The ADB used this report to review its country strategy paper in its future supporting plan for agriculture sector development. Moreover, although the immediate impacts have not yet been observed, the representative of the MAFF strongly supported the report findings and has shown interest in these being jointly addressed by both RGC and DPs.

Case Study I:

OBI 2010 Results influenced the Ministry of Economy and Finance to release 2011 Draft Budget Law to the NGO Forum on Cambodia

Since its start of budget work in 2007, the NGO Forum on Cambodia requested and unofficially received the Draft Budget Law from the National Assembly (NA) before its adoption in November every fiscal year. This year 2010, following the request letters to the Ministry of Economy and Finance (MEF) and NA, the MEF did not make any response to the request while the NA denied release of the Draft although the NGOF had sent the request letters to the Chair of the Second Commission of the NA and to the President of the NA. This was really the constraint for the NGOF to make analysis on the 2011 Draft Budget Law regarding to the budget allocations to priority ministries and other agencies of the Royal Government of Cambodia (RGC). Demanding for appropriate budget allocations to priority ministries and agencies which respond to the effort of poverty reduction of the RGC as outlined in the National Strategic Development Plan Update 2009-2013 is the main advocacy agenda of the NGOF's National Budget Project. Aside from the request letter, in the NGO Statement on Monitoring the 3rd CDCF JMI on Public Finance Management to 17th GDCC meeting, the NGOF also demanded for MEF to release 2011 Draft Budget Law to ensure budget transparency in the budget process.

The NGO Forum on Cambodia in its second round participated in the international Open Budget Survey 2010 of which 94 countries throughout the world were included by the survey. The survey, which was initiated by International Budget Partnership (IBP) based in Washington DC, USA, assessed the number of information and budget documents published by Governments at the national level. The results of the Survey 2010 were internationally released on October 19, 2010 in Washington, DC, USA. Through discussion with the Southeast Asia partners from Cambodia, Indonesia, Malaysia, the Philippines, Thailand and Vietnam at the Open Budget Survey 2010 Strategic Advocacy Planning Workshop in Siem Reap in July 2010, the NGOF with support from the IBP managed to be responsible for hosting and organizing the regional launch workshop for South East Asia. The workshop was conducted on 11th November 2010 which served as national and regional launch accordingly for Cambodia and other countries in Southeast Asia region.

The results for Cambodia show slight improvement in the OBI score and budget transparency as compared to the previous round of the survey result in 2008. Cambodia's score increased from 11 to 15 (out of 100) from 2008 to 2010 which remained one of the lowest in the region with exception of Vietnam's score of 14. This score indicates that the government provides the public with scant information on the central government's budget and financial activities as assessed by the survey and this makes it virtually impossible for citizens to hold the Royal Government accountable for management of public fund. The result shows that Cambodia published for the public four out of seven budget documents it produced; however, the number of information provided in each budget document remains minimal. The four budget documents include Pre-budget statement, Enacted Budget (Budget Law), Yearly Report and In-Year Reports (Yearly and Monthly TOFE). The other three documents include Executive Budget Proposal (Draft Budget Law), Mid Year Review, and timely Audit Report (see details in Cambodian Budget website at www.cambodianbudget.org). In the NGOF presentation on the OBI result at the workshop, we stressed, using a very constructive language, the importance of publishing the Draft Budget Law and timely Audit Report. A day after the workshop, the OBI result for Cambodia was also widely covered by the local media including newspapers, radios and TVs.

Before the launch of the OBI 2010 results, the NGOF sent the request letter for the Draft Budget Law to the Office of Councils of Ministers (CoM) and MEF. Few days later, while MEF did not respond at all to the request, CoM sent a letter to the NGOF confirming that the request should be sent to MEF. Then, a follow up letter attached with letter as a reference from CoM was sent to MEF again. As a result, MEF released the 2011 Draft Budget Law to the NGOF a day after the 2010 OBI launch workshop. This positive response from MEF indicated our messages on the state of budget transparency 2010 for Cambodia using the result of the Open Budget Survey 2010 had been heard and receptive by MEF. It is learned that from this result, the use of constructive language in our advocacy message, soft advocacy approach as well as careful use of public influence via the media remains a key approach to influence change in public policy. Furthermore, this also shows the progress and the commitment of the Government on the Public Financial Management Reform Programme in Cambodia.

Case Study II:

Recognition of Role & Function of NGOs in the Aid Coordination Mechanism

Following the meeting on 28 August 2009 with sector NGOs to discuss their challenges in working in TWG, the assessment of NGO participation and representation in the TWGs, GDCC and CDCF was proposed by sector NGOs to be coordinated by the project. Then aid project arranged a ToR and commissioned this assessment study to the Economic Institute of Cambodia. The findings on challenges sector NGOs face in TWGs thereafter were presented in the CSOs-DPs dialogue on aid effectiveness on 23 March 2010. This workshop, continuing from the CSO workshop in 2009, consequently yielded the common understanding between CSOs/NGOs and DPs on a need of the clarity on role of NGOs in the TWGs with the suggestion of revising the guideline on Role and Functioning of the TWGs.

Basing on this standpoint, aid project took leadership by cooperating with CCC and MEDiCAM and other sector NGOs to write a remark to the 16th GDCC on 29 April 2010. This remark¹ raised three main issues related to 1) role of NGOs in TWGs, GDCC and CDCF, 2) meaningful participation of NGOs in TWGs on national planning, monitoring process and JMIs, and 3) increase the role and function of National Assembly in planning, monitoring and evaluation of the NSDP, foreign aid and national budget. At the time, NGO suggestions were welcomed and highly considered by the government:

‘RGC would welcome the cooperated work with NGOs, particularly in the TWG mechanism. A separated session to discuss the roles of NGOs in RGC mechanism is needed so that NGO could express their interests and views that reflected the views of NGO communities as a whole. Thus, ToR would need to be reviewed and updated to reflect the roles of NGO representatives in TWGs’, responded by H.E. Chhieng Yanara, Secretary General, CRDB/CDC¹.

For the 3rd CDCF on 2-3 June 2010, aid project cooperating with CCC and MEDiCAM once again wrote a position paper on ‘*NGO Participation in National Planning and Technical Working Group*’. This paper kept calling for the need of clear role of NGO in the TWG. DPs strongly supported the NGOs’ suggestion and reaffirmed their strong position to discuss with the government on the case:

‘We welcome the Government’s view expressed at the 16th GDCC that NGOs are full participants in the CDCF. We welcome the suggestion made to have a separate discussion on the role of NGOs/CSOs in the TWGs and to review the TWG terms of reference to reflect membership... Development partner welcome comments from Government on how parliament could be given a more prominent role in the aid effectiveness architecture’ extracted from the statement for Session IIIC Cambodia Aid Effectiveness delivered by Ms. Eva Asplund, Sida Country Director

With the concerted effort of the sectoral NGOs, the guideline on Role and Function of the TWG was revised and circulated for NGO comment. NGO Forum in cooperation with CCC and MEDiCAM called for the inputs from the sector NGOs and its members through a meeting on 07 September 2010 and many rounds of comment via email. The collective inputs were firstly brought to discuss in the pre-meeting with Development Partners and then in the meeting of P & H TWG on 21 September 2010. The suggested comments from NGOs were highly considered and included, especially the presence of civil society or NGOs in all TWGs and the clear status as full member:

*“The composition of each TWG should normally include members from the Government, development partners and representatives of civil society.... **Civil society or NGO representative:** Each TWG may invite NGOs and civil society representatives to participate in the TWGs. NGOs and civil society representative should normally have an operational role and/ provide relevant assistance and/or services in areas of work associated with the TWG. Ideally, they should demonstrate their capacity and commitment to represent the broader civil society community and must make a commitment to share information about their on-going projects (including through the NGO database supported by CRDB/CDC), extracted from the guideline on the Role and Functioning of the Technical Working Groups which will be adopted on 18 October 2010 in the 17th meeting of the GDCC”.*

Environment Programme

Programme Goal

The Environment Programme deals with environmental awareness and protection, pesticides reduction and sustainable agriculture, in addition to impacts from dam developments in the Mekong Basin.

NGOs cooperate to influence government and donor policies and practices and community attitudes to ensure the rights of poor and vulnerable groups affected by environmental issues are respected.

In 2010, the Environment Programme has substantially achieved their objectives, as can be seen in the following points:

- Established good cooperation with Ministry of Environment (MoE), MAFF and MIME.
- Consolidated comments on the pesticide draft law, contract farming and EIA with these being heard and accepted by MoE, MAFF and inter ministries government officials.
- A full EIA report on the construction of the lower Sesan II dam was released for the first time and is being consulted on with the affected community.

Staff turnover has affected programme implementation but management has carefully addressed the issue by hiring local project consultants to fill in these transition gaps.

Environment Issues Project

Project Purpose: The purpose of the Environmental Issues Project is to facilitate NGOs cooperative influence in the conservation, protection, and rehabilitation of natural resources and the environment to benefit people's livelihoods.

Key Achievements

Public awareness of environmental issues has been increased: by outlining the negative impacts from climate change; coal-fired power plants; and water and air pollution. These were communicated among students, government officials, policy and decision makers, development partners and other stakeholders. Through the World Environment Day Campaign, environment youth debates under the theme: "Many Species, One Planet, One Future" in Phnom Penh and Preah Sihanouk province were heard. These were later broadcasted in TVK, a workshop on policy responses to climate change, 49 press release articles on environment issues investigated by Raksmei Kampuchea Daily News, out-of-the country study tour on coal-fired power plant issues in Thailand on April 2010.

The MoE acknowledged the importance of the role and participation civil society provides in combating climate change. Furthermore, the MoE recognized the mechanism of roundtable discussions and considered revising the NAPA to incorporate the research findings conducted by GERES. National dialogues on climate change were collaboratively organized by the MoE, along with other relevant ministries and the National



A student group debated "Knowledge on Climate Change as an approach to poverty alleviation" held November 30, 2010



Climate Change Network. The result from these discussions and collaborations were taken into account by both the government and development partners who also committed to more healthy dialogues in the future.

The annual World Environment Day celebration influenced the relevant government ministries, donor agencies and NGOs/CSOs to work together for the protection and conservation of earth's species threatened by extinction. The general public, decision and policy makers, students, donor partners as well as the private sector considerably increased their knowledge of the importance of environmental, ecosystem and biodiversity protection from the IEC materials delivered during the annual World Environment Day celebration.



World Environment Days Campaign at SHV on 6 June 2010

Comments and recommendations given by the NGOs/CSOs on Environment Impact Assessment (EIA) reports were accepted by the Ministry of Environment (MoE) and government. They also recognized the role and importance of CBOs/CSO in the consultation meeting with inter-ministry to review EIA reports. Most comments on compensation and the environment management plan (EMP) were revised in the final EIA report by companies as well as the minister of environment.

At least twelve development projects submitted to the NGO Forum between January and December 2010 were tabled and given special attention by the government's relevant ministries, policy makers, and development partners; for consideration to enforce the strict compliance and implementation of environmental laws. Specifically, the comments and recommendations made on EIA reports from HLH Agriculture Co., Ltd, such as between IP Suoy forest communities and MoE. The Minister of Environment has requested the company revise their final report to incorporate NGO/CSO comments and recommendations. The investigative visit conducted in the concession areas found the local dispute resolution commission isolated 6000 ha of forested area at Kor Krahorm for two forestry communities - the Trang-Chambak and Kor Dountey. This also includes the isolation of spiritual areas of the Suoy indigenous communities that preserve traditional culture, as well as customary rights, and access to NTFP for their livelihoods.



Invitation letter from MoE to NGOF to review EIA report with inter ministries

to keep the land covered by the agreement

Comments and recommendations such as: the just compensations for affected communities to ensure the general publics well-being, food security, and environment was communicated by NGOs/CSOs via the EIA's final report on coal-fired power plant development in Stung Hav, Sihanouk Province. This has influenced H.E Mok Mareth to cease approval of this development and advise the company and the EIA department to reassess the development with wider consultation from affected communities, local authority and other relevant stakeholders. The MoE has committed to effectively monitor environmental pollution levels and the affects on communities around this site and across Cambodia.



Network members and community representatives discussed and commented on EIA report

The 5th Advocacy National Conference delivered under the title: “Working together for good governance on natural resources” influenced relevant ministries and policy makers by demanding a measured approach be applied to environmental rights issues. This includes the proper utilization and management of natural resources echoed by the affected stakeholders. The conference provided the opportunity to have vulnerable and affect communities in Stung Hav raise their concerns on the development of a coal-fired power plant. This also provided an opportunity to consolidate these messages on hydropower and coal-fired power plant issues to government and for wider consumption through the media sector advocacy messages in: radio, newspapers, and television broadcasts.



A female participant expresses concern over the impacts from development projects in a press conference held October 20-21, 2010

Climate change and energy development issues were considered within the Environment Youth Debate. Participation by university students was essential as they have considerable influence and are capable of taking critical steps to address both coal-fired power plant development and climate change issues. Moreover, the activity has encouraged further public participation in the conservation of the Cambodian environment. The effect being the MoE recognized the important role the NGO Forum and CSOs provide to environmental protection and natural resources management.

Key Challenges and Lessons Learned

- The PO and network members found it difficult to create an evidence base because of the lack of transparency and limited access to information to monitor progress made against the NSDP 2010 implementation plans.
- The EI project experienced difficulty in monitoring the effectiveness of the recommendations as the final EIA reports were not shared.
- Most of the EIAs were sent to The NGO Forum on Cambodia by the MoE with only a 2 or 3 day turnaround. The Extractive Industry project encountered difficulties in coordinating the networks and community members to widen the consultation process and collect information needed in the EIA’s review and comments - given such limited time.
- An approach in 2011 should be to clarify the role and involvement as an EIA reviewer in the inter-ministerial process. In support of this a coordination team should be established to facilitate the smooth process of review, comment, monitor and evaluation of each EIA. This would enhance the effectiveness of its review and commentaries. But the Environment Issues Project should also continue to provide a role in coordinating different NGOs in reviewing these EIA.

Impact Observed

- The NGO Forum is now considered by the government ministries as a representative of civil society organizations during the roundtable discussions on the EIA reviews and comments. Comments and recommendations from NGOs/CSOs on coal-fired power plant have focused on: just compensation to the affected communities; environmental management plan; and wider consultation with relevant stakeholders were accepted prior to incorporating these in the final EIA report. The roundtable discussions mechanism provided a shared space for civil society to access information, actively participate and be involved with equitable development.
- Network member organizations involvement in the review process instilled their own sense of ownership to these activities and established an understanding for the development issues that affect peoples’ lives and livelihoods.

- The Environment Minister requested investors give technical assistance and grants in support of sustainable livelihoods especially in fishery and agriculture and reforestation.

Case Study:

Community is empowered to speak out on the Issues of Coal-Fired Power Plant (CFPP)

Last May 2008, the Council of Ministers of the Royal Government of Cambodia has approved the construction of the coal-fired power plant (CFPP) 100 MW in Shihanouk Province. CFPP is a very sensitive and crucial issue in the world which affected its impacts to human health, environment and climate change. The Environment Issues Project has organized out of country study tour on coal-fired power plants in Rakyang and Shak Soeng Sao Provinces, Thailand on 20-21 April 2010.

The group learned Thailand experienced the highest rate of cancer cases. They realized the consequences of development evolve as an example when one coal-fired power plant comes, there are always possibilities of other factories coming one after the other. It was observed by the group that the sand on the beach became black and there are no more tourists. It was also learnt the area was a tourist hub before the building of coal-fired power plants. The Thai government declared that Map Ta Phut coal-fired power used the clean coal technology, but there is no clean coal in the world. The huge amount of using the coal will pollute the area and it is difficult to mitigate the impacts. All the firm, power plants, and factories complied with the standard of the country so the group learned the difficulties and limitations to do advocacy works in Thailand's Map Ta Phut Rayong province.

On 27 August 2010, The NGO Forum on Cambodia received an invitation letter from Ministry of Environment to review the EIA report on coal-fired power plant at Stung Hav District, Shihanouk Province. Environment Issues Project called on the network members and community representatives to attend the pre-consultation meeting in providing comments to the EIA report of coal-fired power plant. Comments and concerns from the network members and community were consolidated and submitted to the Ministry of Environment and to the relevant company for consideration. One community representative from Stung Hav was given the opportunity to attend inter- ministries meeting and raised comments and recommendations vis-à-vis their community's concerns and suggestions to MoE Minister.

H.E Dr. Mok Mareth, Minister of the Ministry of Environment received and recognized the NGO's comments and recommendations on full EIA report. He stressed the comments and recommendations submitted were similar to his idea and were acceptable. The positive responses to the submitted consolidated comments have led to the Minister's decision and reprimanded the company to accept and consider the consolidated comments from NGOs/CSOs. He also noted the important and key points in NGOs/CSOs comments and suggested to discuss these points further in their meeting. The key points are the following:

- Water pollution from coal yard
- Air pollution from coal emission
- Temperature of water 35-40 degrees to sea water
- Environment Management Plan (EMP) must be presented clearly
- Economic analysis is not balance to fishery cost affected from coal
- Tree planting should be done with urgency
- Tourism will be greatly affected from coal-fired power plant
- Some Environmental Management Plan provisions were not corrected yet
- Ensure the coal emission will be managed properly for health security

As a result and with consideration to the stated sensitive issues, Dr. Mok Mareth did not approve the full EIA report. He proposed to the EIA department of MoE, MPLUP, Fishery Administration, SHV governors and relevant departments to conduct the EIA again with due consideration to the given comments and should conduct a wider consultation with the communities and with relevant institutions. They should consider the participatory process to ensure wider community involvement. The company must follow the rules and guidelines in conducting the EIA. MoE is the focal agency to

monitor in the processes and operations of the coal plant. MoE reserve the right to prevent or stop the project construction in case the company failed to comply with the agreement based on EIA report.

The community was empowered and built their confidence to take the advocacy further and took part in raising their concerns and recommendations to the relevant government decision makers. The active community representative reported on 17 Sept 2010; Ministry of Environment was re-conducting consultation meeting on EIA again before approval. After monitoring the second EIA report, we found many comments of /NGOs/CSOs on Environment Management Plan (EMP) and compensation increasing from \$10,000 to \$20,000 to community were accepted and showed in the final EIA report. The gained knowledge and contextualized experiences of the study tour have helped the community representative in responding critically to the current coal-fired power plant issues in their community.

Hydropower and Community Rights Project

Project Purpose: NGOs cooperate to influence the policies and practices of governments, dam builders and key stakeholders to ensure good governance, public participation of women and men, and accountability of present and future hydropower development, so hydropower projects will be constructed and operated in a sustainable manner with the rights of men and women in affected communities respected and promoted.

Key Achievements

Capacities of affected communities surrounding the LS2 Dam development have increased. This is a direct result of the communities' confidence in their representatives to work for constructive and collectively advocacy at the national level in 2011.

This is a medium term impact from the RCC activities, working on hydropower issues such as: the LS2 Dam site investigation, Women Dam affected forum, the 8th 3S annual celebration, Training LS2 EIA workshop, 5th National Advocacy Conference, and the current Final LS2 EIA Consultation Workshop.

The network members and relevant communities improved their knowledge in EIA review processes and enhanced their advocacy skills, with a focus on the LS2 Dam. Importantly, a review of the Final LS2 EIA highlighted incomplete consultation with relevant stakeholders including government and LS2 Construction Company in 2011. The significance of this was addressed during the consultation workshop where 189 participants (77 women) from 3S River communities, 18 participants (4 women) from different NGOs and other women representatives identified from the local communities attended. This was an outstanding response and demonstrated a growing ownership and engagement by the community from the efforts initiated by each network member NGO, working on related river issues.



A female participant contributes critical thinking to the Final LS2 EIA Consultation Workshop held 16-17 December, 2010 in the Stung Treng Province

The advocacy work of the RCC, on the ground as well as at the national level, has yielded a 10 year deferment of the Mekong Mainstream Hydropower Dam Development. This followed the release of a Strategic Environmental Assessment (SEA) publication by the Mekong River Commission Secretariat (MRCS) in October, 2010. RCC members have been instrumental in gaining the 10 year moratorium over the dam's construction. The consolidated comments and recommendation from the RCC network members and relevant communities contributed to the SEA report. These were taken into consideration, including the

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Mekong River Commission Secretariat

Results of Strategic Environmental Assessment of Hydropower on the Mekong Mainstream Reservoir

The Strategic Environmental Assessment (SEA) report, titled 'Results of Strategic Environmental Assessment of Hydropower on the Mekong Mainstream Reservoir', was released by the Mekong River Commission Secretariat (MRCS) in October 2010. The report provides a comprehensive analysis of the potential environmental impacts of hydropower development on the Mekong Mainstream Reservoir. It includes a detailed assessment of the cumulative impacts of various hydropower projects and provides recommendations for the sustainable development of the region. The report is a key document in the ongoing process of environmental assessment and decision-making for the Mekong Mainstream Hydropower Dam project.

SEA report released by MRCS in October 2010 on the postponement of the Mekong Mainstream Hydropower Dam

transparency of stakeholder consultation processes for individual mainstream hydropower projects.

Concerns over the development were conveyed through the SMC statement to the MRC and the collective governments of the MRC member countries. The statement represents both community and civil societies' combined efforts in identifying issues from the affected people who have a living dependency on the Mekong River resources.

The consolidated outputs were received positively by government and development partners in the 3rd Cambodian Development Cooperation Forum (CDCF) and 17th Government Development Partners Coordination Committee (GDCC) respectively, in 2010, as well as the National Strategic Development Plan (NSDP, 2009-2013). These outlined concerns including: issues challenging the ecosystem, food security and livelihoods of local peoples living along the Sesan river. Particularly: water quality of the Sesan river, early warning flood notification systems, rural electrification and the promotion of alternative renewable and sustainable energies (for example, solar power, energy from rice husks and clean energy alternatives). This also extends to encouraging private sector investment in modern energy generation technologies, best practice standards, resolving transboundary water disputes, and includes the case study on: Flood Notification System in Sesan and Srepok rivers.

Key Challenges and Lessons Learned

Forging cooperation at the grassroots level is a successful advocacy strategy given outcomes from recent LS2 consultation workshop held in the Stung Treng province. A major finding was the importance of building partnerships with provincial NGOs who can influence local authorities at the grassroots level. This is particularly useful for undertaking sensitive advocacy work on hydropower dam development.

Assigning the right person to attend the meeting is very important to consider. Due to the workload, some RCC members were requested to attend meeting instead of the Hydropower PO. As a result, there were mixed reporting efforts coming back from these meetings. This is a concern, as without adequate information, evidence based advocacy is difficult to achieve. Therefore, it is really important to select the right person to attend these important meetings in instances where the PO is unable to attend.

MIME gave a presentation on hydropower development in Cambodia at both the NAC and NGO Forum's QMM. But it was observed that these did not deal with problems such as the questions of alternative livelihoods after the dam construction or compensations and time constraints impacting dam affected communities. It is considered appropriate that the three important government ministries - the MIME, MoE, and MFE be invited to attend the hydropower related workshops and initiate additional time for the purpose of improving dialogue and consultation between government and communities.

Impact Observed

- The comments from RCC members, Save the Mekong Coalition in the international, regional, national, and local sectors on the Mekong Mainstream Hydropower Dam Development were included in the SEA report. This was released publicly by the MRCS with the recommendation to place a moratorium over the construction of the Mekong Mainstream hydropower dam for 10 years. The additional time will be used to assess the impacts from the proposed development on the Mekong aquatic resources.
- The achievement of RCC advocacy activities on hydropower issue included media campaigns targeted at both international and national level newspapers. RCC attended meets in the USA, Mexico, Vietnam, Laos, and Thailand to share information from the negative impacts of hydropower dam development within these communities. Specifically, citing the affects on poor and those with a living dependency on the natural aquatic resources
- This is linked to the political will of the Cambodian government and increased financial assistance being provided by the Chinese government. As a result, many NGOs and research institutes working on the rivers and livelihoods applied to become RCC members. Some passed the criteria for membership and were accepted while others are still being processed.

Some donors have even shown they are interested in offering future funding support to the RCC network. They include NGOs: such as Oxfam Novib, Oxfam Australia, International River, ICCO, etc.

- The relationship and cooperation with the Ministry of Environment (MoE) improved. Especially, the minister assigned to the Department of Environmental Impact Assessment who worked closely with RCC on establishing the terms of EIA report. Moreover, the MIME responded positively to the NAC and QMM invitations to present the government stance on the hydropower development in Cambodia. Notably, this was the first time MIME presented their views at a public workshop organized by NGO Forum, on related hydropower issues.

Case Study: Lower Mekong assessment of the Mainstream Hydropower Dam Plan

The 14 months study from 2009-2010 on environmental and social impact assessment (ESIA) of the mainstream hydropower dam projects which would have on the river was completed and released by MRCS on 15th October, 2010.

RCC members had followed and monitored on the progress of this study since the beginning in July 2009 until September 2010. All comments related to the concerns of the affected communities living along the Mekong River, fishery, hydrology, and livelihoods were taken well enough by economic and social experts, other civil societies, NGOs working on the hydropower and river issues had been incorporated into the report. As a result the report highlighted, the recommendation of the consultants' advise, stated "due to the uncertainties regarding scale and irreversibility of risks in such as complex river system, that decisions on mainstream should be deferred for a period of up to ten years, with reviews made every three years to ensure that the necessary condition to strengthen understanding of the natural systems as well as management and regulatory processes are conducted effectively." RCC as well as the civil society working on the hydropower issues and community rights on the Mekong Mainstream River has gained big and positive advocacy impact.

The government of the Lower Mekong Countries has slow down the development of hydropower dams on the Mekong Mainstream which is the ambitious projects of the Lower Mekong Countries' government to boost the economic growth by increasing the energy sectors in the Sub Mekong Regional Countries.



SEA report release publicly by MRCS In October 2010 on postponement of the Mekong Mainstream Hydropower Dam

Pesticides Reduction and Sustainable Agriculture Project

Project Purpose: NGOs and government officials cooperate to build rural people's understanding of the effects of chemical pesticides on the environment and human health, and to build their understanding of sustainable agriculture practice in Cambodia.

Key Achievements

Increased awareness of the issues and impacts created by climate change were delivered in the Farmer Affected Forum on Climate Change and Sustainable Agriculture. This was organized by the NGO Forum on Cambodia in collaboration with other NGOs. The Forum increased the understanding of participants on climate change related impacts on agriculture. The forum was conducted on 4 March, 2010 with 404 participants (116 females) from different stakeholders including rural farmer representatives, local and international NGOs and relevant government agencies. These identified

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Open remarks by H.E. Dr. Chan Sarun National consultative workshop on the draft law on Pesticide 14 July 2010.

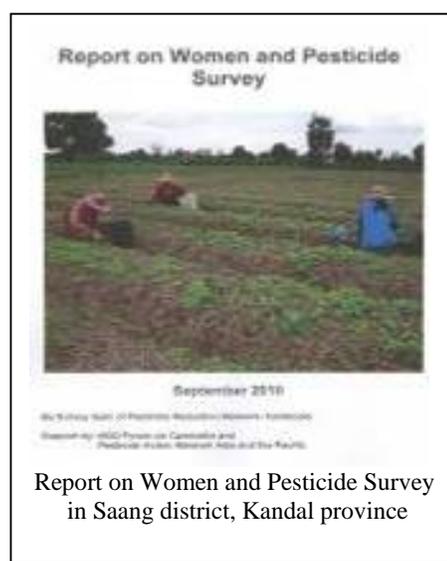
strategies, such as mitigating measures and also identified the crucial roles and responsibilities played by NGOs and relevant government ministries in responding to climate change issues.

Improved Policies on Agriculture and Water through NGO Recommendations – The Agriculture and Water policies were reviewed and discussed among members of the Pesticides Reduction Network in Cambodia (PRN-C). The network monitored the implementation of the government and its joint monitoring indicators (JMIs) on the Strategy for Agriculture and Water (SAW) based on the National Strategic Development Plan (NSDP) draft. The draft Strategy for Agriculture and Water (SAW) showed shortcomings in public participation, consultation, finalizing and implementation; strengthening institutions, legal framework and human development; developing appropriate legal and regulatory tools and competency; increasing production, employment and rural income and to ensure food security as well as to increase the export of agriculture products; producing enabling environment; and expanding the system of technical and agricultural extension services. The comments and recommendations were launched in the National Dialogue on Cambodia's Development in 2009-2010 and submitted in the 3rd Cambodian Development Cooperation Forum (CDCF).

The series of advocacy activities conducted such as: conferences, consultative workshops, public debates, campaigns, and bi-monthly meetings shared information and discussed chemical pesticide used. They also raised climate change impacts and developed solutions by empowering the network members and affected stakeholders to speak out on the concerns and problems they have, with relevant government ministries. The approach urged the relevant government ministries to draft more informed agricultural related laws. This exercise has been beneficial as it has paved the way to foster a healthy relationship with relevant government ministries.

NGO members from the Pesticides Reduction Network in Cambodia (PRN-C) gained knowledge on the Contract Farming sub-decree and the draft law on Pesticides and Agricultural inputs. 152 participants (21 female) from different stakeholders including: rural farmer representatives, local and international NGOs, UN, DPs, government and other relevant stakeholders gathered during the national consultation on pesticides and agricultural inputs into the draft law. They gained both improved knowledge and understanding for the urgency to enforce the laws with NGOs consolidated comments being incorporated into the draft pesticide law. In addition, the MAFF agreed to cooperate with the NGO Forum on Cambodia to organize the launch of the contract farming sub-decree and pesticide law after the enactment of contract farming sub-decree from the Council ministers and parliament.

Advocated Women Affected by Pesticide started to promote alternative and sustainable organic farming in Saang community. Relative to the drafted law on pesticides and agricultural inputs, NGO Forum has conducted a base line survey study on the impacts of pesticides to women farmers in July 2010. The 43 page report on the women and pesticide survey was printed in both English and Khmer. The report highlighted deleterious effects of pesticide misuse on women health and environment because of limited knowledge and understanding on pesticides effects that misled women farmers to use these in commercial vegetable farming. The network members and other relevant stakeholders especially the women farmers and children have realized the harmful effects of chemical pesticides to human health and to the environment as a whole. It further empowered women farmers to advocate the use of alternative and sustainable organic farming practice. As a result of sharing information from the report, PRN-C have advocated collectively for the use of alternative sustainable organic farming by the relevant communities. The publication of the survey report will be launched in the Farmers Affected Forum in March 2011 as well as in the



campaign of No Pesticide Use Day in December 2011. And finally, the report will be used during the launch of the pesticide law after its enactment.

The MoE and MAFF have a shared voice on the legislation of pesticide law and chemical law. The first ever cooperation between MOE and MAFF to jointly collaborate on the No Pesticide Use Day Campaign with the NGO Forum strengthened and widened the advocacy campaign to stop the use of chemical pesticides. The campaign attracted approximately 740 (including 228 women and children) from different stakeholders such as local and international NGOs, other departments of the MAFF, MoE, rural farmer representatives, students, village leaders, pesticide vendors and the public actively involved themselves in the campaign.

The **No Pesticide Use Day Campaign** has influenced the participants and organizers' commitment to advocate for sustainable agriculture as well as explore alternative options – the use of organic farming to mitigate and eventually eradicate the use of chemical pesticides in their farming practice. It also underscored the importance of the appropriate application of chemical pesticides and its impact on the environment. The participants delivered a statement of the negative impacts Chemical Pesticides and Fertilizer have on the environment, economy and most importantly to human health. The statement further highlights the critical message of ceasing the use of chemical pesticides and fertilizers to farmers, in addition to the relevant government ministries and departments. This event was broadcasted in Bayon, TVK, Radio Free Asia, radio FM 93.2 and Reaksmeay Kampuchea newspaper. As a result, the MAFF agreed to cooperate with the NGO Forum on Cambodia to organize the yearly No Pesticide Use Day Campaign, and TV debate on the pesticide law.

Key Challenges and Lessons Learned

- Drafting the position paper delayed other activities. Both the Contract Farming Sub-decree and draft law on Pesticides and Agricultural Inputs arrived at the same time. Staff also faced difficulty in coordinating and gaining network members' comments. This was further impacted by the short turnaround given for the consultative process. However, this was mitigated by drawing in expertise from agriculture and legal experts across Cambodia, and internationally.
- Activities co-organized with MAFF such as the launch of the contract farming sub-decree and pesticide and agricultural inputs were delayed to next year because they still require enactment of the contract farming sub-decree from the Council ministers and parliament.
- Radio talk show and round table discussion to replace the subscription of Reaksmeay Kampuchea newspaper.
- The research of climate change adaptation will be carried out in the 2011 Action Plan because of limitations in hiring a qualified consultant.

Impact Observed

- MAFF has continually requested the Forum provide comments and input on legislation and policies, particularly on the draft pesticide law and contract farming sub decree. Consolidated comments were accepted and included in the draft pesticide law and contract farming sub decree. The trust invested through the advocacy work has paved the way for NGO Forum to continue to strengthen its relationship and communication with MAFF and other relevant ministries.

Case Study: Affected Woman Farmer is Empowered to Speak out on the Issues of Chemical Pesticides

“Pesticide used on vegetable growing” Survey done on July 01, 2010 in Svay Prateal Commune, Saang District, Kandal province. This is a case study of a woman farmer effected by the impacts of using chemical pesticides at Saang district, Kandal province. The woman farmer is one of the respondent of the baseline survey study on Women and Pesticides conducted last July 2010 in Saang district, Annual Progress Report January to December 2010



Her name is Chhorn Khleong. She is uprooting grass in vegetable farm at Svay Prateal Commune, Saang District, Kandal province

Kandal province about half an hour travel the center of Phnom Pen. It has been noted that most of people living in Saang district are dependent on vegetable growing consistently used the many kinds of pesticides. Chhorn Khleong is one of the women farmer living in Svay Prateal commune, Saang district, Kandal province.

She is 23 years old, living with her brother's family of 4 peoples. She studied in the primary grade and dropped out school because her family is very poor and cannot afford anymore to support in the secondary school. The main livelihood of her brother's family is vegetable growing in 2 small areas of farm. She helped her brother working at the farm such as planting, cropping, weeding especially pesticide spraying. She works daily to look after the farm, lead workers when weeding, pesticides spraying and most often purchased the chemical pesticides in the market. Ms. Kleong often helped her brother to mix 2-4 kinds of pesticides and sprayed it weekly. One noticeable limitation, she cannot read or write but can only recognized and understood the pictures fixed on the bottle or package as introduced by the pesticide vendor." She also used chemical pesticides not according to the prescribe technique. Ms Kleong opined that "during spraying I was openly exposed because of the chemical spillage out of tank. I was also exposed to chemical pesticides by air when I sprayed, walk across vegetable farm and weeding after the one who was spraying" She also used pesticides for 5 years already and she realized that constant exposure to chemical pesticides have affected her health with the experienced symptoms like often dizziness, headaches and body fatigue. The practice of using pesticides can reduce some kind of weeds and insects but very expensive and annually they will spend around 5,400,000 Riels. More than the income from the vegetable farming of around 9,000,000 Riels per year. We realized that it was not really compensating after calculating the income and expenditures that includes pesticides, labor for weeding, machine used and other miscellaneous expends.

Ms. Kleong recommended that farmers especially women and children should have mitigation measures such as increase awareness of ill-effects of pesticides exposures, awareness raising on pesticide related issues and provide alternative cropping techniques without the use of pesticide and promote non-chemical use on farming and gardening to reduce health risks.

Land and Livelihoods Programme

Programme Goal

The Land and Livelihoods Programme deal with specific land issues, these being the critical issues that NGO Forum members have encouraged the NGO Forum to directly address. The Land and Livelihoods Programme facilitates advocacy with regard to land titling and land grabbing, indigenous minority land rights, resettlement and housing rights, and forest livelihoods and plantations. A new project under this Programme will help to enhance information collection on land and state property issues.

The goal of the Land and Livelihoods Programme³ is NGOs cooperate to influence government and donor policies and practices to ensure that the rights of poor and vulnerable groups affected by inadequate governance of land and natural resources are protected and promoted.

The successful implementation of the LLP Action Plan for 2010 led to its improved standing with the RGC, and donor partners and the achievement of those goals described below. In 2010, LLP made the *successful use of international advocacy instruments* included in a shadow report to the CERD^[1]. Observations made and communicated, raised international attention to the plight of IP rights in Cambodia and prompted the RGC to respond to alleged IP discrimination. This advanced the LLP *in its advocacy influence* and *engagement in policy consultation* processes. On this basis, the programme chose to involve itself further in policy consultations^[1], and by providing useful and constructive comments and feedback to the appropriate policy makers, with the response from these policy makers being that they valued the inputs the NGO Forum provided. An example of this is where the LLP *improved the accuracy of information* by providing comprehensive information about Land Disputes, Economic Land Concessions and Forced Evictions accessible through the LIC webpage and available data holdings. Additionally, it *improved the coordination* among network members which was defined by increased membership participation in joint activities and further policy consultation.

Significantly, the LLP has *strengthened its channel of communication* with the Ministry of Land Management Urban Planning and Construction (MLMUPC) through regular meetings, on a quarterly basis. In these, LAND network member representatives meet with MLMUPC to consider relevant land issues, an appropriate conflict resolution mechanism, as well as interventions on specific land dispute cases.

Furthermore, the Federal Republic of Germany *decided to release its foreseen budget* to fund GTZ's future work in the land sector⁴ after the NGO Forum and LAND members submitted a joint statement to the German Ministry of Development and Economic Cooperation, calling for ongoing support in 2011 and 2012.

Land Issues Project

Project Purpose: The purpose of Land Issues Project (LIP) is that NGOs cooperate to influence the policies and practices of governments, donors, investors and relevant stakeholders to ensure that land rights and tenure security of the poor and vulnerable groups are recognized and respected.

³ In the following called "LLP"

⁴ Especially of the land titling program of Land Administration Sub Sector Program (LASSP)
Annual Progress Report
January to December 2010

Key Achievements

The provincial LAND⁵ network *continued its efforts to strengthen their capacity and to extend the scope of the network*. It *increased its coordination* of activities as the network extended its scope from 10 to 22 provinces. The linkages between P-LAND and National LAND have been strengthened as contact persons were selected from all four regions in order to effectively support the work of the network as well as to ensure up to date information on land issues. Steps to overcome the network challenges were taken as each provincial network developed an activity plan for 2011, to address specific challenges. Relevant parts of this network activity plan were integrated in the LLP action plan 2011.



Annual LAND reflection workshop
in Phnom Penh

LAND improved the *effectiveness of policy dialogue* with the Government and Donors. As a result of commenting on the 1st and 2nd draft of “*Spatial Planning Policy*”⁶, the CLP-MLMUPC⁷ incorporated the comments in the current draft⁸. The MLMUPC promised to incorporate the comments in the final draft before sending it to the Council of Ministers⁹ for their approval. However, the final draft has not been disseminated although the Council of Land Policy has approved the draft in August 2010 already prior of sending it to the CoM. Furthermore, LAND efforts in policy dialogue were recognized by RGC, development partners and donors following the comments of the network regarding concerns of affected communities about indigenous communal land, land tenure, urban poor and land management. Those were delivered in the Land Reform Section of the NGO Position Paper and the NSDP update 2009-2013. Moreover, LAND commented on escalating problems which are directly linked to land issues but were not covered by JMIs¹⁰ or NSDP^{11, 12}. As a result, the representatives from CLP-MLMUPC¹³ at the NGOs position paper’s launching workshop welcomed an open and constructive dialogue¹⁴.

The public has *increased its awareness* on the “Land Registration Process and Land Conflict Resolution Mechanism in Cambodia” due to various radio talk shows and radio magazines organized by LAND^{15, 16}. The feedback from listeners via calls during and after the radio show programme were appreciated. Forced evictions, resettlement issues and problems caused by ELCs were brought to the attention of MLMUPC representatives and students of the Royal University of Agriculture (RUA) during a presentation to the summer school, organized by MLMUPC and GTZ on “Equitable and Transparent Land Policy”. Furthermore, LAND members and relevant stakeholders *are aware of and understood the land dispute resolution mechanisms and intervention strategies* from the NGO Forum’s publication “**Land is Life**”. The report led to a discussion on how to build cooperation and provided scope for synergies between NGOs and donor partners. Secondly, LAND members understood land dispute resolution mechanisms and intervention strategies and the effectiveness of these interventions, as tools for wider advocacy work.

⁵ In the following called “P-Land”

⁷ Council of Land Policy, Ministry of Land Management Urban Planning and Construction

⁸ on the objective in Chapter 3 “(i) to protect and keep all the culture tradition and indigenous people land use conservation according the land law stated and (ii) to manage the natural disaster like flood, earth quake which affected from various infrastructure development projects.

⁹ CoM

¹⁰ Joint Monitoring Indicator

¹¹ National Strategic Development Plan

¹² such as the growing threat of violence, intimidation of human right defenders and villagers, growing militarization of land disputes and transparency in international land deals

¹³ Ms. Ou Vuddy, Permanent Secretary General, General Secretariat of the Council for Land Policy

¹⁴ The representative asked for ongoing dialogue about the NGOs Position to the relevant sectors. She especially asked to be informed about the relevant findings beforehand the launch of the NGO position paper.

¹⁵ in close collaboration from LAND and its members World Vision Cambodia and Voice of Democratic Radio (VoD).

¹⁶ The show was broadcasted via Sarika FM 106.5 MHz in Phnom Penh and Sarika FM 95.5 MHz in Siem Reap province



Secretariat of State from MLMUPC gave an opening remark during the 5th National Advocacy Conference

The *cooperation with various Ministries* and their willingness to be involved in dialogue with civil society *improved*. At the annual National Advocacy Conference (NAC), various RGC representatives¹⁷ were engaged with civil society representatives on discussing issues regarding good governance of natural resources such as land disputes, Economic Land Concessions and Hydropower and Coal-Fired Power Plans. The conference and its press conference were covered by international and national media¹⁸, bringing the



Various stakeholders attended the 5th NAC in Phnom Penh

concerns of the affected people to be heard by the public and *provoking a lively debate* about the issues. Development partners highly welcomed the discussion on good governance, seeing it as an integral part of all their projects and calling for promoting the strengthening of the institutional and legal framework, the respect for the rule of law and human rights and socially balanced, democratic development¹⁹ Nevertheless, as we could observe from the response of some RGC representatives, NGOs need to continue their efforts to raise awareness to key RGC representatives who hold decision making powers²⁰.

Key Challenges and Lessons Learned:

Network members' participation remains a problem due to gaps in information sharing between the provincial and national levels. Some of the provincial members face *funding problems*, which results in the postponement of some activities. Moreover, the understanding of network members regarding to policy advocacy is still limited. Some of network members *lack of knowledge* about the importance of monitoring the Joint Monitoring Indicators (JMIs). This brings about a limited participation in commenting about the progress for the GDCC²¹, and CDCF²² statements. However, these issues were addressed in the process of the LAND regional mapping and extension of the network. At this stage, we see positive results from these activities as the network members were encouraged to address the challenges and supported in doing so, but it is too early to judge if the challenges have been overcome.

NGOs fear that the draft spatial planning policy fundamentally fails to address key intentions and contains both a vision and goals that need further clarification because of the emphasis placed on “Economic Imperative”. Whereas a valid spatial planning policy would look not only at economic issues but also at environmental and social impact on an equal footing, especially since we do not have proof that NGO comments have been incorporated within the final draft.

RGC ministries are reluctant to share information on upcoming policies. Even if we see an increase in the willingness to create dialogue with civil society, it is envisioned that not all ministries will willing to participate.

¹⁷ Opening speech by Secretariat of State from MLMUPC and representative from the donor community, here the counsellor of the German Embassy. Closing remark by Senior Minister of (MoE). Key speakers in each section were senior staff from relevant ministries such as MLMUPC, MoE, MAFF, and MIME

¹⁸ TV: Bayon, TVK, CTN and Sea TV. Radio: Vice of America (VoA), Radio Free Asia (RFA), and Radio France International (RFI). Newspaper: Phnom Penh Post and Cambodia daily

¹⁹ Opening remark by the counsellor of the German Embassy

²⁰ For example, the Senior Minister of MoE declined to accept complaints of affected community members by the land concession granted for a sugar cane plantation on Koh Kong, where people are victims to forced evictions. He said that cannot understand the people, they should be happy to work on the plantation and to sell their privately grown sugar to the company.

²¹ Government Development Partners Coordination Committee

²² Cambodia Development Cooperation Forum

The LMAP research is pending due to the need for more discussion with network members on the content and scope of the research. Some NGOs have withdrawn their interest for the LMAP project as its no longer being supported by the World Bank. After discussion with the network members it was decided to postpone the research, due to time constraints, to the second half of 2010. In addition, the discussion between LAND members revealed that the Ministry had decided not to support the involvement of NGOs in any LMAP research as they believed this would possibly bias the findings. However, from the discussion with network members we still see the necessity to conduct this research and this has now been included as an activity for 2011.

Impact Observed

The Federal Republic of Germany decided to *release its foreseen budget* to fund GTZ work in the land titling program (LASSP) after the NGO Forum and LAND members submitted a joint statement to the German Ministry of Development and Economic Cooperation, calling for future support. This indicated the strong stand NGO Forum has in dialogue with the German Government. Nevertheless, further discussions are necessary with GTZ on how to overcome the problems caused by the process of selecting areas for land titling and how to ensure an effective human rights approach benefits poor and vulnerable citizens.

The *collaboration between NGOs and the MLMUPC²³ has been strengthened*. An initial meeting in August discussed the need for an effective mechanism in working together to ensure effective land governance. As a result, regular meetings on a quarterly basis are taking place between NGOs and the Ministry to discuss emerging issues and mechanisms to address these land issues. Representatives from the Cadastral Commission were present at a second meeting and this provided an opportunity for NGOs to bring land conflicts to be heard directly by the cadastral commission.

Case Study 1: Land Dispute Case in O' Voir Preng solved after NGO Intervention

During 1990-1992, 38 families from Chroy Sna and Rong Empel village, Khnach Romeas commune, Bavel district moved to live in O'voir Preng area. They cleared and farmed the land since then. Their possessory rights of the land were recognized by the local authorities. In 1999, Mr. Eang Oeun claimed ownership over the land and bulldozed 15ha of cultivated fields belonging to fifteen families. On March 09, 1999 Mr. Eang Oeun filed two complaints to the Battambang Court of First Instance, asserting ownership of the land²⁴. In supporting his claims, Mr. Eang Oeun presented the court twenty-two land titles for 5ha each. On October 19, 1999 the court ruled that Mr. Eang Oeun is the rightful owner of 110ha, including 15ha originally disputed land, near O'voi Preng²⁵. Community representatives appealed the verdict²⁶, but withdrew his complaint later as he received financial compensation from Mr. Eang Oen.

The villagers submitted complaints to all levels of authorities such as provincial and national bodies, UNOHCHR and also international and local NGOs. They tried to stop Mr. Eang Oeun's tractors and Bulldozers from clearing their land. They protested peacefully in front of the provincial hall and the court. On November 29, 2005 the villagers submitted a motion to the MLMUPC, requesting the authorisation of provisional use of the disputed land. As a result, the Ministry instructed the Battambang provincial governor to investigate and resolve conflict. Despite this, provincial authorities did not take any action. Consequently, villagers marched to Phnom Penh, calling on the RGC to intervene, and demonstrated outside Prime Minister Hun Sen's house on May 28, 2008. However, the villagers were beaten and shots were fired at them by police forces causing injuries. Ten community representatives were arrested and detained.

The NGOs working group comprised of UNOHCHR, NGOF, LAC, VIGILANCE, CHRAC,

²³ Ministry of Land Management, Urban Planning and Construction

²⁴ (civil case #66, 22-03-1999; civil case #77, 02-04-1999) First complaint about 10ha is filed against Chim Keo as the representative for fourteen families; the second complaint about 5ha is filed against Pich Somaly.

²⁵ (the verdicts #235 and 236)

²⁶ civil case #168, 28-02-2000

ADHOC and LICADHO conducted a field investigation to collect accurate and reliable information from all relevant parties and authorities. Facilitated by LAND, a number of meetings between the working group and the provincial court director, judge, prosecutor and the provincial governor were conducted. LAND network members provided lawyers to defend the affected community representatives during all stages of the court procedures. On December 19, 2010 a lawyer of LAND network member, LAC, submitted a letter to the responsible team leader of the Ministry of Justice calling for intervention and resolution of the dispute. Consequently, MoJ experts conducted a field investigation. NGOF and NGOs partner provided emergency s and legal support to the community for their advocacy activities. NGO Forum co-organized with NGO partner's press conferences to draw public attention. NGOs working group and lawyers played an active role in the dialogue with the provincial authorities, Ministry of Justice, Provincial Court, Appeal Court and Supreme Court to release detained representatives. On March 07, 2010 LAND lawyers, CHRAC and two villagers met the new prosecutor, describing the history of the dispute. On December 08, 2010 NGOs working group facilitated by NGOF conducted a field follow up case investigation and intervention to the Provincial Court and provincial authorities to allow the villagers to cultivate their rice needed their livelihood. Moreover, they asked the court to stop arresting their representatives.

The provincial court and local and provincial authorities measured the disputed land to implement the civil verdicts²⁷, but the results were contradictory to the specifications made earlier as actual size was asserted with 122 ha and differs in size, borders, conditions, and location from the first measurement. On December 22, 2006 the MoJ sent a group of experts to investigate. .

As the result, the MoJ experts published a report²⁸ analyzing the dispute. They stated: 1- the villagers had a possessory right to the disputed land. 2- Mr. Eang Oeun and the District Cadastral Commission likely collaborated to forge his land certificates²⁹, The MoJ report recommends that the MLMUPC should appoint experts to examine the land titles, and if found to be forgeries, annul them and encourage the villagers to file a complaint against Mr. Eang Oeun and the District Cadastral Commission³⁰. The report concluded that the implementation of the civil were incorrect,³¹ and that the provincial courts judge, did not follow legal procedures The Investigating was found to illegally relying only on the prosecutor's recommendation, rather than the results of the investigation. In accusing villagers of criminal actions despite the ongoing civil law suit the investigating judge violated the rules of the Penal Procedure 1993,³². Finally, the report concludes that a prosecutor illegally accused the villagers as he did not conduct any investigation. The report also recommended the release of the detainees until the court determines the legal owner of the land. The report further recommended that MoJ should report the involved court officials to the Disciplinary Council of the Supreme Council of Magistracy for evaluation and disciplinary action.

On May 27, 2008 the Chief Inspector of the MoJ, led a working group including LAND lawyers, the prosecutor and provincial authorities to the disputed area. Afterwards the chief inspector acknowledged that the prosecutor acted improperly. The Cadastral Commission representative stated that he cannot map out Eang Oeun's land because (1) the land titles are not contiguous, (2) the land titles include untitled land, and (3) the land titles were made using an incorrect procedure.

Although the provincial court ruled that Mr. Eang Oeun is the rightful owner of the disputed land, the land is still being used by the villagers. They keep farming rice for their livelihood because the civil verdicts were unable to be successfully implemented. All village representatives were released from the prison. Five were proposed to pay the compensation to Mr. Eang Oeun.

The NGO Forum on Cambodia was asked by the community to conduct a fact finding trip to the

²⁷ #235 and 236 of the provincial court for two times on August 03, 2001 and April 28, 2005,

²⁸ on February 27, 2007, #017/07

²⁹ as they were issued when the land was a frontline battlefield, they showed signs of scratching and editing, and they were issued without first measuring the land (making it impossible to determine exactly what plots the certificates referred to)

³⁰ under Articles 251, 253, and 261 of the *Land Law (2001)*

³¹ as the prosecutor, Cadastral Commission representative, and party representative did attend the courts hearing

³² Articles 21, 23, and 29, which state that an Investigating Judge must postpone a criminal trial while the civil trial (here regarding ownership) is ongoing

disputed area. As a result, NGOF's GIS Officer found unacceptable errors in the measurement of the land plots. The Battambang Court's prosecutor asked NGOF to present the findings of the errors to the court on January 13 2011. After hearing, NGOF's GIS and legal officer, the court found that the verdict of the provincial court cannot be implemented due to the errors in the measurement. The court found also, that it will be impossible to implement the verdict in the future. He will write a official letter to inform the MoJ about the results. Finally, the community can continue to farm the land unchallenged, stabilizing the community's security, their financial resources, giving them the change of increasing their income in the future.

Resettlement and Housing Rights Project

Project Purpose: The Project's purpose is to ensure NGOs cooperate to protect the rights of poor and vulnerable people in informal settlements, to secure tenure; and those in formal settlements affected by involuntary resettlement and relocation.

Key Achievements

RAN strengthened its *network capacity and its coordination among its members*. The *participation* of RAN members in regular meetings *increased*. The concerns of the affected communities were addressed, by *increased information sharing and dissemination*, RAN successfully drew the attention of the RGC and other stakeholders to the identified problems such as fair and just compensation and ensured that the voice of the poor and vulnerable were heard. RAN members are actively engaged in dialogue with the RGC during official events as well as during the quarterly regular meetings with the MLMUPC. RAN members rate this dialogue as an important component for their advocacy strategy in 2011.

RAN *increased its influence* on the development of policies by the RGC as well as International Finance Institutions (IFIs)³³. Their efforts were displayed by the fact that most of the NGOs comments were implemented in the draft of the National Housing Policy. The key term in the 3rd draft was changed from *shelter* to *housing*. A reference to the International Covenant on Economic, Social and Cultural Rights was included³⁴, linking the policy to meet with international standards. It also made a reference specifically to the poor and vulnerable groups,³⁵ expressing the need to ensure the right to adequate housing for them. With regards to Circular 03, the title was changed from "*Resolution of illegal temporary settlements in city and urban areas*" to "*Resolution of temporary settlements on illegally occupied land in city and urban areas*". As an interim result, this change provides more safety from eviction for the urban poor communities as it includes all temporary settlements, not just illegal ones even though the application of the law requires illegally occupied land. Comments from RAN on policies regarding IFIs public consultation³⁶ and accountability³⁷ mechanisms of development projects financed by IFIs were taken into consideration³⁸.

³³ Such as the Asian Development Bank (ADB), World Bank (WB)

³⁴ 3rd Draft National Housing Policy, March 2010, 1. Introduction, Page 3

³⁵ 3rd Draft National Housing Policy, March 2010, 1. Introduction, Page 3

³⁶ ADB Public Communication Policy (PCP)

³⁷ ADB Accountability Mechanism Review (AM)

³⁸ <http://www.adb.org/AM-Review/consultation.asp>

The voice of affected communities and their concerns regarding housing rights was made public, using the occasion of the 25th World Habitat Day in Phnom Penh, organized by RAN and its members. This event was largely covered by media³⁹. The key message of UN General Secretariat was delivered by the head of UNOCHR as well as the message sent by UN president, Ban Ki-Moon via UN-Habitat in Phnom Penh.



Affected community members interviewed by media during a celebration of the 25th World Habitat day, in Phnom Penh

RAN *advocated successfully on* improving the standards of the resettlement site for the Railway Rehabilitation Project. The resettlement site lacks basic infrastructure such as sanitation, electricity and water supply. After intervention from NGOs⁴⁰, a resettlement expert of the Australian Government investigated all mentioned issues. RAN collaborated with its partners and issued a joint letter to the ADB as well as to AusAID to inform them about the shortcomings of the resettlement site, calling for appropriate actions to further investigate the case and improve the essential infrastructure and conditions at the resettlement site. In general, the affected communities are *well informed* about the project, the compensation process, as well as the safeguard policy and the resettlement plan.

The community affected by the Airport Development project *were empowered* by RAN to advocate on their own with the SCA Company and the projects Inter-ministerial Resettlement Committee (IRC). As a result of their efforts⁴¹, the IRC subsequently changed their approach in dealing with the community and they conducted several meetings with affected community to discuss on the possible solutions for compensation. Currently, a compensation rate for the land and assets was developed by IRC under consultation with affected communities.

Key Challenges and Lesson Learned

Inadequate timeframe was given by the government in order to comment on policies. The RGC restricts public consultations on some policies⁴². In the future, we will concentrate on establishing personal contacts with the relevant policy makers in order to receive information on time.

Although the number of members of RAN increased, some are still *limited in their* participation in RAN activities and their *capacity on policy advocacy* as their mandate does not cover all issues RAN addresses and some are without sufficient funding to implement additional activities. However, this challenge has been addressed during the annual RAN reflection workshop and the members agreed to overcome the issue by ensuring the pre-meeting is organized in order to collect the common position among RAN members.

RAN provided comments an input for the Circular 03 on *“Resolution of temporary settlements unlawful occupied land in city and urban areas”* but with limited influence. Therefore, the circular still legitimates evictions even though the title was changed. Procedures for performing evictions still do not address the protection of these people. NGOs continue to provide comments to the Council of Land Policy (CLP) in order to ensure that the circular will provide more benefits to all urban poor communities. The latest version of the circular which was submitted to the Council of Ministers has changed its title and objective again, limiting the scope of the policy to people living on state public

³⁹ Cambodian Daily, Phnom Penh Post, Radio Free Asia, Voice of America

⁴⁰Report after joint statement of RAN in the Cambodia Daily Newspaper and Australian newspaper “The Age and Sydney Morning Herald”, <http://www.smh.com.au/world/gone-for-good-to-fetch-a-pail-of-water-20101031-178zr.html>
<http://www.theage.com.au/national/two-child-deaths-linked-to-ausaid-cambodia-project-20101031-178w7.html>

⁴¹ They were enabled to submit their complaints to the Compliance Ombudsman Adviser (COA) from the International Finance Corporation (IFC)/World Bank, which lead to their field visited and their recommendation report. The assessment to the case was conducted by COA after receiving a complain letter from the communities. As result, COA has released an assessment report on the website and disseminated widely to all stakeholders for further inform. After dissemination of the assessment report,

⁴² For instance, the NGOS were excluded from the consultation regarding the Expropriation Law and the law was adopted without NGOs involvement

land. The new title is “*Resolution of temporary settlements unlawful occupied land in city and urban areas*”. The previous version also covered communities living on state private land. Here, RAN will continue its effort to lobby and advocate to relevant stakeholders to restore the previous wording and to implement the definition of protection to avoid unlawful actions.

Impact Observed

AusAID and the ADB responded positively to RANs intervention. They urged the Cambodian Government to better implement the project and to pay special attention to the issues raised, ensuring that the standards for the resettlement sites were reaffirmed.

The network members *increased their advocacy influence*. RAN members *strengthened* their *coordination* amongst each other’s projects and activities, which reflects in the influence the network had on the National Housing Policy. Here, NGOs participation was recognized by the RGC, who expressed the need of cooperation with NGOs to address the needs of the poor and vulnerable in this policy.

With reference to the intervention on the Airport Development Project, the attitude of the SCA and the authority changed after the visit of CAO team. Some of the communities concerns were addressed. They conducted several meetings with the community to respond to their concerns. Currently, approximately 90% of the community accepted the increased compensation rate⁴³ on agriculture land, while the other 10% continue to advocate the IRC to increase the compensation rate.

Case Study 2: SMALL PLOT OF LAND, BUT IMPORTANT FOR VILLAGERS’ LIVES
A case study of the Prek Chhik, Chikor Krom commune, Sre Embel district, Koh Kong province.

Since 1993, 31 families have been living in the village of Prek Chhik, Chikor Krom commune, Sre Embel district, Koh Kong province. The villagers built houses and planted crops. They depend on selling their crops to earn their living. However, ownership of this land was also claimed by Mr. Sok Hong and Mr. Heng Huy in 1993, unknown to the villagers until 2009.

The case was brought to the Koh Kong provincial court. In 2009, the Supreme Court ruled in favor of Mr. Hong and Mr. Huy, stating a verdict from the provincial court dated 1993⁴⁴. In 2009, the Supreme Court ruled that the land in Prek Chhik village belongs to Mr. Sok Hong⁴⁵. The verdict was signed by court president Mr. Dith Monty, N° 207 /16-06-09, following the rulings made by provincial court in 1993. The provincial court, dealing with the matter again, issued a ruling on October 27, 2009, implementing the verdict of the Supreme Court. Even though the Supreme Court ruled that the disputed area of Prek Chhik belongs to Mr. Sok Hong, Mr. Heng Huy requested the provincial court to carry out the verdict. The villagers feared that they will lose their land as a consequence of these verdicts. They banned representatives of the local authorities and court officials, trying to demarcate the area.

On May 04, 2010, the community submitted a complaint to the provincial court to oppose the decision made by the Supreme Court, explaining that they have been living on the land since 1993, meeting the requirements of Art. 38 Land Law 2001. The provincial court did not take actions even though they received the complaint. Instead, the court summoned villagers and ordered them to change the name of their living location which absolutely differs to the information in their ID cards and family books (residential books) issued by the local authority on behalf of the Ministry of Interior of Cambodia.

⁴³ The current compensation rate offered by IRC is increased from 0.3 US\$ to 1.00 US\$ per square metre.

⁴⁴ The original complaint filed allegedly filed by Mr. Hong and Mr. Huy as well as the verdict from the provincial court in 1993 and the appeal courts verdict were not displayed to the NGOs monitoring the case and the villagers.

⁴⁵ The Court ruled also that the land in a village called Chouk belongs to Mr. Heng Huy. The Chouk village is far away from Prek Chhik.

On August 25, 2010 Mr. Heng Houy, led a group of mixed armed forces⁴⁶ and bulldozers to demolish the villager's houses and to clear the disputed land without any permission from court. As villagers tried to protect their residences, violence erupted. A 25 year old female named Yie Sokunthea was beaten unconsciously and two other villagers were slightly injured by police force.

The NGO Forum on Cambodia, in cooperation with other NGO partners such as CHRAC, CLEC, LAC, ADHOC, and LICADHO set up a meeting on August 13, 2010 to discuss appropriate advocacy activities to help the local community. To gather accurate, reliable first hand information to support the complainants and to avoid their forced eviction, a field trip investigation was conducted from Aug 17-20, 2010, following the meetings decisions.

After compiling the data from the field investigation, NGO Forum liaised directly with the responsible judge of the provincial court, discussing the issue of the courts request to change the name of the peoples living location. Moreover, NGO Forum discussed directly with the provincial governor, urging him to intervene and to support a solution favorable to the community. In addition, NGO Forum and its network partners released a joint statement on Aug 26, 2010 expressing the concerns of the affected community, calling for a peaceful solution respecting the law⁴⁷. The statement was made public by media, thus bringing the concerns to the relevant authorities, stakeholders and public⁴⁸.

As a consequence of these efforts, a negotiation process between the villagers and Mr. Houy was triggered. On October 13, 2010, both parties agreed to the following solution: all families can stay on the land they occupy since 1993. All families keep 40% of their land, while 60% of the land will be used by Mr. Houy. Until October 2010, 26 families have formally agreed to this solution by signing or thumb printing relevant documents.

Indigenous Minority Rights Project

Project Purpose: The purpose of the Indigenous Minority Rights Project (IMR project) is that NGO cooperate to influence the policies and practices of governments, donors, investors and relevant stakeholders to ensure that the rights and need of indigenous people to land and natural resources is recognized, and that the government and donors are supportive of the process.

Key Achievements

The *IP community organizing and registration as legal entities were enhanced*. Indigenous People NGO Network, IRAM and communities are aware and have knowledge of the procedures of the IP identity appraisal and IP legal entity registration in order to get IP land security. Under the coordination of IMR, *IPNN strengthened its capacity* in the process of getting legal registration⁴⁹ prior their self determination in communal land registration. Since July 2010, six more communities - so far, 31 in total - received an identity assessment/appraisal and declaration from MRD. Now 19 communities are registered at the MOI as IP legal entities, including 3 pilot projects.

IPNN is *aware of the mechanisms used to advocate the UN system* including the United Nation Permanent Forum on Indigenous Issues (*UNPFII*) and UN body treaty engagement. In its response to the *shadow report* produced by IPNN, the Committee on Elimination of Racial Discrimination (CERD) raised questions to the state party related to IP discrimination. Furthermore, CERD released

⁴⁶ Police and military police

⁴⁷ The statement further called for: 1. stop clearing the land, 2. correction of location people are living to correct peoples ID card 3. request RGC to take action on the physical assault by the police and military forces 4. to stop threatening the villagers 5. request RGC to push for a timely solution, allowing the villagers to continue with their livelihood.

⁴⁸ The NGO Forum has documented the dispute and stored related data and the joint statement in its database for future monitoring and intervention.

⁴⁹ Community organizing, IP identity appraisal and legal entity registration
Annual Progress Report
January to December 2010

their concluding observation to the RGC regarding the process of granting of economic land concessions (ELC) which are affecting IP's traditional occupations and culture. The observation also expressed concern about the intimidation and acts of violence against indigenous people during forced evictions or land disputes affecting them. The concluding observations from CERD **draw attention at the international level**⁵⁰. As the situations of IPs in Asian countries are similar, IP representatives from Cambodia joined the Asian Caucus statement which focused on the UN body⁵¹ to influence the UN countries to implement the Free Prior and Informed Consent (FPIC) ,which is included in UNDRIP⁵².

By organizing the festivity of the international IP day IPNN and IRAM contributed to the **increased awareness** about IP issues and IP culture as these were highlighted publicly by marches and performances to a wider audience.

In addition to this, IMRP successfully organized the IP forum to provide an opportunity for IP to dialogue with RGC. As a result of the IP forum, **the relationship between the government and civil society, especially IP community was enhanced**. Representatives of MRD agreed on the concern of the IP communities in losing their land rights and access to natural resources, atop of the negative impacts from economic development and investments of the RGC, without prior and broad consultation with local community.

The Indigenous Rights Active Member (IRAM) network developed further. It mobilized the IP community, which consequently became a more powerful voice. IRAM continued to play its role as a focal point person within their IP communities and successfully mobilized them for advocacy purpose at local, national and international levels. For instance, IRAM participated in both, local and international meetings to raise IP issues and to convince stakeholders to consider promoting rights of IP communities, in particular the right to be recognized as a IP legal entity. At the same time, IRAM members were able to set up their own strategic plan to promote IP rights. Those plans are ready to be implemented in 2011. The IRAM committee identified that development projects of the RGC could have less strong and negative impacts on their social and cultural rights if those projects follow a proper consultation process with affected communities. IRAM are now able to work and push the RGC on their own to develop guidelines of such a consultation process following IRAMs statement during the IP forum.

Key Challenges and Lessons Learned

The **decision making process** among the network members **takes too long**. Representatives of the members present at the meetings sometimes **lack decision making powers**. Furthermore, members did not allocate time to attend the meetings due to their other obligations as they are participating in other networks too. Concentrating on the implementation of their own activity plan affects their participation in IMR network activities, especially those related to emerging issues such as REDD and climate change as well as their support to urgent needs of the community to help addressing their challenges. Members also face **limited capacity of monitoring the implementation and results of their activities** and need to improve their information sharing process and their cooperation amongst themselves as well as the RGC.

IPNN members have a **different fiscal year** than the NGO Forum which also affects the implementation of IPNN activities into the member's activity plan and budget. The **fiscal responsibilities** of IPNN and its members **were confused** as members understood that important activities should be covered by IPNN alone instead of sharing the costs between IPNN and its members.

⁵⁰ It was shared to IP from all over the world at the UNPFII⁵⁰ and reported to the special rapporteur on IP

⁵¹ In fact, ECOSOC (UN Economic and Social Council) reported already to the UN body, which agreed to influence UN countries in FPIC implementation

⁵² UN Declaration on Indigenous People

In 2011, IMR will address these challenges by implementing capacity building measures into the network meeting's agenda as well as discussing the need for establishing an TOR with clear role and responsibilities for the members.

The *TWG-Land*⁵³ **did not accept JMI proposed on IP land security and interim protective measures** as a monitoring mechanism for the implementation of the government. The interim protective measures focus mainly on the protection of IP land prior to its registration as communal land. As we can see, the registration as a legal entity can be viewed as an interim protective measure. But as the process of IP communal land registration is too slow, additional interim protective measures are needed for IP communities who are not yet registered as a legal entity in order to protect their lands. If there are no interim protective measures in the JMIs, the IP community may lose their land before a registration which provides land tenure security is in place.

Impact Observed

The *concerns* of marginalized indigenous people in Cambodia **have been highlighted** and were **brought successfully to the attention** of the RGC, UN treaty body and public by effectively using international networks and international and national media. These IMR advocacy efforts resulted in the **settlement of land conflict** between the Souy community and HLH Company in Kampong Speu province. Here, a satisfying solution was reached for both parties⁵⁴. The community is now awaiting the registration of their IP communal land. However, so far the agreement between the parties has not been drawn up in a contract.

Furthermore, as a result of IMRs ongoing advocacy towards land security for IPs, the RGC selected three pilot projects (including the Souy community) where IP communal land registration is now taking place. Also, advocacy efforts resulted in establishing a framework of legislation which was implemented with the aim to protect and recognize indigenous community land rights and the rights to use natural resources in a sustainable manner. Such as the *Circular on the Procedure and Methodology to National Policy on the Development of IP and IP community Identity*, the *Sub Decree on Procedures of Registration of Land of Indigenous Communities*⁵⁵ as well as the *Policy on Registration and Right to Use of Lands of Indigenous Communities in Cambodia*. The registration with MOI as a legal entity includes participatory land use planning which states mapping of IP territory. IPs could then use self-determination to decide on IP communal land registration. Even though the regulatory framework has been developed, the implementation of these regulations still needs to be monitored.



IP culture shown to public during the IP day in Siem Reap in August 2010

The public has been observed to **recognize the diversity of indigenous culture**. However, this also extends to benefits which accrue through civil servants and private sectors who **gain more understanding** on policies and legal issues supporting indigenous people.

Forest Livelihoods and Plantation Project

Project Purpose: The purpose of Forest Livelihoods and Plantation project is that NGOs cooperate to improve the accountability of Cambodia's concession system and implementation of a supportive national policy framework related to land and natural resources, thereby improving tenure security for forest-dependent communities.

⁵³ Technical Working Group on Land

⁵⁴ For details, please see the case study "The Suoy People's concern is ended" in the six month report 2010

⁵⁵ Art. 3 of the Sub Decree on Procedures of Registration of Land of Indigenous Communities stipulates "the objective of the sub decree are to provide indigenous communities with legal rights over land tenure, to ensure land tenure security, and to protect collective ownership by preserving the identity, culture, good custom and tradition of each indigenous community".

Key Achievements

FL&P members have *increased their knowledge* on key policies related to the forestry sector. They are aware about the adaptation and mitigation methods to climate change and have an *insight knowledge* on existing RGC's policies related to climate change such as: National Adaptation Programme of Action to Climate Change (NAPA), Reduce Emission from Deforestation and Degradation (REDD), Clean Development Mechanism (CDM) and Disaster Risk Reduction (DRR). Also, FL&P members have *gained knowledge* on tools for forest conflict management and are able to apply these tools in further collaboration with the Forest Administration (FA) in the future.

The FL&P has *elected its steering committee*⁵⁶ which prioritized its work on: i) continue to strengthening the capacity of network; and ii) continue monitoring the ELCs in Cambodia by identifying effective advocacy strategies.

The project further *improved its effectiveness in policy dialogue and consultation* with the government and development partners. With close collaboration from its network members, the project facilitated the inclusion of a collection of comments into the NSDP update 2009-2013 and the NGO Position Papers. As a result, we observed an *increased awareness* by policy makers and the RGC regarding forestry issues such as illegal logging and the increased sensitivity towards these issues. Furthermore, this is the first time the RGC has taken serious action on forestry issues by ordering a crackdown on all illegal logging. An initial result has been improved cooperation among FL&P and IMR towards the REDD+ roadmap;⁵⁷ with communities and NGOs members both being *aware about the REDD concept* on both a global and local level. Following the community and NGO comments, an independent consultative body was created for CSO and NGO representatives to engage further in REDD+ Program development. NGOs and CSOs acknowledge that REDD is the first government policy which allows NGOs and CSOs to involve themselves in the full planning cycle process.

In collaboration with key network members, FL&P project *increased the awareness of the government to improve the public debate leading to the RGC crackdown on illegal forestry as well as on the unlawful granting of Economic Land Concessions*. FL&P brought the concerns of affected communities to the government, donors, and public within Cambodia by submitting statements to the TWG-FE, GDCC and CDCF meetings. As result of the FL&P efforts, the NGOs and communities' concern within the prepared joint statement was coverage by international and national Media⁵⁸. However, the government's response was very limited with no serious actions taken until now. Nevertheless, NGOs are continuing with their efforts to lobby the government by advocating for appropriate legal and process frameworks in the allocation of any further ELCs.

FL&P project established, strengthened and deepened its *relationship among key government stakeholders*, specifically with the Forest Administration⁵⁹ staff. As a result, the FA invited NGO Forum to be a member of its NFP Facility Working Group and NFP Task Force. It has been within this relationship that the NGO Forum has received advanced warning about the FA report to JMI, new JMIs formulation, and upcoming plans or policies related to forestry issues such as REDD. Furthermore, the FA recognized and considered the project as a consultative partner and stakeholder, contributing to policy consultation by providing constructive input. For instance, FA considered NGO Forum as the CSOs representatives on the forestry sector in Cambodia. And was provided the

⁵⁶ Members of the FLNP steering committee are: Children Development Association (CDA), Cambodia Legal Education Centre (CLEC), Building Community Voices (BCV), Action on Environment and Community (AEC), Buddhism for Development of Kampong Thom (BFDK), Ponlok Khmer (PKH), Non-Timber Forest Product (NTFP).

⁵⁷ Reduce Emission from Forest Deforestation and Degradation (REDD)

⁵⁸ Voice of America, Civil Coalition Slams "unlawful" sugar concessions, by Heng Reaksmeay, VOA News, May 12, 2010, Radio Free Asia, Who is Ly Yong Phat?, <http://www.rfa.org/khmer/event/who-is-ly-yongphat-1-05172010065943.html>; Radio French International, Radio coverage is available at NGOFLP

FLP project, all information will be available at LIC webpage soon.

Phnom Penh Post, CSOs: ELCs provision abused land law, by Tith Thara, The Phnom Penh Post, May 13, 2010, Cambodia Express News, NGOs Coalition raised about unlawful granting ELCs, <http://www.cen.com.kh/localnews>, May 12, 2010; The Cambodia Daily, Government-Awarded Land Concessions hurt the poor, Forum told, The Cambodia Daily, May 13, 2010, and Reaksmeay Kampuchea Newspaper, CSO reacted to unlawful granting of ELCs in Cambodia, Reaksmeay Kampuchea, May 13, 2010

⁵⁹ As FLNP organized a training on " Collaborative Conflict Management for Enhanced National Forest Program with the Forest Administration

opportunity to coordinate the inputs from NGOs and CSOs to the REDD road map. The good relationship with the FA enables us to provide comments at the earliest possible stage. These benefit the Forum by strengthening opportunity for constructive dialogue and effectiveness in its advocacy work.

Key Challenges and Lesson Learned

FLPN has elected its steering committee members. But as most members are new to their roles they will need time to adjust and in the interim this will provide a short-term challenge, limiting their influence over advocacy work.

The crackdown on illegal forestry captures the extent of the authoritarian power structure within Cambodia. The delegation of authority to preserve these natural resources by the FA technical department alone, are not presently in-place. Here, only after a speech of the Prime Minister were actions taken to challenge illegal logging.

Impact Observed

The FA recognized for the first time that ELCs pose one of the biggest threats to forestry destruction in Cambodia. In addition, FA recommendation to government was to stop granting ELCs overlapping with forest areas⁶⁰ with the FA director strongly agreeing⁶¹ to raise the ELC issues as a current challenge and concern in its report to the 17th GDCC. The report stated: “*Government should strengthening information sharing, baseline monitoring and its evaluation system on ELCs*”. However, the project’s advocacy efforts and comments to the NSDP update 2009-2013; NGOs statement to NFP; and communities’ statement to NFP, strengthened the RGC decision to take action in January 2010, and cancel 50 economic land concessions which failed to follow the regulatory framework.

Moreover, NGO Forum and its network members work led to increased awareness, with the government finally taking action that combats illegal logging and wood smuggling. Samdach Hun Sen, prime minister of Cambodia said “*The crackdown on logging perpetrators is a crackdown on criminals, who are considered national traitors. The perpetrators, ringleaders and other people involved in the trade should be punished without exception*”⁶². Several officials who were involved in illegal logging were dismissed from their position, such as the Head of the FA and other FA staff members, in order to reserve the country’s natural resources, especially forests. Even though the crackdown was triggered by the prime ministers speech, it reflects an increased advocacy influence at the national level led by the FLP network as their advocacy efforts sets the stage for the final crackdown.

⁶⁰ Progress Report of the 2nd CDCF’s JMI and Priority Activities for Aid Effectiveness and Propose New JMI for the 3rd CDCF Meeting, FA, 25th TWG-F&E Meeting on March.

⁶¹ On the occasion of the 27th TWG-FE

⁶² Wood raids proceed on PM’s orders, The Phnom Penh Post, 29th March 2010.

Research Information Centre

Programme Goal

To collate information on land and forestry issues, through data collection and documenting land and forestry cases across all four projects in the Land and Livelihoods Programme. The collated data and information will support project staff within the NGO Forum, partner organizations, and networks of NGOs to improve their knowledge and analysis, in developing appropriately targeted advocacy strategies.

The main objectives of the Research Information Centre are to improve its effectiveness by providing information on land and forestry issues. The project also aimed to provide a more systematic and sustainable collection and management of land dispute information. Using this information, it is intended to analyse and present the data through regular reports of the land dispute situation for interested stakeholders to reference and use in their advocacy strategies.

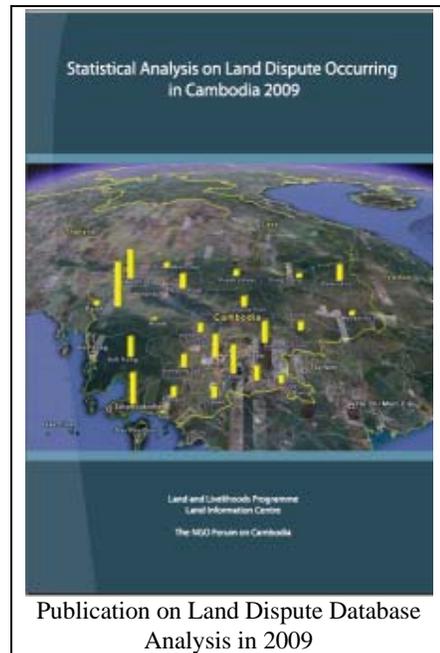
The current operating structure of the Land and Livelihoods Programme changed in late 2010. Firstly, the name was changed from Land Information Centre to Research Information Centre (RIC). Secondly, RIC now acts more independently in supporting not only LLP, but also offers synergies and access to information across other programme areas. In addition, the NGO Forum's IT and Publication Officers have now integrated into the RIC structure. These changes will be fully implemented in 2011.

Key Achievements

The **RIC webpage**⁶³ effectively supports data sharing and provides access to information regarding land issues. It keeps accurate and comprehensive information, reports, and research and investigation findings ready to be used by all stakeholders. The webpage provides up-to-date information and data-sharing by providing access to this through the internet. In the time between the website being launched until October 2010, a total of 4,747 individuals have visited the site with a total of 1,459 individuals downloading documents and gaining access to information, with this becoming an upward trend across the websites statistics.

⁶³ <http://www.ngoforum.org.kh/eng/lic/>

The *Land Dispute and Economic Land Concession Databases* were finalised and provide accurate and complete information and facts to support the advocacy work of the LLP and its networks. The land dispute database was used to develop the report: *Statistical Analysis on Land Dispute Occurring in Cambodia 2009*⁶⁴ which improved the identification of land disputes mechanisms and supported the identification of appropriate advocacy strategies. This report helped an increasing number of NGOs, CSOs, communities, donors and media by informing them about current land disputes in Cambodia. Key land dispute issues and findings of the report were quoted by both, local and international media^{65, 66} and brought to be heard by the RGC and other stakeholders. Thus, RIC *supported a public debate* on the management of land and natural resources as well as *raised awareness of the RGC*. Confronted with the findings of the report, an RGC official⁶⁷ denied the reports findings that land disputes were increasing. “*The Ministry received 5,000 complaints since the beginning of 2009 from 24 provinces and municipalities and has resolved 70 percent of them*”, she said. Another official⁶⁸ affirmed that “*The government never ignored land issues but this issue cannot be solved immediately or in a short period*”. He also said that this report does not reflect the government’s efforts. “*In fact, Land disputes have been trying to solve by authority of land conflict resolution with the best.*”. *Cambodian Senate members are aware* about Land Disputes and negative impact of ELC as NGO Forum presented the preliminary Statistical Analysis Data of land disputes as well as ELCs.



The data on the **Economic Land Concessions**⁶⁹ improved the NGOs and other relevant stakeholders’ knowledge and provided accurate information. Consequently, it supported their advocacy work.

The *knowledge of the LLP and the network members have been strengthened* from understanding conflicts that occurred in the *research projects*⁷⁰ carried out by RIC. The studies developed from these reports provide guidance and have stimulated further discussion and ideas for LLP and a range of other organizations which actively intervene on land issues.

With regards to the conducted **case investigations**, the network members used them efficiently to support their efforts to solve the investigated conflicts. This provoked a positive feedback from the authorities who helped by solving seven land dispute⁷¹ cases.

⁶⁴ The report is currently available for public use at the NGO Forums website: www.ngoforum.org.kh/eng/lic

⁶⁵ Please see the media articles published on May 02, 2010 including The Cambodia Daily news, Phnom Penh Post, RFA website, and online-based news website – www.ki-media.blogspot.com

⁶⁶ Source: <http://ki-media.blogspot.com/2010/06/unresolved-land-disputes-rising-rights.html>, DAP-NEWS, Tuesday, 01 June 2010, 12:39, CEN-Media (

http://www.cen.com.kh/localnews/show_detail/21?token=ODExNDJlYmRhMGQ2NTBhMzBjZDRmODRiYTliNjg5),

Cambodia Daily issued in June 02, Title “ Violence Rife in Land Disputes, Group Says,

⁶⁷ Ms. Nun Pheany, spokesman for the Ministry of Land Management

⁶⁸ Mr. Tith Sothea, spokesman for the press and quick reaction unit of the office of the council of ministers

⁶⁹ The primary data is available at the NGO Forum website: www.ngoforum.org.kh/eng/lic

⁷⁰ 1. Forestry Conflict and Conflict Management in the Context of Forest Devolution in Asia, 2. Research on the land conflict and best practices of land conflict intervention by CSOs, 3. Implementation Research’s Recommendation on IP communal land mapping. 4. South Korea Investment Research and 5. Impact of Lower Sesan II Dam on People Relocation Procedures. The researches 1 – 3 were finalized. Number 4 and 5 are ongoing.

⁷¹ In Romeas Hek district, Svay Rieng province 375 families affected by Anmarady Rubber Plantation Company were compensated. They received land between 0.80 and 1.50 ha based on the land size that people been occupied before the conflict. Regarding a conflict about three community forestry in Okreng commune, Sambo district, Kratie province the provincial governor decided to keep 3,000ha of forest-land for the three community forestry.

The issue of Suoy indigenous community in Trapeang Chhour commune, Oral district, affected by HLH company has been The Ministry considered to keep the disputed area for the community and instead granted new concession area which ensured to not affect to the community.

Affected communities used **community legal advice** from the RIC Legal Officers regarding national laws and their fundamental rights. This strengthened their ability to liaise and involve authorities in a common understanding of the rights they have if they choose to negotiate with these companies.

Key Challenges and Lesson Learned

The *perspective of some local authorities on the activities of civil society organizations is still negative*. There have been instances where local authorities have interfered with NGO staff during field visits. This has led to a lack of cooperation and discouragement of the local communities in supporting NGO's work. Some NGOs based in the provinces were limited in both their activities and locations of implementing these projects.

Impact Observed

After the NGO Forum's presentation on Land disputes and ELCs, Cambodian senate members,⁷² decided to conduct a field investigation in 2011. They meet with affected communities, engage in public hearings, and finally discuss the issues with the relevant ministries.

RIC considerably *improved the overall situation of access to accurate information*. Systematic data and information on a number of issues related to land are available to governmental and non-governmental organizations, donors, researchers and academics from the LIC webpage. As a non-governmental, independent source of precise information, it *supported an informed public debate* on the management of land. The *public is aware of the website and its content* as we can see from the websites statistics and members feedback. The work of RIC was acknowledged by relevant institutions within the RGC. The Ministry of Environment now sends EIA reports⁷³ of ELCs and provided further opportunities to dialogue.

Project Officers and LLP's network members are *better informed* of the current and arising situations, and have raised their awareness on which issues may require further investigation or actions.

The NGO advocacy and *policy dialogue is supported* by relevant investigation and research. The Investigation reports have been used for advocacy through media, press releases, press statements and are widely shared among stakeholders working on land issues. Based on the investigation efforts, seven land dispute cases⁷⁴ were settled.

Case of forced eviction of 39 families in Prek Chik village, Srae Ambel district, Koh Kong province. Following the intervention from NGO-working group the affected families were not forced to move and the case was solved through negotiation which each family received a plot of residential land at their own occupation as compensation.

1143 families in Butom Sakor and Kiri Sakor district, Koh Kong province affected by economic land concession of UNION DEVELOPMENT group. As result, the provincial authorise commit to provide the compensation for residential land productive trees to the affected people. Further more until end of 2010 more than 200 households were constructed in the new relocation side area for compensation and are continuing to construct more for all affected local communities.

Ten community representatives who were alleged and jailed because of land dispute in Svay Rieng province were dropped charge and released from prison on September 28, 2010 and the land dispute is on the process of solving by social land concession as compensation.

16 families among 31 affected by Heng Huy Company located in Sre Ambel, Koh Kong province received compensation which the company kept about 40/% land conflict of each family for each affected household.

⁷² Of the 9th commission of the Cambodian Senate

⁷³ - From July to October 2010 there are six EIA reports received from ministry of environment namely 1-Tann Bean in Kg Thom, 2-Hean Beak in Kg Thom, 3- Heng Development in Rattanakiri, 4- Unigreen resource in Koh Nhek, Mondulkiri, 5-Lower Sesan 2 Hydropower dam, and 6- Cambodia SUZUKI Motor., co LTD.

⁷⁴ Please see footnote 8



វេទិកាផ្តល់ការមិនមែនប្រាក់ចំណូល ស្តីពីកម្ពុជា
The NGO Forum on Cambodia

ធ្វើការរួមគ្នាដើម្បីការប្រសើរឡើង

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We would like to extend our greatest appreciation to all our donors and supporters, who contributed to our work through financial support, technical assistance and active participation.

