



NGO Committee

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NGO Committee for the Monitoring of CDCF Indicators

Phnom Penh. October 18, 2010



វេទិកាសហការមិនមែនរដ្ឋាភិបាល កម្ពុជា
The NGO Forum on Cambodia

NGO Statement on the Monitoring of CDCF Indicators to 17th GDCC meeting

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អភិវឌ្ឍន៍កម្ពុជា
Cooperation Committee
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Executive Summary

NGOs welcome this week's meeting of the Government-Development Partners Coordination Committee (GDCC) as an important opportunity to: (i) review and discuss progress in implementing the Joint Monitoring Indicators (JMIs) and the agreed actions made at the 3rd Cambodia Development Cooperation Forum (CDCF) meeting in June 2010: (a) adaptation of the revised TWG Guideline and the PBA concept Note, (b) the NSDP Monitoring and Evaluation Framework and the integration between ODA, planning and budgeting, (ii) national Program for Administrative Reform and (iii) other emerging issues.

NGOs appreciate and applaud the Royal Government of Cambodia (RGC), particularly to the CRDB/CDC, for proactively taking initiative and leadership role in revising Guidelines on the Role and Functioning of the Technical Working Group (TWG) as a follow up action of the 3rd CDCF meeting and also for sharing the draft revised Guidelines to the NGO community for providing comments. This practice reflected the recognition of the importance of the Civil Society Organization (CSO) role who can make significant contribution to the policy formulation process and Cambodia's development as stated in the National Strategic Development Plan (NSDP) Update 2009-2013 that "... *Civil society is an important partner and many NGOs, both national and international, play an active and vigilant role in social and economic development efforts as well as in promotion of democracy and human rights. These organisations are represented and contribute at high cooperation and consultation forums like CDCF, GDCC and TWGs.*" Although not all NGO joint comments were incorporated at the maximum to the final draft revised TWG guidelines, NGOs view this as a concrete footstep that paves a way for wider and meaningful participation of CSO into the aid coordination mechanism at the TWG level and higher levels by withholding the principle of partnership of different actors. We also believe that the elements in the guidelines will also be reflected in the TOR as well as practice of each TWG.

NGOs monitoring **JMI for education sector** appreciate the effort and progress made by MoEYS and Development Partners toward the milestone set. This effort certainly helps improve **access to and quality education for all**, students' retention and reduce drop-out rate. However, there are still some more issues that need high consideration by both parties such as shortfalls in achieving target of promotion rate in primary education due to significant regional differences, especially in remote provinces, along with concern for quality education in grade 1, 2 & 3, teacher shortage and over-needed teachers issue in some schools, motivation and qualification of teachers, lack of complete school to ensure access to and retention of students, and the need of strengthening EMIS indicators.

While recognizing achievements made by MoEYS with contribution from Development Partners, **Education NGOs made several key recommendations** on (for detail please see statement on education): 1) wider dissemination of policies and prakas relevant to grade promotion regulation; 2) full enforcement of policy on local teacher deployment and establishment of mechanism for teachers to express their views or concerns; 3) reallocation of education staff funding to allow for fair/livable salaries for teachers, 4) acceleration of the school construction process, 5) improvement of the EMIS accuracy to facilitate policy making and 6) strengthening of the school financial management and accountability.

The NGO statement on monitoring **JMIs for health sector** highlights the progress in the health sector, key issues and challenges in **the implementation of the Health Strategic Plan 2008-2015**. While recognizing the progress made towards the set targets including deployment of secondary midwives to concerned health centers, the increased significant funding in order to decrease maternal and newborn mortality rate up to 45% for 2011, and operating Maternal death surveillance room since February 2010 to support the Ministry of Health's ongoing maternal death audit, NGOs observed that the health output indicators are still lagged behind the set targets that were being endorsed by CDCF 2010.

First, although progress has been made by encouraging the pregnant women to deliver their babies by the skill-trained personnel, **some midwives at some public health facilities have not taken care of the patients seriously; others were unpleasant, selfish, and bad-tempered towards the patients, which, in turn, discourage the patients to use the services at the public health facilities**. Second, Pregnant women in the remote areas throughout the country have always faced this similar problem. Therefore, while further detail recommendations can be found in the statement, NGOs would like to suggest that the deployment of midwives should reach the remote and rural Cambodia where poor pregnant women desperately need them, and they should have ongoing support in the form of training partners who can assist with M & E gaps as they become evident. Ethically, the healthcare providers should not use the harsh words with the patients, and, in turn, encourage the patient to use the services at the public health facilities by all means.

NGOs also appreciate the progress which has been made towards developing components of the legal framework such as the **Draft of the National Housing Policy** and the **Circular 03 on Resolution of temporary settlements on illegal occupied land in the Capital, municipal and urban areas** as well as the **Spatial Planning Policy**. NGOs acknowledge and value the openness and efforts made by the MLMUPC to conduct a regular dialogue with NGO representatives. NGOs would like to encourage MLMUPC to continue its efforts in dialogue and other Ministries to follow the example given by MLMUPC.

Despite the RGC's efforts, several shortfalls cause ongoing deep concern of national and international organizations, NGO's and CSO's. **Urban poor communities face tenure insecurity** and while the implementation on Circular 03 has not taken place yet, communities are under current threat of eviction without protection of legal safeguards or fair and just compensation. NGOs are also concerned about the **cancellation of JMI which specifically refer to interim protection of indigenous communal land** and about the insufficient implementation of already existing protection measures for Indigenous Peoples in national and international legislation.

The progress made by the RGC in the **reforestation** of 17.204 ha out of 25.000 ha as foreseen in the relevant JMI is acknowledged. NGOs also respects the efforts made by the RGC in approving 104 **community forestry** already exceeding the target of 100 community forestry and approving of 7 community protected areas. NGO's and CSO's further welcome the opportunity by the Forestry Administration to participate in the process of the REDD Roadmap Development.

NGOs note with appreciation the display of data in the TWG–FE meetings as well as additional information on their website and would like to encourage the Forestry Administration to further **publicly display information regarding forest community sites as well as the areas and the variety of forest that has been deforested**. As some community forestry sites have been implemented near areas for Economic Land Concessions, NGOs suggest to update the logbook of Economic Land Concessions to verify the boundaries of current Community Forestry's in order to avoid overlapping of both areas. In particular, NGOs would like to see additional information on how the RGC plans to use the areas of the Economic Land Concessions cancelled so far. Furthermore, the current management of Economic Land Concessions continues to contribute to the destruction of the forests.

NGOs also recognized the commitment of the RGC **to implement the Decentralization and De-concentration (D & D) reform**; however, **the sub-national election system does not really reflect the objective of democratic development, which is a stated goal in this reform**. Under the current election system used for the sub-national councils, the ordinary voters cannot strengthen the accountability of elected officers. Through surveys and forums, COMFREL found that citizens were less satisfied with this encouragement of citizenry participation in this system. Citizens also do not have confidence in this electoral system and have asked for a system of direct elections to select the provincial, municipal, district and khan levels of government.

The indirect elections in Cambodia do not ensure the accountability of the elected officers i.e. the right of Cambodian citizens to choose their representative is not reflected in the Sub-National Council elections. For this reason, the citizens and NGOs would like to request the Royal Government to take into consideration the following two suggestions: (i) reforming the electoral system in particular commune council election and implementing a mixed system which allows independent candidates and/or individual candidates as well as political parties to run for posts at all levels of government, and (ii) change the system of election of the new provincial, municipal, district, khan councils so that the Cambodian citizenry can directly elect their representatives to these councils, rather than they being elected by existing commune council members.

NGOs have observed substantial progress made by the RGC and some shortfalls in the Public Financial Management Reform Programme (PFMRP) Phase II specifically relating objective 12, 14 & 25.4 that are monitored by NGOs. NGOs appreciate the recent initiative of the Ministry of Economy and Finance in publishing the Mid Year Review of 2010 Budget Implementation on its website and wish that this commitment and initiative be continued and expanded to other objectives and targets of PFMRP Phase II. With observed progress, NGOs also noticed some shortfalls in achieving target in the above objectives including publishing debt monitoring statements, finalization of public procurement website and publishing contract awards or resources available to primary service units to public domain.

By recognizing complexity, long time nature of reform process as well as challenges within MEF and line ministries, NGOs call on the Royal Government with support from its Development Partners to further improve transparency in the management of the public resource, of which citizens are real contributors, and ensure the success of the reform programme by publishing the debt monitoring statements, finalizing and making functioning of the public procurement website and publishing the contract awards or resources available to primary service units in 2010 or prior to next GDCC meeting. Moreover, by improving quality of information already available to public domain (i.e. breakdown by line ministry in TOFE), audit report 2007 & 2008 should be published by NAA in 2010.

NGOs welcome the recent development in the drafting of legal framework for management of revenue from extractive industry. As reported in TWG-PFM & by CNPA, the draft Regulation on Tax on Petroleum Operations and draft Petroleum Law are being finalized; however, NGOs noted that no consultation on both drafts that engage the public or CSOs/NGOs has been held. The engagement of the public and CSOs/NGOs into the drafting process will help contribute to further improve transparency in the management of revenue from extractive industry. Therefore, NGOs call for the RGC to hold consultation on both drafts that will engage the public or CSOs/NGOs prior to sending for adoption by the National Assembly.

NGOs welcomes the RGC's commitment to prioritize the acceleration of rural electrification, through the use of renewable energy, and to promote the diversification of energy with minimal impact on the environment which is a positive step towards the promotion of sustainable development and poverty reduction. **However, NGOs repeatedly raise the specific concerns on the construction of large hydropower dams that continues to dominate the country's energy plans as these projects would affect negatively to livelihoods & food security of a large number of Cambodians who depends on fishing in river as well as the environment.** Therefore, we would like to request the RGC to improve trans-boundary cooperation, transparency, public participation and accountability in Cambodia's hydropower planning through improving enforcement of existing legislation and EIA guidelines, developing new legislation such as resettlement policy and laws on benefit sharing, and ensuring that the rights of affected communities are respected and upheld.

NGOs strongly support the RGC that has **prioritized agriculture sector as an engine for the country's economic growth and poverty reduction** as stated in the National Strategic Development Plan (NSDP) 2006-2010, recently disseminated NSDP 2009-2013 as well as the Agriculture Sector Strategic Development Plan (ASSDP 2006-2010) and the Strategy for Agriculture and Water (SAW 2006-2010). This commitment was also reiterated in recent initiative of the Royal Government, and also welcomed by NGOs on adoption of policy document on promotion of paddy rice production and export of milled rice which aims to export 1 million ton of milled rice by 2015. However, the implementation reflected some shortfalls as recent **research¹ conducted by the Cambodian Economic Association on 'Agriculture Financing and Services for Smallholder Farmers'** showed that **agriculture has still not been well respected as priority as it was in the past period given the fact that 72.3% of total population is employed in agriculture.** This is evident by the under-spending total budget of Ministries of Agriculture, Forestry and Fishery (MAFF), and Water Resources and Meteorology (MoWRAM) from 2006 to 2009 (only 4.8% were spent as compared to 7.5% allocation of total budget or equivalent to 65%).

While the annual allocation for both ministries has also been decreasing in percentage from 2006-2010, the low spending of both MAFF & MoWRAM was due to the fact that about 60% of their allocated capital budgets were spent over the period. A closer look on external assistance to agriculture also showed that less than 8% of foreign aid has been spent on agriculture while freestanding technical assistance absorbed about half of agriculture aid from 2007 to 2009. The evidence from case studies of six districts of Kandal and Takeo provinces suggests that there is a need for more extension services and agricultural extension personnel below the provincial level. Therefore, to develop agriculture sector faster, NGOs would like to recommend to both the Royal Government and Development Partners that budget allocation and expenditure for agriculture sector (specifically capital budget) should be reviewed and increased (both recurrent and capital) especially to agriculture research, education and extension as well as made available at below provincial level. Moreover, while considering improving coordination of agriculture projects at provincial and district levels to ensure minimized duplication of services and decentralizing services and budget to district, aid should target more towards smallholder farmers.

¹ Research Policy Brief in Khmer and English and complete report of this research published by the NGO Forum on Cambodia in September 2010 are also distributed widely for all participants for today's 17th GDCC meeting.

Education

1. Introduction

The new Education Joint Monitoring Indicator, endorsed at 3rd CDCF meeting on 02-03 June 2010, reflects the importance of addressing the enrolment rate in lower secondary school and promotion rate at primary school. However, a stronger, more coordinated and sustained effort is needed to ensure improved quality of education and access to education for marginalized children and other vulnerable populations – those with disabilities, HIV-AIDS, ethnic minorities and the very poor.

2. Joint Monitoring Indicators

Coordinating Institution: MOEYS				
Implementing Institution: MOEYS				
Immediate Outcome	Output	Output Indicator	Activities: milestone actions	Associated aid effectiveness actions
3. Enrolment rate in lower secondary education increased	Student promotion in primary education increased	Promotion rate in primary education increases from 82.8% in school year (SY) 2008-09 to 85% in SY 2010-11	<ol style="list-style-type: none"> 1. Reinforce implementation of the grade promotion regulation at all primary schools 2. Deploy 95% of newly trained teachers to under-staffed schools and in remote areas 3. Reduce the percentage of incomplete schools from 18% in SY 2009-10 to 15% in SY 2010-11 4. Strengthen EMIS for evidence based decision making, e.g. in the context of availability of new population census data 	<ol style="list-style-type: none"> 1. Implementation of an analytical joint annual sector review and development of a timely, comprehensive and accurate annual operational plan (AoP) 2. Coordination of capacity development initiatives

3. Monitored progress on milestone actions

i) the progresses made

Activity 1: In June 2010, MoEYS issued a guideline on the implementation of the grade promotion regulation at all primary schools. As such, schools conducted test for students who failed to pass at the end of the school year, and again at the beginning of the next school year if they still could not pass.

Activity 2: 95% of newly trained teachers have been deployed to under-staffed schools and remote areas.

Activity 3: Under the Fast Track Initiative (FTI), 152 incomplete and overcrowded primary schools will be complete. Currently 127 schools are under contract.

Activity 4: With available population from NIS/MoP, two year projection, EMIS could work faster than this year.

ii) any shortfall with clear evidence

Activity 1: The revised grade promotion regulation is important to reduce repetition and drop-out rate. Through these actions, the result of promotion rate in primary education increased from 78.6% in SY 2006/07 to 82.8% in SY 2008/09 (EMIS 2009/2010), *slightly lower than the target set 84% (in SY 2008/2009)*. While these figures do display some progress, there are significant regional differences. For example: in Ratanakiri the most recent available data from the Provincial Databook shows there are student-teacher ratios of 65 primary school children per teacher and that 44% of children 6-11 years old are not in school. The province has a total

illiteracy rate of 51%. In 2009 45.6% of all households in the province were categorized as poor.

Moreover, quality education is still a big concern, especially for grades 1, 2 and 3.

The data of students who sat for exams at the end of the same school year and early in next school year is not available, so it is difficult for us to study in detail the trend of education quality.

Activity 2: Teacher shortage is still a big issue for education in Cambodia. Teachers' ability to choose where to teach does not respond to the needs of local schools. There are still not enough teachers in remote areas, while there are surplus teachers in urban areas. As a result, some schools have only one teacher who plays the role of a school director, a teacher and a librarian².

In addition to this, teachers' motivation and quality is another concern for improving quality education. Due to low salaries, many teachers seek additional income-generating activities. According to a research done on "Valuing Teachers" conducted by NGO Education Partnership (NEP) and Volunteer Services Overseas (VSO), 93% of the teachers interviewed, had second jobs. This more or less affects their time to prepare lesson plans and doing research to upgrade their own capacity to a changing world. Another factor is that teachers do not have the adequate skills to upgrading their teaching quality to high standards. Child centre teaching methodology trainings are needed with on-going support to assist teachers to achieve the teaching standards while improving classroom management will ensure that pupils achieve the curriculum standards.

Activity 3: The number of incomplete schools is still high – 1,185 schools throughout the country, which need to be considered.

In addition to this, it is important to note that school construction alone is not a measure of success because not all schools operate on a full-time, daily basis and the current shortage of trained teachers continues to be a significant problem in Cambodia.

Activity 4: It would be of great interest to start using ethnicity as an indicator in the statistics to track the success of this marginalized group.

4. Future direction for both government and development partners

- **Promotion regulation:**

To ensure full and effective participation from all stakeholders, a broader understanding of different policies, for example the promotion regulation and guideline, should be promoted, not just for schools but also for NGOs and the communities. MoEYS can work more closely with NGOs in order to raise awareness on this.

The data of students who sat for exams at the end of the same school year and early in next school year should be available, so that we can study in detail the trend of education quality.

- **Teacher deployment:**

Regarding newly trained teachers deployment, we recommended that policy on locally teacher recruitment be enforced. MoEYS and Development Partners, with assistance from NGOs and communities shall develop a clear strategy to maximize the local human resource. The MoEYS also needs to take action to enforce teacher

² Education congress 2008-2009, primary education section

deployment, to ensure that no school is over-staffed and/or under-staffed, as this will also help reduce unnecessary budget spending.

In indigenous areas deploy indigenous community teachers, and train more indigenous youths as fully qualified teachers. Clarify conditions and facilitate for contract teachers the possibility of being integrated as certified teachers after a certain number of years of service, training and assessment. Newly trained Khmer teachers in remote indigenous areas need much support: acquaint them with indigenous culture and practices, lend them a plot of land with a small house by the community.

Teachers in Cambodia need, and many of them express the wish for a forum to express their views and concerns, as well as a mechanism to make those views to be heard by the Government. It is recommended that giving teachers the opportunities or mechanism for expressing teachers' views will help addressing teachers' concerns and will play a big role in the public arena.

MoEYS reallocates education staff funding to allow for fair/livable salaries for teachers to help reduce informal school fees and encourage them to pay more attention to their work and stay where they are sent to. As informal school fees are the big barrier for access to and retention of the students, special attention should be paid to this issue, especially the enforcement of the Prakas to Ban Informal School Fees.

- **School infrastructure:**

With the number of school (152 schools) MoEYS and the Development Partners (DP) plan to build, Cambodia needs another 10 years to address the issue of incomplete schools. This more or less will affect the Education For All (EFA) goal by 2015. As such, MoEYS and the Development Partners accelerate the process of school building to ensure that all primary schools are complete schools in the nearer future as possible.

- **Strengthen EMIS**

Strengthen EMIS for evidence based decision making is very important to ensure quality and access to education for all. However, this cannot be done successfully without strong political will. As such we support this and we would like to recommend MoEYS and DP to have stronger political will on improving the accuracy of the EMIS to inform policy making.

Other issues MoEYS and the Development Partners need to consider in order to improve access to and quality of education for the students include:

- Build capacity of school directors to improve school management, as it will help increase teachers' motivation and community engagement. In addition to this, professional development for the teacher through frequent in-service trainings should also be considered. Clear monitoring and evaluation tools need to be developed and implemented.
- Improved standardized test to evaluate students' learning outcome at least at grades 3, 6, 9 and 12.
- The production of textbooks must be of good quality and timely distributed to the students and teachers. Additionally, the MoEYS/Government should deserve budget to overcome with serious lacking of additional reading materials for students in the rural remote areas.
- Increase the scholarship budget for poor children, and those who live in rural and remote areas: build safer and well managed dormitories, especially for girls throughout the country and in particular for the poor and marginalized children.

- MoEYS needs to improve the link with Ministry of Finance to ensure disbursements of PB money to schools come on a regular basis. Some schools complained the late disbursement of PB money that resulted in a shortage of operational funding to support fundamental activities in their schools.
- Empowerment of authority to school level in decision making remains unclear. School administrators are not confident in objective based decision making which impacts student achievement due to the lack of clarity of structure, particularly in their roles and responsibilities.

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Health

1. Joint Monitoring Indicators

Coordinating Institution: Ministry of Health (MoH)				
Implementing Institution: the Ministry of Health (MoH)				
Immediate Outcome	Output	Output Indicator	Activities: milestone actions	Associated aid effectiveness actions
Decrease maternal and new-born mortality rate	Increase the proportion of deliveries attended by skilled health personnel in the public sector	Increase the proportion of deliveries attended by skilled health personnel in the public sector from 63% in 2009 to more than 75% by December 2010 , and more than 80% in December 2011	<ol style="list-style-type: none"> 1. Recruitment of at least 50 secondary midwives by the end of 2010 2. MoH and Health Partners commit to increase both Government and total Health Partner funds to RMNCH in 2010-2011, and to ensure that these resources are reflected in Annual Operational Plans at all levels. 3. Launch of Maternal Death Surveillance Room to support ongoing MoH Maternal Audit and response activities 	<ol style="list-style-type: none"> 1. Develop and implement the AOP 2010 & 3YRP 2. Implement IHP work plan

2. Monitored progress on milestone actions

According to the Child Health Review Workshop Report released by the Child Survival Management Committee, the number of pregnant women who had delivered their babies by the skilled health personnel has been increased gradually from 58 percent in 2008 to 63 percent in 2009. However, a report released by the Department of Planning and Health Information (DPHI), (MoH) showed that 25% against the set target 70% of pregnant women had come to deliver their babies by the skill-trained healthcare staff in the first semester of 2010.

Also, the Ministry of Health recruited 50 secondary midwives; they were deployed to serve at the public health facilities since July 2010.

Likewise, the Ministry of Health and the development partners have increased funding for the reproductive, maternal, newborns and child health up to 45% from the pool fund of 4.8 million dollars of the HSSP2, whilst the communicable disease, non-communicable disease, and health system strengthening were allocated 15%, 10%, and 30% for 2010-2011, respectively.

In addition to this attention, the Ministry of Health launched the Maternal Death Surveillance Room in February 2010 to support the Ministry of Health's ongoing Maternal Audit and Response activities. Likewise, the Ministry of Health developed the fast track initiative road map for reducing maternal and newborn mortality 2010-2015.

In this roadmap, seven critical areas of intervention-emergency obstetric and newborn care, skilled birth attendance, family planning, safe abortion, behaviour change communication, removing financial barriers, and maternal death surveillance and response, were identified that would contribute most effectively to reducing maternal and newborn mortality in Cambodia.

More significantly, the government has continued to provide incentive of 60,000 riels per delivery for the healthcare providers at the health centres, whilst 40,000 riels are provided for the service providers at the hospitals.

Although the Ministry of Health has made great efforts to decrease the maternal and newborn mortality rate in order to achieve the millennium development goals for health by 2015, some health providers at the public health facilities have not performed their jobs thoroughly enough to prevent the pregnant women from deaths. This resulted from training deficits, staffing deficits; the supply and a support shortfall or access problem varies from location to location.

Nonetheless, pregnant women in the remote areas throughout the country have always faced this similar problem. Some midwives have not taken care of the patients seriously; that was almost beyond belief. Others were unpleasant, selfish, and bad-tempered towards the patients, which, in turn, discourage the patients to use the services at the public health facilities.

3. Future direction for both government and development partners

Improving the services at the public health facilities would have limited impact on reducing maternal newborn and child deaths, if the poor people do not have access to it, due to financial barriers and no functioning referral system. Likewise, NGOs recommend a whole free package of priority interventions for pregnant women, newborn, and children under five.

The package should include ANCs, delivery, safe abortion, PNC, post abortion care, and all scorecard interventions for children under five. Also, consideration should be given to compensating transportation costs for the poor. In turn, the provider should be motivated by the subsidized costs provided by the pooled funds from both government and the development partners.

The deployment of midwives should reach the remote and rural Cambodia where poor pregnant women desperately need them, and they should have ongoing support in the form of training partners who can assist with M & E gaps as they become evident. Ethically, the healthcare providers should not use the harsh words with the patients, and, in turn, encourage the patient to use the services at the public health facilities by all means.

For the sake of clean delivery and safe childbirth and access quality maternal and newborn services, the establishment of stronger collaboration between health authority (PHD, OD, HC) and local authority (Provincial and District Governors and Commune Councils) should be made so that the involvement of local authority will be made in giving direct guidance to local Traditional Birth Attendants who have to refer pregnant women to get childbirth by skilled health personnel in the public sector.

To address the main causes of maternal and neonatal mortality, NGOs insist repeatedly that the Ministry of Health should improve the availability and access to emergency obstetric care and newborn resuscitation. Likewise, there should be a continuum of care from the community level to health centers and/or referral hospitals, such as midwives, obstetric surgeons, and pregnancy-ANC, delivery and postnatal care. Furthermore, the referral and communication system between the levels of care should be strengthened effectively at the communal and provincial levels.

Improving maternal, newborn and child health requires having C-EmONC and B-EmONC services available and accessible at health facilities, providing safe abortion and post abortion services, improving referral system, lifting financial barriers, scaling up the implementation of IMCI, improving neonatal care services and improving nutrition. The Joint Annual Performance Review report released in March 2010 has placed this in its fast-track initiative.

But the question is how to put these interventions into concrete results. No solution is without its challenges, but the medical NGOs can offer some insights.

On the one hand, the resources and concerted efforts should be put in place to make all these aforementioned medical services accessible and available to all people. Likewise,

improving maternal newborn and child health will require actions beyond the health system. This would include food security; quality of nutrition, water supply; sanitation and transportation have all been proved to be components of this multi-sectoral problem.

It is crucial, therefore, that improving women newborn and child health must link to other socio-cultural and economic development agenda. We would like to call for a more integrated holistic approach for multi-sectoral interventions to improve maternal newborn and child health.

For the health sector, to make all 80 province/OD-based referral hospitals capable of providing C-EmONC services, it will need both medical equipment for those emergency obstetrical wards and skilled health staff to work 24 hours a day. Again, it needs to have adequate training and a strategy to retain them in the system—probably adequate POCs.

Moreover, many pregnant women still are not brave enough to use the public health services, especially pregnant women who want to do abortion. Past experiences showed that most of the pregnant women decided to abort their fetus with unskilled practitioners in the community. Therefore, NGOs suggest that the government strengthen the reproductive health services at the community level.

Also, midwives the health centers should be provided with update technical skills in order to enhance their capacity. All public health facilities should keep clean enough for the patients to buy the services there.

For all emergency cases for mothers, newborns and under-5 children, transportation should be compensated to all poor households. In the long run, NGOs recommend that referral system could function well if it is built within and owned by the community themselves with the support from the RGC and health partners. There are several NGO good practices in this area that MEDiCAM will collect and collate those practices for scaling up.

Way Forward:

There should be a continuum of referral system including community-facility referral system and facility-facility based referral system. Ideally, there should be at least one locally available vehicle “ambulance” per health facility.

Last but not least, the reproductive health-HIV/AIDS integration intervention is the area that is strongly recommended as one of the triggers to improve the reproductive, maternal newborn and child health.

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Land Sector

1. Introduction

NGOs working on Land and Housing Issues welcome the opportunity to comment on progress made towards achieving the JMIs agreed by the Royal Government of Cambodia (RGC) and Development Partners (DPs) from the period of June until October 2010.

NGOs acknowledge the progress made towards developing components of the legal framework such as the Draft of the National Housing Policy and the Circular 03 on Resolution of temporary settlements on illegal occupied land in the Capital, municipal and urban areas as well as the Spatial Planning Policy. In this regard, NGOs especially value the opportunity given to participate in a constructive and meaningful consultation process and express their hope that the experience made during these consultation processes will be taken into account for future consultation processes on other relevant laws and policies.

NGOs wish to express their commitment to be involved in the implementation of the Circular 03 and the National Housing Policy. Referring to this, NGOs are looking forward to a constructive dialogue with the relevant authorities on the recommendation and suggestions made below.

Urban poor communities face tenure insecurity and while the implementation on Circular 03 has not taken place yet, communities are under current threat of eviction without protection of legal safeguards or fair and just compensation. Furthermore, the current management of Economic Land Concessions (ELCs) continues to pose a great threat for rural communities.

2. Joint Monitoring Indicators

Coordinating Institution: GS-CLP, MLMUPC, GDCG				
Implementing Institution: GDCG, GS-SLC, MLMUPC/SNCDD, MOI, GDLM				
Immediate Outcome	Output	Output Indicator	Activities: milestone actions	Associated aid effectiveness actions
1. Improved Land Administration and Land Tenure Security	1. Policy for Land Administration, Distribution and Management Strengthened 2. Land Registration Strengthened with the focus on poor/vulnerable households	1. Draft Policy on Land Valuation 2. Draft on Housing Policy 3. Sub-sector Programs on Land Management approved 4. 1.7 million systematic land titles distributed 5. (Baseline: 1.2 million titles distributed) 6. Percentage of women with land titles exceed men with land titles 7. (Baseline: Cadastral Database) 8. 3 indigenous communities are communally titled	1. Internal discussions 2. Consultations with stakeholders 3. Revisions 4. Submission to CLP 5. Design LM-SSP 6. Implementation of LASSP's Land Titling Program in 15 Provinces	1. Strengthen M&E Mechanism (for land sector)

2. Increased equity in land distribution	3. Implementation of the Social Land Concession mechanism	9. From Jan 2010 to Dec 2011 number of communes that submitted approved land use plans increases to 20 (baseline 10 communes) 10. Sub-sector Program on Land Distribution approved 11. Stock taking on land available and suitable country wide for SLCs	7. Implementation of Social Land Concession Program 8. Design LD-SSP 9. Prepare maps with areas of land available and suitable for SLCs	2. As above 3. Prepare M&E Mechanisms for LDSSP
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3. Monitored Progress on Action Needed

Piloting project of indigenous peoples' Land Registration as collective titles:

Up to now, the registration of three indigenous communities including Andoung Kraloeng, Sen Monorom Commune, O'Raing District, Modulkiri Province and other two villages, Ro Oen Kren Village, Ou Chum Commune and L'Oen Village, Toen Commune, Kon Mom District, Ratanakiri Province is still in progress. Nevertheless the sub-decree No 83 on Procedures on Registration on Indigenous Community Land was passed in 2009 making it difficult to implement experiences from the pilot projects into the this Sub Decree. The boundary demarcation has already been made for all three pilot projects; however, the communal land titles have not yet been officially issued. As observed in the case of Angdoung Kraloeng, the land title has not been issued yet because the foreseen communal land overlaps with the Keo Sema Biodiversity Conservation Area and permanent forest estates .The Biodiversity Conservation Area is classified as a protected area under management of MAFF and it was included in the forest inventory made by MAFF. In order to be excluded from the forest inventory data again, it needs to be converted to State Private Land. NGOs understood that the relevant sub decree guiding the conversion is not finalized yet. NGOs are concerned that this will result in a delay in issuing the communal land title to the community as it needs the participation of several relevant authorities like MAFF, MoL.

NGOs are concerned of the lengthy process to finally register indigenous communal land.

Consequently, NGOs and indigenous representatives are deeply concerned about the fact that the JMI for interim protection measures of indigenous land has been dropped. Even though the Sub Decree is now in place, no immediate protection against land alienation has been carried into effect. As laid out by NGOs before³, this does not require new legislation, as there are already significant protections for indigenous community land in national legislation as well as in international law⁴. NGOs and indigenous representatives repeat their call for implementation of Article 23 of the Cambodian Land Law, which was designed to protect indigenous peoples land prior to titling, Art 55 Land Law and the Sub Decree on Economic Land Concession of economic land concessions on the lands of indigenous peoples. Therefore, NGOs continue to call for significant improvement in legal conflict resolution.

Furthermore, NGOs would also like to see an acceleration of the process of indigenous peoples recognition up to 35 communities per year as this recognition can provide legal

³ The NGO Position Paper on Cambodia's Development in 209 – 2010 to the 3rd Cambodia Development Cooperation Forum, Page 48

⁴ See, for example, the right to self determination under the International Covenant on Economic, Social and Cultural Rights (Article 1) and also the Universal Declaration of the Rights of Indigenous Peoples, which Cambodia has agreed to follow.

protection which could be classified as an interim protection measure prior to the communal land titling.

Furthermore it is thought to be conflicting between the Sub-decree 83 with the Land Law in some aspects such as in Article 6 of the Sub Decree sets limits to areas of spirit forests and burial grounds whereas Article 25 of the Land Law states that the boundaries of the immovable property of indigenous communities shall be determined according to the factual situation.

NGOs suggestions for both government and development partners:

- Accelerate the process of indigenous people's recognition up to 35 communities per year as this recognition can provide legal protection which could be classified as an interim protection measure prior to the communal land titling.
- Increase number of communal land titling from 3 to 14 indigenous communities which are already registered as a legal entity by the MoI.
- NGOs continue to call for significant improvement in legal conflict resolution to implement Article 23 and Article 55 Land Law 2001 as well as the Sub Decree on Economic Land Concessions.

Spatial Planning Policy:

The Draft Spatial Planning Policy was approved by the Council for Land Policy (CLP) on August 18th, 2010. GS-CLP is now revising as per DPs' comments and proposed changes, and it was agreed by members of CLP. It is expected to be forwarded to the Council of Ministers in the near future for approval.

Spatial Planning is a technical tool used by the developed countries Governments after achieving a certain level of industrial and institutional development after passing through a historical socio-economic political process. For Cambodia, this tool needs to be rational within the Cambodian socio-economic and political context with a special recognition of the fact that Cambodia is emerging from a long period of civil war and embedded in the process of institutional and capacity building. There are concerns that adopting a western model of Spatial Planning as only a technical tool will not generate the expected results. The application of a Spatial Planning Policy within the Cambodian context should be examined further; also a coordinated system of Spatial Planning requires the close cooperation and capacity of all involved ministries and authorities

NGOs suggest strengthening and expanding the Commune Land Use Planning (CLUP) horizontally and vertically as a base for Spatial Planning. This scaling down and bottom up approach/process is able to provide a realistic and practical way for a replication of Spatial Planning within the Cambodian context. A close coordination between MLMUPC and MoI on these lines provide a much better political influence to deal with other Ministries/departments and upper/ lower of the Government

NGOs have addressed all these concern and commented during the consultation process on the Spatial Planning Policy organized by the Ministry. We learnt that some comments from NGOs were acknowledged to be taken into consideration by the Ministry. So far, NGOs have written to the Ministry in order to seek for information about the planned next steps, the timeline regarding the policy consultation process in respect of the approval of the Council of Ministers as well as a request for public disclosure of the final version of the policy.

NGOs have no official answer from the Ministry yet and are waiting for a response.

Draft on National Housing Policy:

NGOs and communities welcome the action taken by the government in drafting the National Housing Policy (NHP) to ensure tenure security for the urban poor especially as a resolution of a current problem. So far NGOs considered the NHP as a most positive significant initiative of MLMUPC. Currently the NHP is in process for approval. However, NGOs stress the fact that the approval of NHP must be considered as a first step towards a NHP development and not as mission accomplished. There are few important elements needs to be considered before and during the implementation.

- National Housing Policy (NHP) must follow D & D principles strictly. This means that the MLMUPC role must be limited to coordinate/facilitate at the National Level to encourage/support initiatives from sub national levels (Provincial to Sangkat levels).
- The major part of resources (social, technical, financial), planning and implementation should come from sub-national levels (Provincial to Sangkat), communities and NGOs.
- The current housing practices by the poor and middle income households must be studied to develop realistic and efficient mechanisms and institutions for receiving the expected results of the NHP which is to provide appropriate housing solutions for all peoples.
- The adaptation of the Housing Policy should be followed with small scale/easy to do action research pilot projects on Housing Solutions, technical inputs, housing finance etc.

Regarding the emphasis on **“Private Sectors”** in the implementation of the Housing Policy, NGOs are concerned that a focus on large scale or foreign private sector might not achieve the expected results. In current housing practices in Cambodia NGOs see *positive and efficient* mechanisms as well as an important role of small scale “formal/informal sector” (for example construction material producers, construction material suppliers which also provide materials on loan to low and middle income families something like informal sector for the provision of “housing finance”) which should be considered as a main focus of the “private sector”. Large scale and foreign private sector involvement in most of the cases had negative impact on housing rights. Phum Andong relocation site in Phnom Penh is one of the examples of this type of investment.

Land Valuation Policy:

So far, MLMUPC has reported that the draft Land Valuation Policy has been revised with a number of discussions between the General Secretariat of Council Land Policy (CLP) and the Working Group in charge of the formulation. The Ministry also confirmed during the last TWG-L meeting that they will propose next steps to a wider consultation with relevant stakeholders.

NGOs welcome this effort and are looking forward for a constructive and meaningful consultation process, similar to the good experience made in the consultation process of the Housing Policy and Circular 03.

Land Titling and Registration of LASSP:

The Ministry reported that from June 2010 until August 2010, LASSP computerized data entry of 91,537 and made public display of 63,004, signed 69,583 titles and distributed 89,304 titles.

NGOs appreciate the report and the efforts and progress made by the MLMUPC. NGOs support the Ministry in its plan to further publicly display above mentioned information.

NGOs would like to suggest to further speed up the land titling process by:

- Bottom up process – any cluster of households (as community) can apply for land titling by scaling down the systematic land titling from Sangkat to community level.
- Sporadic Land titling process can be applied collectively to clusters of households for individual land titles with legal status and cost as systematic land titling without waiting for adjudication of area.
- Improve efficiency of land title/registration through: a) Improve participation of NGOs/communities – MLMUPC provides Training of Trainers (ToT) on systematic land titling to NGOs so NGOs can provide training to Sangkats/ communities; and b) Engage private sector (licensed by MLMUPC) to process land titles for the households willing to pay for the services of the private sector.
- Financial sustainability – The current land title/registration fee needs to be revised. Even most of the poor families could afford to pay more than the current fee charges. For financial sustainability, expansion and to support other programs which lack of finance an incremental rating system for land titling according to the size of plot could be introduced. (As PPWSA and EDC charging incremental rate in relation to the usage. Similarly, the land title/registration fee could relate to the size of plot). Consequently, the nascent and available human and financial resources of MLMUPC could focus on poor and vulnerable communities only.

While the JMI call for a strengthening of land registration with a focus on poor and vulnerable households, the three indicators do not appear to measure this. NGOs call for a more pro-poor targeted approach to titling.

Land distribution of LDSSP

Sub-decree 19 on Social Land Concession has been approved since 2003 and allows local authority to submit requests for proposal on local or commune social land concession implementation.

NGOs suggest to strengthening and expansion of the commune social land concession implementation program in countrywide. NGOs are also concerned that the process of commune SLC take a long time till land can distribute to the landlessness and land poor households within target communes. NGOs welcome the effort made by MLMUPC examining mechanisms to identify areas suitable for social land concessions and would like to encourage the MLMUPC to further advance.

With regards to the ***Circular No. 03 on Resolution of Temporary Settlements on illegal occupied land in the Capital, municipal and urban areas***, the Circular was successfully drafted and adopted by RGC and is now at a stage of preparation for training and pilot testing project(s).

From the challenge raised by the Ministry during the TWG-L meeting, NGOs suggest to the Ministry to allocate adequate funds for the implementation of the circular. So far, NGOs welcome the consultation process and approval of Circular No. 03 considering this step as a) Circular No. 03 only focuses to resolve housing solutions with meaningful participation of communities/NGOs in decision making and implementation for the settlements which do not have possession rights; and b) the Circular No. 03 accepted to be the intermediately arrangements as a part of NHF dealing with informal settlements without possession rights and dissolve or merge with Housing Policy on its approval.

For trainings on Circular 03, the Ministry focuses on trainings at the national and sub-national levels as Province and Khan. In addition to that, there is also a great need for trainings at Sangkat/communities levels. NGOs are able to play this role in efficient and cost

effective way to provide trainings at Sangkat and community levels. This might be incorporated within the MLMUPC implementation plan.

Regarding the implementation of the pilot projects, NGOs suggest:

- **The role of the Ministry** should be limited to facilitation/coordination at national level for land transfer/ re-classification of land as proposed by the sub national levels (Provincial to Sangkat).
- **Easy to do** criteria defined by the sub national level for the selection of pilot projects.
- **Implementation** with regard to area/site selection the decision making should be done at sub national levels, communities and NGOs.
- **Financial and Technical Resource Mobilization** – a major part could be the responsibility of sub-national levels, communities (saving groups), NGOs (Development NGOs working with sub national level authorities (UPDF, HFH, CMDP) and donors providing technical support at sub national level (DED in Battambang). This resource mobilization assists in housing finance, technical support and community infrastructure in the settlement (Internal Development)
- The financial support from national level and DPs (Land) could complement the support for external development. For example the water supply connections from community to water supply line.

These arrangements could help solving the lack of finance as well serve as a guarantee for implementation of D & D as well as a high level of participation from sub national levels, communities and NGOs.

There are concerns about the ongoing practice of evicting the poor communities due to development and private sector projects without just and fair compensation. For example, the communities around the Japanese Bridge are under threat of eviction due to the expansion plans for the bridge construction. Furthermore, three more communities in Phnom Penh received eviction notes: Chroy Changva, Boeung Trabek and Phum 104-105/Boueng Kak II. Meanwhile, the communities around Boeung Kak Lake are facing constant pressure and intimidation to move out.

Until the RGC is fully prepared to implement Circular 03, there should be no housing demolitions or evictions. NGOs call upon the RGC to withdraw these eviction notes.

4. NGOs suggestions for both government and development partners:

- NGOs are hoping to be involved in a constructive and meaningful consultation process on the Formulation of Land Valuation Policy.
- Further discussion on the suggestion made to improve the efficiency of land titling delivery in Section Land Titling and Registration of LASSP.
- Development and private sector projects should implemented with proper consultation, transparency and accountability in respect with housing right principles.

MLMUPC should keep facilitation/coordination at national level while sub national levels, communities and NGOs could play a major role in decision making, implementation and resource (human, technical, financial) mobilization for the pilot projects of Circular No. 03 implementation.

- Moratorium on evictions and housing demolitions until the RGC is fully prepared to implement Circular 03.

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Forestry Sector

1. Joint Monitoring Indicators

Coordinating Institution: MAFF				
Implementing Institution: FA and MoE				
Immediate Outcome	Output	Output Indicator	Activities: milestone actions	Associated aid effectiveness actions
Forest cover of country land area will be maintained by increasing of quality and quantity through better management of forest resources	NFP implementation in the planning and management of the forest sector improved	Promotion of the NFP implementation at both national and sub-national levels, at least 75% of all funds to forest sector should be aligned to NFP framework	<ol style="list-style-type: none"> 1. Reforestation of 25,000 Ha of degraded lands 2. 750 Km of forest estate demarcated by FA, and 4 Protected Areas demarcated by MoE 3. 100 Community Forestry approved by MAFF and 7 Community Protected Areas approved by MoE 4. Cambodia REDD Readiness Road Map approved and started implementation 	<ol style="list-style-type: none"> 1. Consolidate annual work plan to support the national and sub-national level 2. Approval of mapping of two million Ha CF areas of forestland by MAFF 3. Produce legal procedures and legislations for REDD

2. Monitored progress on milestone actions

2.1. Reforestation of 25,000 Ha of degraded lands

In the new JMIs endorsed at 3rd CDCF meeting on 2nd-3rd June 2010, The Royal Government of Cambodia, through the Forestry Administration committed to replanting the forest of 25,000 Ha in the degraded lands. As reported in the last TWG-F&E meeting, 17,204 Ha of land were reforested. Most of the reforestation of the 17,204 Ha⁵ consists of rubber trees in Economic Land Concessions (ELCs) as they were planted on 15,537 ha⁶, as well as Acacia and Eucalyptus. Only very few natural forest was re-planted in the degraded land.

NGOs welcome the progress made by the government on the amount of trees which have been reforested. However, NGOs working related to the forestry sector in Cambodia are concerned that the definition of “forest” by FAO applied in Cambodia is too broad and opens the way for many industrial plantations to be included in the definition of forest. The NGOs and civil society organization would like the government to consider to define forest as only natural forest, not including rubber plantations or other industrial or/and agro-plantations.

NGOs and Civil Society Organization suggest that the government/FA ensure the public display of this in particularly of the areas and variety of forest that has been deforested, etc.

2.2. 750 Km of forest estate demarcated by FA, and 4 Protected Areas demarcated by MoE

At the last Technical Working Group Meeting (TWG-FE)⁷ it was reported that from the planned 750 km, 254 km were already demarcated. Challenges were sufficient budget allocation as well as constrains in cooperation with local authorities.

NGOs therefore call for sufficient budget allocation as well as for an improvement in strengthening the cooperation with all relevant authorities.

⁵ Progress report of the joint TWG for October 19, 2010 GDCC meeting, 1st October 2010, FA

⁶ According to a presentation by the Director of Forest Plantation and Private Forest Development during the TWG-FE meeting on 1st October 2010

⁷ According to a presentation by Forestry Administration during the TWG- FE meeting on 1st October 2010

2.3. 100 Community Forestry approved by MAFF and 7 CPA approved by MoE

It was reported that over 104 forestry communities have been approved by MAFF and 7 community protected areas in wildlife sanctuary, Boeng Pe by MoE.

NGOs and Civil Society Organizations request to public disclosure the number of approved community forestry sites in the website regarding to the requested date, approval date, place of CF, and map of each Community Forestry.

NGOs have observed that many community forestry sites have been implemented in or near the areas of economic land concessions, covering only a small area of land. It is routinely reported by communities that they are told they must accept the relatively small area for CF compared to the large areas for ELCs. NGOs received information by communities that their community forest has been absorbed by the ELC area, even though they were approved as community forestry.

At the same time, the Government should commit to implement the legal framework concerning ELCs by further reviewing the existing concessions for compliance with the law as well as updating the ELCs logbook in order to verify with the boundaries with the current CFs and the potential CFs. It is known that the outcome of ELCs created more landlessness and deteriorating livelihood due to the loss of land/income for the poor.

NGOs are aware that the government cancelled some ELCs that have not been operated, but we don't know about the Government plans on how to use the area of those cancelled ELCs. It is suggested that the government should consider the cancelled ELCs to be used for Social Land Concessions and/or expanding community forestry area. NGOs believe that community forestry is an important mechanism in helping to protect the natural resources and forests of Cambodia.

2.4. Cambodia REDD Readiness Road Map approved and started implementation

NGOs and Civil Society do appreciate that to the government, in particularly, the Forestry Administration has allowed NGOs and CSOs to participate in the process of the REDD Roadmap development which now has been already finalized.

However, concerning to the current pilot project of REDD in Cambodia in the Otdar Meanchey province NGOs are concerned about the existence of many "leakage" areas inside and near the REDD project, because many ELCs inside and near REDD project were granted. Under this condition, these leakages from ELCs might become a serious threat to the whole REDD project.

NGOs and CSOs would like to request the government to not granting ELCs in or near REDD project or potential project areas in particularly, Prey Land Area. Forestry Administration should identify the potential areas for REDD project in advance.

3. Future direction for both government and development partners

- It is suggested that the Government should not include the rubber plantation crops in the reforestation activities, since this action might involve the clearance of deciduous forest prior to the planting of industrial crops.
- It is suggested that Forestry Administration and Development Partners should identify the potential areas for REDD project in advance to prevent possible overlapping with ELCs.

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Decentralization and De-concentration

1. Joint Monitoring Indicators

Coordinating Institution: RGC, TWG on D&D				
Implementing Institution: NCDD, DPs				
Immediate Outcome	Output	Output Indicator	Activities: milestone actions	Associated aid effectiveness actions
Public service delivery has been brought closer to the citizens through institutionalization of the Sub-National governance structures and systems.	Structures, Systems and Operational Procedures of the SNAs have been appropriately developed and modified based on the spirit of the Organic Law and the principles of democratic development	<ol style="list-style-type: none"> By end of 2011, the personnel in the Sala Reach Theany, Salakhet, Salakrong, Salasrok, and Salakhan (about 10,000 personnel) and in the 04 ExCom Units have been integrated into the new structures with adequate capacity to perform the given functions based on laws and other regulations. The increase of the Sub-National Budget in 2011 (from RGC budget and DP budgets) 	<ol style="list-style-type: none"> Develop and implement the 3 year-detailed-implementation program; Study, exposure and integrate the structures and systems of the ExCom into the structures and systems of the sub-national administrations; Integrate the current personnel in the Sala Reach Theany, Salakhet, Salakrong, Salasrok, and Salakhan into the new structures in accordance with the Law on Administrative Management of Capital, Province, Municipality, District and Khan with appropriate capacity development; Develop mechanisms to integrate and strengthen the capacity of Mol's departments, ministries and other institutions; Formulate key legal instruments to support the sub-national administrative reform in accordance with the Organic Law; Law on Sub-National Financial Regime and Property Management Passed. 	<ol style="list-style-type: none"> The National Program's first phase is to be initially implemented with coordinated commitments among the DPs as part of a PBA. Program Based Approach (PBA) of the National Program will serve as an opportunity for strengthening aid effectiveness under RGC leadership.

2. Monitored progress on milestone actions

COMFREL conducted a 2010 survey on **"the performance of commune councils responds to their promises"** which had a sample of 22 communes showed that 10.00 % of respondents were unsatisfied to the performance of the commune councils responds to their promise before elected, while 40.91 % were displeasure with the information to citizens on decision making and public budget. The data presented that 27.28 % were less satisfied with the encouragement citizenry participation in decision making and draft the commune development plan. At least, 13.64 % were less satisfied with the responding to the citizens needs in the general affairs.

The 2009 COMFREL survey on Participation and Democratic Governance was carried out at village level in 24 provinces/municipalities findings among respondents; 30.2 % thought benefits lay in taking part in meeting or forums; 29.3 % attending meeting to be aware of commune council discussion; 11.9 % putting issues on the agenda or raising

issues to seek solutions; and 10% monitoring and evaluating the implementation of tasks and budget. However among respondents 69.41 % have not participated in the activities of commune/Sangkat councils –there is lack of a commune communication field which is evident since there was not enough access to information on public budget; this led to hundreds of citizen losing their participatory rights.

The Sub-national elections system does not reflect the objective of democratic development, which is a stated goal in the Decentralization and De-concentration (D&D) reforms of the Cambodian government. Under the current election system used for the sub-national councils, the ordinary voters cannot strengthen the accountability of elected officers. Through surveys and forums, COMFREL found that the public does not have confidence in this electoral system and citizens have asked for a system of direct elections to select the provincial, municipal, district and khan levels of government.

3. Future direction for both government and development partners

An effective mechanism to transparent the commune performing has to be improving that needs to be highlighted in the creation of more space for citizen possibly through proper civic education so as to allow them to participate freely in access to public information and government affairs.

COMFREL keeps its recommendation that the government should change the system of election of the new provincial, municipal, district, khan councils so that the Cambodian citizenry directly elects these councils, rather than being elected by existing commune councils. The indirect elections in Cambodia do not ensure the accountability of the elected officers, the right of Cambodian citizens to choose their representative is not represented in the Sub-National Council elections.

The government should reform the electoral system in particular commune council elections, implementing a mixed system which allows independent candidates and/or individual candidates as well as political parties to run for posts at all levels of government.

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Public Financial Management: Budget Transparency and Public Oversight

1. Joint Monitoring Indicators

Coordinating Institution: MEF/PFM Reform Steering Committee/PFM TWG				
Implementing Institution: MEF and Line Ministries/Institutions				
Immediate Outcome	Output	Output Indicator	Activities: milestone actions	Associated aid effectiveness actions
19. Sustaining and strengthening budget credibility and improving financial accountability	... 2. Cash and Debt Management Policy, Systems and Capacity strengthened. 3. Enhanced transparency achieved with regards to tax and non-tax revenue 4. Arrears as defined be kept at no more than 2% of total expenditure 3. Strengthen revenue forecasting, collection systems and capacity 4. Further Improvements in recording Payment Order due ...	1. Implementation of PFMRP is on-going and comprises an important component of the overall contribution to aid effectiveness (PFMRP Consolidated Action Plan) 2. Consultations and program monitoring have been implemented through formal TWG meetings, annual review meetings

2. Monitored progress on milestone actions & key targets in the PFMRP Phase II

The Royal Government has made substantial progress in the Public Financial Management Reform Program (PFMRP) of which first phase started in 2004 (in reality 2005) and the second phase started in December 2008. Significant progress has also been observed on sections (activities & targets) relating to budget transparency in PFMRP Phase II **monitored by NGOs specifically in objective 12 on improvement in debt management, objective 14 on public procurement, and objective 25.4 on improving forms of reporting to and communication with the public.** Monitored progress of these objectives up to May 2010 were also presented and put into dialogue once in the National Dialogue Workshop organized by the NGO Forum, CCC and MEDiCAM in May 2010 with representative from the Public Financial Management Reform Secretariat. The dialogue was viewed by most participants as fruitful and constructive, and wished that such dialogue be continued in the latter similar platforms organized by NGOs. This, however, was a critical and applause step shown by Ministry of Economy and Finance on its commitment and engagement in dialogue with Civil Society.

In addition to the JMIs and PFMRP Phase II activity, NGOs highly appreciate and congratulate the recent initiative and significant step in increasing transparency in the budget process taken by the Ministry of the Economy and Finance (MEF) through timely publishing the Mid Year Review of 2010 Budget Implementation in its website in September 2010 and wish that this positive step & commitment should be continued and expanded to other targets in the above objectives.

Monitored progress below is heavily based on progress reports produced by the PFM Secretariat and the experience of NGOs trying to access budget information from the Royal Government. Each of the sections is included in the table along with their monitored progress below:

Objective 12: Monitored Progress on Debt Management

Part 1. Platform one Activities to be strengthened in Stage 2

OBJECTIVE 12: Further Improve Debt Management				
Objective/Activity	Key Performance Indicators (PEFA Reference)	Key Targets		
		2008	2009	2010
12.1... 12.2. Develop and implement debt management strategy.	Production of Annual Debt Management Strategy	Annual Debt Strategy Preparation Started	Annual Debt Strategy Produced	Review of Annual Strategy Produced
12.3. Enhance use of debt databases.	Quality of Domestic and Foreign debt Records and Reporting improved.	Production of Quarterly and Annual Debt Monitoring Statements	Production of complete, updated and reconciliation of Quarterly and Annual Debt Monitoring Statements	Fully Functional Debt Management and Monitoring System Established with comprehensive management and statistical

Source: PFMRP Phase II, Page 28

According to the PFMRP progress report for the first quarter of 2010 (as progress reports for first semester of 2010 has not yet been available), although there were progress being made on continued improvement in debt management, there was no mentioning of the progress made regarding publishing information or statements on Cambodia's debt. Moreover, base on progress reported in slide presentation made by PFM Secretariat in TWG-PFM meeting on 27 September 2010, there is a reported progress of drafting strategy and sub-decree on debt management, hopefully that publishing of debt information will be included in this sub-decree. However, with target set to producing complete, updated and reconciliation of Quarterly and Annual Debt Monitoring Statements by 2009 and by recognizing challenges of the Royal Government on continued improvement in DMFAS & analysis of debt sustainability, NGOs would like to suggest the Royal Government at its best to prioritize this in last quarter of 2010 and 2011 so that this target could be achieved in this second phase.

Objective 14: Monitored Progress on Public Procurement

OBJECTIVE 14: Further Improve Public Procurement				
Objective/Activity	Key Performance Indicators (PEFA Reference)	Key Targets		
		2008	2009	2010
... 14.5. Increase competitiveness and transparency in the procurement process through enhanced publicity and disclosure.	Procurement website Operationalized	...	Website Developed	50% of bidding opportunities and contract award information published

Source: PFMRP Phase II, Page 30

Base on PFMRP quarterly progress report distributed at TWG-PFM meeting in May 2010, it was reported that website was still under development while there was no mentioning of its progress in the slide presentation of PFM secretariat in TWG-PFM meeting on 27 September 2010. Given the fact that this target has not been met in 2009 and first half 2010 and recognizing other requirements relating to procedures, trainings and law on public procurement to make this possible, NGOs believe that with high commitment and support from Development Partners this website could be achieved within last quarter of 2010 or first half of 2011. The achievement of this will also be the success of the plat form 2 of the reform.

Objective 25.4: Monitored Progress on improving forms of reporting to and communication with the public

PART 2. PLATFORM TWO ACTIVITIES TO BE IMPLEMENTED IN STAGE 2

OBJECTIVE 25: IMPROVED ACCOUNTING, FINANCIAL REPORTING AND TRANSPARENCY				
Objective/Activity	Key Performance Indicators (PEFA Reference)	Key Targets		
		2008	2009	2010
... 25. 4. Improve forms of reporting to and communication with the public.	Availability of key Fiscal Information • Budget Documentation • In year Budget Reports • Year End Financial Statements • External Audit Reports • Contract Awards • Resources Available to Primary Service Units (PEFA Indicator 10)	At least 3 of these reports made available	At least 4 of these reports made available	At least 5 of these reports made available

Source: PFM RP Phase II, Page 38

NGOs recognize the importance, complexity and long-term nature of the reform process and are aware of recent progress, challenges and commitment in the TWG-PFM meeting in September 2010 to achieve concrete milestones and steps ahead. However, through observation, the contract awards or resources available to primary service unit that should be published in 2010 in addition to other four published documents has not yet been seen in the public domain. Through our understanding, the contract awards to be published should be in line with readiness of public procurement website; however, while the website is still under development, those awards could also be published in other ways of communication with the public (i.e. in MEF website or official gazette).

Moreover, with the recent achievement of the National Audit Authority and the National Assembly in publishing the 2006 audit report in October 2009, NGOs would like to seek their continued commitment on publishing the Audit Reports (i.e. 2007 & 2008) in 2010 or at least within two years after closing the fiscal year. The publication of this timely audit report will allow the public and CSOs/NGOs to engage with the Royal Government on its commitment to combat corruption and improve good governance on the collection and the use of this public fund. Besides, while putting more information in the public domain is important, emphasis should also be put on improving the quality of the existing information especially the inclusion of the breakdown by line ministry in monthly & annual TOFE.

3. Future direction for both the Royal Government and Development Partners

To further improve transparency in the public finance, NGOs would like to call on the Royal Government (especially MEF) with support from its Development Partners to prioritize the following in last quarter of 2010 and prior to the next GDCC meeting including:

1. Publish Quarterly and Annual Debt monitoring statements or simply by including this to the monthly or annual Table of Government Financial Operation (TOFE).
2. Finalization and functioning of Public Procurement website
3. NAA should publish the audit report 2007 and 2008 within this year.
4. Include breakdown by line ministry in monthly and annual TOFE
5. The Royal Government or MEF should release the 2011 Draft Budget Law to be submitted to the National Assembly to the public.

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Public Financial Management: Management of Revenue from Extractive Industry

1. Joint Monitoring Indicators

Coordinating Institution: MEF/PFM Reform Steering Committee/PFM TWG				
Implementing Institution: MEF and Line Ministries/Institutions				
Immediate Outcome	Output	Output Indicator	Activities: milestone actions	Associated aid effectiveness actions
19. Sustaining and strengthening budget credibility and improving financial accountability	1. Revenue policy, forecasting and collection systems, transparency and capacity strengthened 2. Extractive Industry regulatory framework enacted and implemented 3. Enhanced transparency achieved with regards to tax and non-tax revenue... 2. Develop draft taxation law on oil and gas 3. Strengthen revenue forecasting, collection systems and capacity...	1. Implementation of PFMRP is on-going and comprises an important component of the overall contribution to aid effectiveness (PFMRP Consolidated Action Plan) 2. Consultations and program monitoring have been implemented through formal TWG meetings, annual review meetings

2. Monitored progress on milestone actions

As specified in the Public Financial Management Reform Program (PFMRP), the critical development that receives much attention from Civil Society Organizations (CSOs)/Non Governmental Organizations (NGOs) is the recent progress in the development of extractive industries (oil, gas and mining) particularly regulatory framework which includes the drafting of the Law on Petroleum Taxation and Law on Petroleum Operations which is being revised and finalized.

Activity	Key Performance Indicator	Key Targets		
		2008	2009	2010
11.2. Develop and implement oil/gas/mining revenue policy, mechanisms for transparent management of related revenue flows including EITI, and revenue assessment and collection capacity.	Oil/Gas/Mining Fiscal Regime Clarified & Legal Framework Enacted & Implementation Commenced	Fiscal regime clarified; EITI study finalized Policy Options For Oil/Gas/Mining Revenue Management presented and agreed.	Initiate implementation of EITI Oil/Gas/Mining Revenue Management Framework Developed	EITI Implemented Oil/Gas/Mining Revenue Management Legal Framework Implemented

Source: PFMRP Phase II, Page 27.

2.1 Progress on Extractive industry revenue management framework

CRRT appreciate the commitment of the Royal Government in implementing the PFMRP including the management of revenues from extractive industry. The effort and commitment to develop an extractive industry revenue management framework has been evident by the formulation of an action plan by the inter-ministerial technical working group for mobilization and management of revenues from oil, gas and other mining resources. At the same time, the revenue management legal framework is also on progress toward the target set on beginning oil exploitation in 2012 i.e. the review and finalization of Regulation on Tax on Petroleum Operations and Petroleum Law.

2.2 Public consultation and Engagement of CSO/NGOs in the Legal Framework Formulation

According to the PFMRP progress report for the first quarter of 2010 (as progress reports for first semester of 2010 was not yet available), the 3rd draft Regulation on Tax on Petroleum Operations is under revision with consultation among the Cambodian National Petroleum Authority (CNPA), International Monetary Fund (IMF) and Chevron. Latest update on the draft regulation was also reported in the recent TWG-PFM meeting on 27 September 2010 at MEF that it is being finalized. Moreover, as reported by CNPA official in the Phnom Penh post newspaper on 12 October 2010 that the Draft Petroleum Law is being finalized this week. With this progress, CSO/NGOs welcomed a positive development in this regard.

While the important role of CSO/NGOs to further promote transparency in the sector was mentioned in the action plan⁸ of the inter-ministerial technical working group for mobilization and management of revenue from oil, gas and other mining resources, CRRT noted that no consultation that engages the public or CSO/NGOs on the draft regulation and law has been conducted yet until now. The engagement of the public and CSOs/NGOs into the process (i.e through the release of draft regulation and law for comments or inputs) will help contribute to further improving transparency in the management of these public resources.

3. Future direction for both the Royal Government and Development Partners

Therefore, CRRT would like to again call for engagement of the public into the consultation process on the draft law and regulation prior to its finalization for submission to the Council of Ministers and National Assembly for adoption. CRRT look forward to receiving a copy of the draft Regulation on Tax on Petroleum Operations as well as draft Petroleum Law and constructively engaging with the Royal Government, in particular CNPA and MEF (with support of and encouragement from Development Partners) in the drafting process of regulation and law.

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⁸ Action plan was presented to the National Assembly on November 20, 2009 and to representatives from CRRT on December 01, 2009.

ANNEX

Hydropower Development in Cambodia

1. Background

In 2010, the Royal Government of Cambodia (RGC) made significant improvement to the Development of Energy Sector section of the NSDP Update 2009-2013 through increased transparency on its planned actions and priority policies. While the RGC's expressed commitment to prioritize the acceleration of rural electrification, through the use of renewable energy, and to promote the diversification of energy with minimal impact on the environment is a positive step towards the promotion of sustainable development and poverty reduction, the construction of large hydropower dams continues to dominate the country's energy plans despite the significant risk and negative impact these projects pose to Cambodia's river-dependent livelihoods, food security, and the environment. Five hydropower dams have been approved since 2005 with numerous other large dams currently under feasibility study. Some dams that are currently under study and are of concern to civil society and affected communities include the 400 MW Lower Sesan 2 dam, the 260 MW Cheay Areng dam, the 2,600 MW Sambor dam and the 980 MW Stung Treng dam. These projects are particularly worrisome given the significant adverse impacts these projects pose to Cambodia's fisheries and forestry sectors, and the displacement of communities these projects would cause.

Despite the importance of the energy sector to Cambodia's development, no specific indicators on this sector have been included in the Joint Monitoring Indicators to be implemented in the third and fourth meeting of the CDCF.

2. Recommendations

In light of the above mentioned concerns and in order to strengthen commitments to poverty reduction, sustainable development and public participation in governance, Cambodian NGOs call upon the Government to:

1. Continue to resolve past and present transboundary disputes on the Sesan and Srepok Rivers due to Vietnam's upstream hydropower development; including actively working to improve communication with transboundary states, notification procedures regarding upstream water releases, improving infrastructure development including health services, environment and natural resource management, social and livelihood improvement in the dam affected areas.
2. Improve transparency, public participation and accountability in Cambodia's hydropower planning through the improved enforcement of existing legislation, EIA guidelines, developing new legislation such as resettlement policy, laws on benefit sharing, and ensuring that the rights of affected communities are respected and upheld;
3. The RGC should ensure that fair compensation and remedy is provided to the communities affected by the construction of its five large hydropower dams. In addition, the RGC should ensure that adequate monitoring, enforcement and mitigation mechanisms are in place to reduce environmental damage and social harm';
4. As a member of the Mekong River Commission, the RGC should carefully consider the findings and recommendations of the MRC's recent Strategic Environmental Assessment (SEA) process on the Mekong mainstream dams, which point to the enormous risks and impacts associated with the 12 planned Mekong mainstream dams and recommend the deferment of decisions over projects for at least ten more years. Given this recommendation and the impacts these dams would have on millions of river-dependent Cambodians, Cambodia should use its position in the MRC to oppose the planned Xayaboury dam in Laos during the regional decision making process currently underway and call for a moratorium on the Mekong mainstream dams;

- Promote decentralized and sustainable energy options by improving energy policies and creating incentives to allow alternative energy investors to compete fairly with hydropower companies, by removing barriers that currently prevent alternative energy investment and by developing an energy policy based on efficiency, environmental protection and the needs of Cambodia's people.

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NGO Committee for the Monitoring of CDCF Indicators**



This NGO Statement on the Monitoring of CDCF Indicators to this 17th GDCC meeting on October 18, 2010 was compiled by the NGO Forum on Cambodia and can be accessed through the website of The NGO Forum on Cambodia: <http://www.ngoforum.org.kh/eng/core/dppdoc.php>.