

NGO Position Papers on Cambodia's Development in 2010-2012



Monitoring the Implementation of
the National Strategic Development Plan
and the 2010 CDCF Joint Monitoring Indicators

September 2012

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and the 2010 CDCF Joint Monitoring Indicators

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Table of Contents

Preface.....	iii
Acknowledgements	iv
Acronyms and Abbreviations.....	v
List of Contributors	ix
Executive Summary	x
Introduction.....	1
CSO Contribution to the Development of Cambodia.....	2
CSO Contributions to the Development of Cambodia	3
Good Governance	7
Access to Information Law	8
Decentralization and De-concentration	12
Management of Revenues from Oil, Gas and Mining	20
Democracy, Legal and Judicial Reform	27
Election Reform and Democracy.....	28
Legal and Judicial Reform.....	39
Public Financial Management and National Systems of Development Effectiveness	44
Public Financial Management Reform: Budget Transparency and Credibility	45
Improving Aid Information Transparency and Consistency with National System	56
Rural Development and Natural Resource Management.....	64
The Agriculture and Water Sector.....	65
Land Reform	72
Forestry Sector.....	85
Environmental and Social Impacts from the Extractive Industry's Expansion in Cambodia. 90	
Fisheries Issues	97
Environmental Protection/Conservation and Climate Change	101
Development of Hydropower Dams and the Energy Sector	110
Human Development.....	117
Education	118
Health	126

Labor Concern and Work Conditions in Cambodia	150
Disability: Inclusive Development – mainstream and disability specific interventions.....	155
Child Rights	164
National Development Plan	170
Country Ownership over National Development Plan	171

Preface

For more than a decade, Cambodia's NGO community has been involved in the high level forums between the Royal Government of Cambodia (RGC) and its Development Partners (DPs). Their engagement has ranged from joining the International Committee on the Reconstruction of Cambodia (ICORC) beginning in 1995 to participating in the Consultative Groups (CG) meetings from 2002 to 2006 and lastly being involved in the Cambodia Development Cooperation Forum (CDCF) in 2007, 2008 and 2010. The involvement serves as a mechanism for discussing Cambodia's development progress and aid mobilization. Although the fourth CDCF has been postponed to 2014, NGOs have produced their detailed statements on issues and recommendations for the development of Cambodia as seen from the national and grassroots perspectives in 2010-2012.

This publication is the compilation of information from local and international NGOs working in a wide variety of sectors in Cambodia. It provides observations and recommendations based on the performance of the RGC, along with support received from its DPs, in working to achieve the Joint Monitoring Indicators (JMIs) as well as on progress made in the implementation of the National Strategic Development Plan (NSDP) Update 2009-2013 and other issues not covered by JMIs and NSDP, during the period of the second half of 2010 and the first half of 2012.

Based on the day-to-day operation and experience of many of these local and international NGOs working at Cambodia's grassroots level, these NGOs are able to make genuine observations of the impacts of development and bring the voice of the poor and marginalized communities to the attention of policy makers and decision makers both in the RGC and its DPs.

The NGO community would therefore like to show their appreciation of their inclusion in the assessment process by sharing their observations and subsequent recommendations for each associated policy development. The NGO community strives to ensure that its inputs are presented in a constructive, credible and supportive manner, and would like to incorporate common ideas, which will help achieve poverty reduction within their own work agenda.

This publication is intended to contribute to policy dialogue and help inform the discussions that will take place during the 19th Government-Development Partner Cooperation Committee (GDCC) meeting to be held at the Royal Government Palace in Phnom Penh on 26 September 2012. The NGO community in Cambodia strongly hopes that this publication will be used as a significant reference tool for all stakeholders, whether they are from NGOs, the RGC or Development Partner agencies, as long as they are working to reduce poverty in Cambodia.

Acknowledgement

The NGO sector and issue papers were prepared voluntarily by lead local and international NGOs in broad consultation with their network members and/or working groups. The development of this work would not be possible without the assistance of numerous individuals and organisations. Information presented in these papers is based on their experiences in development work at the national and sub-national level (and grass root level), as well as their engagement in policy dialogue at the Technical Working Group Levels in Cambodia. The editing of this publication and the production of a Policy Brief was coordinated by the Cooperation Committee for Cambodia (CCC), MEDiCAM, and the NGO Forum on Cambodia (NGOF).

The list of contributors below states the organizations and individuals who took a lead role in coordinating, collating and drafting their respective sector and issue papers. CCC, MEDiCAM and the NGO Forum would like to formally recognize the time, energy and input that was given by all contributors to the development of these papers and express our deepest appreciation for all of the valuable input.

Acronyms and Abbreviations

AAA	Accra Agenda for Action
ACU	Anti-Corruption Unit
ADB	Asian Development Bank
ADD	Action on Disability and Development
ADHOC	Cambodian Association for Development and Human Rights
AIDS	Acquired Immune Deficiency Syndrome
ANC	Antenatal Care
API	Advocacy and Policy Institute
ARV	Antiretroviral
ASEAN	Association of Southeast Asian Nations
CBHI	Community-Based Health Insurance
CBO	Community-Based Organizations
CCC	Cooperation Committee for Cambodia
CCJAP	Cambodian Criminal Justice Assistance Project
CDC	Council for the Development of Cambodia
CDCF	Cambodian Development Cooperation Forum
CDHS	Cambodia Demography and Health Survey
CDPO	Cambodian Disabled People's Organization
CEA	Cambodian Economic Association
CEDAC	Centre d'Etude et de Development Agricole Cambodgien
CEDAW	Convention on the Elimination of All Forms of Discrimination Against Women
CF	Community Forests
CFS	Child Friendly School
CHRAC	Cambodian Human Rights Action Committee
CLEC	Community Legal Education Center
CLP	Council for Land Policy
CMDG	Cambodian Millennium Development Goal
CNCC	Cambodian National Council for Children
CNMC	Cambodian National Mekong Committee
CNPA	Cambodian National Petroleum Authority
COMFREL	Committee for Free and Fair Elections in Cambodia
CLJR	Council for Legal and Judicial Reform
CPA	Community Protected Areas
CPP	Cambodian People's Party
CRDB	Cambodian Rehabilitation and Development Board
CRRT	Cambodians for Resource Revenue Transparency
CSF	Commune/Sangkat Fund
CSO	Civil society organizations
D&D	Decentralization and De-concentration
DAC	Disability Action Council
DPA	Development Partnership in Action
DPs	Development Partners
DSA	Debt Sustainability Analysis

DTMT	District Training and Monitoring Team
ECCC	Extraordinary Chambers in the Court of Cambodia
EFA	Education For All
EI	Extractive Industries
EIC	Economic Institute of Cambodia
EISEI	Extractive Industry Social and Environmental Impacts
EITI	Extractive Industry Transparency Initiative
ELC	Economic Land Concessions
EMIS	Education Management Information System
EMO	Election Monitoring Organizations
ESP	Education Strategic Plan
FA	Forestry Administration
FACT	Fisheries Action Coalition Team
FIA	Fisheries Administration
FLPN	Forest Livelihoods and Plantation Network
FWCU	Farmer Water User Committees
GDCC	Government Development Partner Coordinating Committee
GDP	Gross Domestic Product
GHG	Greenhouse Gas
HCMC	Health Center Management Committee
HEF	Health Equity Fund
HIS	Health Information System
HIV	Human Immunodeficiency Virus
HSP2	Health Strategic Plan 2008-2015
ICE	Identification Certification for Election
ILO	International Labour Organization
IMCI	Integrated Management of Childhood Illness
IMR	Infant Mortality Rate
IP	Indigenous Peoples
JMI	Joint Monitoring Indicator
LASSP	Land Administration Sub-Sector Program
LEMNA	Law on the Elections of National Assembly
LICADHO	Cambodian League for the Promotion and Defense of Human Rights
LM	Line Ministry
LMAP	Land Management and Administration Project
M&E	Monitoring & Evaluation
MAFF	Ministry of Agriculture, Forestry and Fisheries
MDGs	Millennium Development Goals
MEF	Ministry of Economy and Finance
MIME	Ministry of Industry, Mines and Energy
MLMUPC	Ministry of Land Management, Urban Planning and Construction
MoE	Ministry of Environment
MoEYS	Ministry of Education, Youth and Sports
MoH	Ministry of Health
Mol	Ministry of Interior
MoInfo	Ministry of Information

MoJ	Ministry of Justice
MoLVT	Ministry of Labor and Vocational Training
MoNASRI	Ministry of National Assembly-Senate Relations and Inspection
MoP	Ministry of Planning
MoSAVY	Ministry of Social Affairs, Veterans and Youth Rehabilitation
MoWA	Ministry of Women's Affairs
MoWRAM	Ministry of Water Resources and Meteorology
MoU	Memorandum of Understanding
MP	Members of Parliament
MoRD	Ministry of Rural Development
NA	National Assembly
NAA	National Audit Authority
NCDD	National Committee for Sub-National Democratic Development
NCHADS	National Center for HIV/AIDS Dermatology and STDs
NEC	National Election Committee
NEP	NGO Education Partnership
NFP	National Forest Program
NGO	Non-Governmental Organization
NGOCRC	NGO Coalition on the Rights of the Child
NLC/S	National League of Communes/Sangkats
NPA	National Plan of Action
NP-SNDD	National Program on Sub-National Democratic Development
NSDP	National Strategic Development Plan
NTFP	Non-Timber Forest Products
ODA	Official Development Assistance
PBA	Program-based Approach
PD	Paris Declaration on Aid Effectiveness
PFM	Public Financial Management
PFMRP	Public Financial Management Reform Program
PIP	Public Investment Program
PHD	Provincial Health Department
PNC	Postnatal Care
POC	Priority Operating Cost
PPRPD	Protection and the Promotion of the Rights of Persons with Disabilities
PRN-C	Pesticides Reduction Network in Cambodia
PRSP	Poverty Reduction Strategy Paper
RCAF	Royal Cambodian Armed Forces
REDD ⁺	Reducing Emissions from Deforestation and Forest Degradation
RGC	Royal Government of Cambodia
RHMC	Referral Hospital Management Committee
RMNCH	Reproductive Maternal Newborn & Child Health
SAW	Strategy for Agriculture and Water
SCM	Supreme Council of Magistracy
SLC	Social Land Concessions
SLR	Systematic Land Registration
SNA	Sub-National Administration

SNEC	Supreme National Economic Council
SPF	Strategic Planning Framework
SSCS	State Secretariat for Civil Society
SY	School Year
TOFE	Tableau des Opérations Financières de l'État (Table of State Financial Operations)
TVK	National Television of Cambodia
TWG	Technical Working Group
TWG-AW	Technical Working Group on Agriculture and Water
TWG-F	Technical Working Group on Fisheries
TWG-PFM	Technical Working Group-Public Financial Management
TWG-P&H	Technical Working Group-Partnership and Harmonization
U5MR	Under-Five Mortality Rate
UN	United Nations
UNCRC	UN Convention on the Rights of the Child
UNCRPD	UN Convention on the Rights of Persons with Disabilities
UNDP	UN Development Program
UNESCAP	UN Economic and Social Commission for Asia and the Pacific
UNICEF	UN Children's Fund
UNIFEM	UN Development Fund for Women
UNTAC	UN Transitional Authority in Cambodia
WHO	World Health Organization
YRDP	Youth Resource Development Program

List of Contributors

No.	Sectors	Contributors
1	CSO Contributions to the Development of Cambodia	Cooperation Committee for Cambodia (CCC)
2	Access to Information	Advocacy and Policy Institute (API)
3	Decentralization and De-concentration	Cambodia Civil Society Partnership (CCSP) and Advocacy and Policy Institute (API)
4	Management of Revenues from Oil, Gas and Mining	Cambodians for Resource Revenue Transparency (CRRT)
5	Election Reform and Democracy	Committee for Free and Fair Elections in Cambodia (COMFREL)
6	Legal and Judicial Reform	Cambodian Human Rights Action Committee (CHRAC)
7	Public Financial Management Reform	The NGO Forum on Cambodia (NGOF)
8	Improving Aid Information Transparency and Consistency	The NGO Forum on Cambodia (NGOF)
9	Agriculture and Water	The NGO Forum on Cambodia (NGOF) and Centre d'Etude et de Development Agricole Cambodgien (CEDAC)
10	Land Reform	The NGO Forum on Cambodia (NGOF) and Resettlement Action Network, Land Action Network for Development and Indigenous People NGO Network
11	Forestry	The NGO Forum on Cambodia (NGOF) and Forest Livelihoods & Plantation Network
12	Environmental and Social Impacts of the Extractive Industries	Development Partners in Action (DPA) and EISEI Network
13	Fishery	Fisheries Action Coalition Team (FACT)
14	Environmental Protection/Conservation and Climate Change	The NGO Forum on Cambodia (NGOF) and Environment Forum Network
15	Development Hydropower Dams and Energy Sector	The NGO Forum on Cambodia (NGOF) and River Coalition Cambodia (RCC)
16	Education	NGO Education Partnership (NEP)
17	Health	MEDICAM
18	Labor Concerns and Work Conditions	The Cambodian Labor Confederation (CLC)
19	Disability	Cambodian Disabled Peoples Organization (CDPO)
20	Child Rights	NGO Coalition on the Rights of the Child (NGOCRC)
21	National Development Plan	The NGO Forum on Cambodia (NGOF)

Executive Summary

The work of non-government organizations (NGOs) and civil society organizations in Cambodia spans a broad range of development issues and involves close engagement with Cambodians of all walks of life and socio-economic status. The common ground of our organizations is the shared objective of advancing the position of poor and vulnerable groups in Cambodian society. Through our combined knowledge of the grassroots, civil society is well placed to assist the Royal Government of Cambodia (RGC) in its policymaking by sharing and providing valuable feedback and suggestions regarding development policy and implementation. Cambodia's NGO community has been involved and has provided substantial inputs into various high level forums between the Royal Government of Cambodia (RGC) and its Development Partners (DPs) over the past decade, through participating in the Consultative Groups (CG) meetings from 2002 to 2006 and later on in the Cambodia Development Cooperation Forum (CDCF) up until now. The involvement serves as a mechanism for discussing Cambodia's development progress and aid mobilization.

Although the fourth CDCF has been postponed to 2014, the NGO community, since late 2011, has brought together 21 sector and issue papers prepared by sector NGOs/groups with contributions from and consultation with their networks. To be presented to the 19th Government-Development Partner Coordinating Committee (GDCC) meeting, these papers show NGOs' views regarding the current situation of Cambodia's development, with the aim of providing constructive feedback and recommendations on the progress made during the implementation of the National Strategic Development Plan (NSDP) Update, Joint Monitoring Indicators (JMIs) and issues not covered by NSDP and JMIs since the meeting of the third CDCF in June 2010 with some papers providing updates up to September 2012.

CSO Contribution to the Development of Cambodia

Civil Society Organizations (CSOs) have played an important role in the development of Cambodia for the past three decades and have made significant contributions towards improvement and social transformation for empower individuals and communities, advocate for inclusive and fair policies, protect the right of the marginalized and work toward social solidarity.

A recent report by CCC – "CSO Contributions to the Development of Cambodia in 2011" – states that CSOs contributed US\$550 million to development activities in Cambodia last year. Based on a survey of 309 CSOs across four provinces and Phnom Penh, the report identified four key areas of effort, with many CSOs active in more than one sector. Most (72%) reported some form of activity in the Education and training sector. Health (39%), community development (33%) and child welfare and rights (33%) were the other main sectors.

The research indicates that conservatively, 650,000 to 1 million or more Cambodians benefit from the activity of the 309 CSOs surveyed. Across the entire CSO sector of approximately 1350 active and registered organizations, it is estimated that 20-30 percent of the Cambodian population, or one in four people, are direct beneficiaries of CSO activities. The report also extrapolates that the sector employs 52,650 Cambodians in skilled positions with the opportunity for greater capacity development as 67% of organizations have employees with an average education level of bachelor's degree or higher.

With this level of grassroots involvement in development across many sectors, the CSO community is a serious development actor deserving of inclusiveness and acceptance in policy dialogue and policy formulation wherever the fate and the future of the poor and vulnerable are affected be it positively or negatively.

Good Governance

NGOs acknowledge that the RGC intends to promote the freedom to seek and obtain information and to promote transparency, accountability and good governance. However, particular issues to good governance continue to create challenges to the achievement of the Rectangular Strategy and the National Strategic Development Plan. While the **Access to Information** Policy Framework was conducted in a participatory manner, through consultation with various stakeholders, it should be noted the Access to Information Law still remains a draft. Such a law would help to encourage trust and confidence between the Government and Cambodian people.

Findings from two separate studies in 2009 note the supply and demand of public information. From a World Bank assessment, it was reported that access was limited to detailed, broken-down information on public revenue, budgets and expenditure. Consequently, from workshops and forums conducted by the Advocacy and Policy Institute (API), it was concluded that citizens have a desire to access information that directly affects household livelihood, such as development policies and sub-decrees, commune development plans, and budgets and expenditure; however, many are still not able to access this information. Access to information is a crucial ingredient in achieving good governance, yet, without an Access to Information Law, it is difficult for citizens to participate in the sustainable development process. NGOs would like to strongly request the Law on Access to Information be passed with specific and clear output indicators, and a timeframe for output delivery. Additionally, the RGC is encouraged to make more information publicly available, including policies and budgets, as well as timely audit reports.

As good governance is key to the achievement of development goals, the Royal Government has placed increasing focus on **decentralization and de-concentration** (D&D). This can be seen in its priority placement within the Rectangular Strategy, which aims to strengthen and expand local democracy and promote local development for poverty reduction. While progress in D&D reform has been observed, with Commune Councils now receiving a larger say in the development process, it has been observed that local-level officials generally do not have the appropriate skills and resources to deliver public services or respond to communities' needs. Issues also arise in cultivating good public relations and supporting access to public services, as well as the disclosure of public information for improved transparency, accountability and civic engagement.

The RGC's commitment to D&D reform is welcomed, and in order to continue strengthening the D&D process in Cambodia, NGOs recommend the following points, including: a clear set of inclusive mechanisms, with participation from various development actors at national and sub-national levels in the D&D Technical Working Group (TWG) functions, and establishing a Sub-Technical Working Group/Committee for the six sub-programs of the IP3 for each province; the implementation of a capacity development project in partnership between Government and expert NGOs, with ongoing mentoring and coaching, and reinforcement on the implementation of the Organic Law; and, disseminating a clear set of guidelines and mechanisms to reinforce and implement laws at national and sub-national levels, with meaningful engagement with development actors.

Good governance not only covers the management of public services, but also the **management of revenues from public resources (oil, gas and mining)**. To this effect, NGOs would like to applaud the RGC for developing a regulatory framework governing the extractive industries (EI) in Cambodia, as evidenced by the Draft Law on the Amendment of Law on Taxation (Draft Law on Taxation on Oil Operation) submitted to the Council of Ministers for approval, and the drafting of the Prakas on Tax Collection of Oil Operation and Draft Law on Taxation on Mining Operation.

This continued high commitment to openness and transparency is appreciated; however, at the same time, some shortfalls have been observed in the transparent management of revenues from EI itself. Currently, public knowledge on EI development and revenue management is limited, and only one aggregate line, "revenue from extractive industry", is recorded within Government documents, but it was removed from TOFE since August 2011 which is only available on MEF's website. The Inter-Ministerial TWG is in charge of studying and implementing EITI principles, it is, however, no further progress has been reported on the adoption and implementation of those principles. It is recommended that more attention be given to improving the transparent management of these public resources, through detailed information and continuing publications through TOFE; adoption of EITI membership and/or principles as stated in the PFMRP; and public consultation on upcoming draft laws and regulations, so as to ensure participation and discussion among stakeholders.

Democracy, Legal and Judicial Reform

The RGC and National Election Committee (NEC) have taken considerable efforts in improving **election reform and democracy**. Improving voter registration in 2011 was an important step for election reform, especially concerning the decision to extend the validity of identification cards (IDs), so as to allow those with expiring IDs the possibility to vote in the 2012 commune council election. Additional efforts included increasing the number of days allowing voter registration, resulting on the increase of young registered voters from 2008 to 2011.

It should be noted, however, that specific policy announcements on election reform and democracy have not yet been discussed in great detail and open in the NSDP Update 2009-2013, creating difficulty for NGOs to reflect on the links between election policy and practice. Recommendations to improve election reform and democracy seek to strengthen Cambodia's formal institutions, and the country's democratic framework. Recommendations include: National Election Committee (NEC) reform, relating to the composition of the committee; simplifying and systematizing creation of voter lists and the registration process; replacing the indirect election system with direct elections at the sub-national councils and senate; improving press freedom and equal access to media across political parties during election periods; increasing the number of parliamentary seats for provinces experiencing with population growth; and creation of political party finance law.

Although election reform and democracy have seen considerable change in recent years, it is regrettable that **legal and judicial reform** has not followed suit. Three key fundamental laws related to the judiciary are still pending and no substantive progress has been made. Those fundamental draft laws are including the Law on the Organization of the Court and Prosecution, the Law on Statute of Judges and Prosecutors, and the Law on the Amendment of the Organization and Functioning of the Supreme Council of the Magistracy. It is appreciated and acknowledged that, for the first time, four courts were upgraded as model courts; however, civil society has not obtained any further reports on progress since the end of 2011, making it difficult to observe improvements in legal and judicial reform sector.

It is recommended that fundamental laws pertaining to the judiciary shall be completed without further delay, training of judicial professionals and lawyers continues, and the improvement of model courts also continues. With this, the civil society urges to have progressive reports made available to all the concerned stakeholders, contributing to the transparent reform processes of the law and the judiciary.

Public Financial Management and National Systems of Development Effectiveness

It is acknowledged that considerable progress has been made in **public financial management reform, especially budget transparency and credibility**. This considerable progress has been matched by the availability of budget documents, such as the release of the 2007 Audit Report in November 2011 by the National Audit Authority (NAA), and the timely production and release of the Monthly Bulletin of Statistics by the Ministry of Economy and Finance (MEF). The availability of documents has allowed NGOs to comment and analyze information more accurately; the release of the draft version of the Law on Public Procurement in May 2011, for example, allowed NGOs to provide comments, some of which, such as those on the expansion of penalty clauses, were considered when finalizing the law.

Building upon this considerable progress, timelier and more frequent release of certain budget documents, such as the Audit Report, would be welcomed. Further disaggregation of figures by line ministry in the monthly, six-monthly, and annual TOFE on Budget Law implementation would also be appreciated, in order to further transparency and allow stakeholders to measure the credibility of line ministry budgets, in comparison to commitments in the Budget Law. NGOs would also like to encourage the MEF, with support from development partners, to speed up the finalization of the Public Procurement Website, and the Debt Bulletins and look forward to the publication of these bulletins in 2012, via the MEF's website. The systematic and timely release of the draft Budget Law and other budget documents, either available in the public domain or upon request, would significantly improve the level of budget transparency in Cambodia, and would allow for a more meaningful process of discussion and participation prior to the approval of budgets.

NGOs appreciate the Cambodian Rehabilitation and Development Board of the Council for the Development of Cambodia (CRDB/CDC) for the inclusion of NGO representatives within the TWG Network and capacity building exercises, as well as its use of the TWG-Partnership and Harmonization (TWG-P&H) to serve as a peer review mechanism. These types of relationships and knowledge sharing should be continued, as they foster **national systems toward the achievement of more effective development results**. With deeper technical knowledge and concepts contributing to a more enabling environment for NGO participation in the aid coordination process, these systems aim to benefit all Cambodians, especially the poor and vulnerable who are in need of concentrated and coordinated efforts.

It is recommended that inclusion, however, should be extended to at least one NGO representative to each TWG Retreat and capacity building exercise, so as to allow participation and harmonization across all sectors. A more concerted effort, by the RGC and development partners, should also be made concerning the consistency and transparency of aid information, namely between the ODA Database, Public Investment Program (PIP), and National Budget Law. Aligning this information would allow fair analysis to be conducted, in order to determine whether planning and budgeting are linked to development priorities; in effect, improving the process of transparency and accountability.

The release of the Strategic Paper on Debt Management 2011-2018, adopted by the Council of Ministers in February 2012, is a welcome addition for fiscal information and transparency. This document provides a good steppingstone toward increasing the level of budget

transparency in Cambodia, as well as ensuring sustainable debt management for more effective development results.

Rural Development and Natural Resource Management

Policies supporting natural resource management, as well as those protecting rural development and the economy, are paramount to Cambodia's sustainable development process, as a significant majority of the population is dependent upon these natural resources and the rural economy.

NGOs appreciate the RGC's efforts in improving the **agriculture and water sector**, especially the Ministry of Agriculture, Forestry and Fisheries (MAFF) and the Ministry of Water Resources and Meteorology (MoWRAM), which have strengthened and rehabilitated irrigation systems, the formulation of a legal framework and regulations, and policies to ensure that agriculture and water policies can be effectively achieved.

Although a concerted effort has been shown in planning, a number of shortfalls have been noted, especially concerning strategies and regulations for small-scale farming. Whereas agribusiness and large irrigation systems would continue to improve productivity and the potential to increase exports, it is vital that Cambodia's agriculture and water strategies benefit the majority of the population that is dependent upon smallholder farming. A number of recommendations have been made, related to the financing, planning, and sustainability of the agriculture and water sectors, including: financially supporting rice productivity improvement projects, such as organic farming and Systems of Rice Intensification (SRI), as well as small- and medium-scale irrigation systems to support farmers' associations; creating a roadmap on the implementation of the Strategy for Agriculture and Water (SAW), with consultation from civil society; improving input supply, such as seed varieties and fertilizer, and regulating for safe and proper usage; continuing research and experimentation to identify quality seeds with potentially higher yields; increasing the number of Farmer Water User Communities (FWUC) for the proper management of irrigation systems; and prioritizing the increase of irrigated land area to smallholder farms.

Along with agriculture, recent years have proven difficult for Cambodia's fishing households, both poor and non-poor, as immense difficulties have arisen due to high food prices and continued declines due to the economic downturn. Added support and focus should be given to these **fisheries issues**, especially considering its contribution to national food security and economic development. In order to improve livelihoods, economic development, and food security, NGOs recommend that sub-national fisheries be more integrated within the priorities of communes and districts. Fragmented activities between sub-national administrations, which may not be aware of decentralization processes, may jeopardize sustainable fisheries, especially regarding illegal fishing practices and unregulated and unregistered community fisheries. In addition to resolving these issues, effective management plans must be developed through participatory forums and broad consultation with local resource users, to ensure planning considers the social and ecological conditions for sustainable fisheries management, on behalf of all citizens. The management capacity of sub-national administrations must not only be improved, but those of community fisheries as well.

As mentioned, with the majority of households creating economic opportunities through agriculture and fishing, equitable access to land and land tenure security are essential for economic development. Policies and administrative procedures related to **land reform** must be strengthened, as equitable access and security are still yet to be achieved. Currently,

both the urban and rural poor continue to face land tenure insecurity and forced evictions. NGOs are concerned with the continued and growing militarization of land disputes, as violent events have increased between armed authorities and citizens peacefully defending their land and natural resource rights.

While NGOs acknowledge the process of Systematic Land Registration (SLR), which has resulted in the issuance of 1.7 million land titles, as of November 2011, issues still remain evident, as many, especially in urban areas, still face significant problems with land registration. Additionally, with evictions and resettlement still occurring after the reward of Economic Land Concessions (ELC), one of the most critical elements pertinent to household security—a comprehensive National Resettlement Policy and corresponding regulations—is still missing. NGOs seek clarification on the next steps for the draft Sub-Decree on Informal Settlement and hope that a meaningful public consultation on the next draft will be conducted.

Furthermore, an end should be made to *de facto* state land classification by local authorities, with state land being identified, demarcated and registered in a transparent manner, in accordance with Sub-decree No. 118 on State Land Management. The registration of indigenous communities should also be accelerated, as these communities are concerned that the slow process for registration may cause land losses and difficulties in obtaining communal land titles.

Overall, the RGC should explore all mechanisms to accelerate the transparent process of equitable land distribution. While Social Land Concessions (SLC) have been implemented, which distribute land to landless and poor households, these pale in comparison to the number of plots and land sizes awarded for ELCs. In order to accelerate and systemize the process of awarding SLCs, revoked ELCs could be transferred to SLCs, and concerned Ministries—such as the Ministry of Land Management, Urban Planning and Construction (MLMUPC), Ministry of Interior (Mol), and Ministry of Agriculture, Forestry and Fisheries (MAFF), and Forestry Administration (FA)—must strengthen cooperation to design a joint methodology to identify suitable agricultural land for SLCs and to develop national social land concession plans.

NGOs working in the **forestry sector** acknowledge the intention of the RGC, especially the FA, concerning efforts to reforest degraded land, demarcation of forest estates and protected areas, an increase in approved community forestry, and a more participatory process in developing the National REDD⁺ Roadmap, as agreed in the JMIs. However, NGOs observed some shortfalls and therefore would like to recommend the RGC/FA limit the definition of “forests” to “natural forest” and exclude plantations; an increase in allowable size of community forests and speed up or shorten the processes of granting Community Forestry and Community Protected area, as well as assurance the safeguard of local communities who are recognized by the RGC; meaningful participation by local communities and civil society actors in the implementation of internationally agreed measures and incentives to REDD.

NGOs working within the areas of **environmental protection, conservation and climate change** are concerned the JMIs on forestry and the environment are primarily focused on the forestry sector, while not sufficiently addressing climate change issues. It is proposed that the RGC include a separate set of JMIs specifically focusing on climate change and disaster risk reduction, to facilitate accountability mechanisms and performance assessment on the work being done on these issues.

While NGOs appreciate the development of a Sub-decree and Prakas regulating the process of preparing Environmental Impact Assessments (EIA), it has been noted that the quality of these assessments are poor, and CSOs have generally been provided insufficient time to review and provide feedback on such reports. Overall, the following recommendations have been outlined to ensure environmentally sustainable development, including: the designation of Monitoring Committees, the provision of adequate time for CSOs to provide comments on EIA reports, and the development of a Draft Law on EIA, in order to ensure quality assessments are provided; the development of clear guidelines to educate communities on disaster risk reduction that are mainstreamed within national and sub-national development programs on agriculture, energy, forestry, water resources, industry, and health; the speedy formulation of relevant environmental laws that have not been drafted, yet were planned within the NSDP 2009-2013; the development of electrical power and the reduction greenhouse gas emissions; and, the formation of a TWG on Environment and Climate Change.

At the same time, NGOs appreciate the RGC's effort in minimizing the **environmental and social impacts of the extractive industry (oil, gas and mining)**. However, a number of concerns were observed in the enforcement of existing mining law, relocation and compensation, access to detailed and timely information, lack of meaningful consultation on EIA reports, and limited institutional capacity. Therefore, NGOs would like to recommend the RGC with supports from Development Partners (DPs) to: strengthen the existing legal framework; meaningfully engage the public in the drafting process of related laws and policies and EIA reports; review the Law on Mineral Resource Management and Exploitation, in close consultation with all impacted sectors of society, to ensure sufficient protection for people and the environment, in accordance with international standards in the mining industry; and make information readily available to the public through internet sources.

Moreover, DPs from countries with mining companies in Cambodia should work with their own governments and these companies to ensure companies operate in accordance with the highest international standards for best practice. In the same essence, mining companies are encouraged to train all security staff members in accordance with the United Kingdom–United States (UK–US) Voluntary Principles on Security and Human Rights and establish educational programs and training plans (with a defined implementation timeframe) for local staff, to ensure local employees are equipped with the skills to work in technical positions.

Concerns over the **development of hydropower dams and the energy** sector are consistent with those environmental protection and climate change. While the RGC has made strides in increasing the use of renewable power through rural electrification and the promotion of decentralized power generation, the development of large hydropower dams on major rivers, such as the Sesan, have the potential to cause serious environmental damage—negatively impacting water supply, fisheries resources, and natural land and maritime resources. NGOs are concerned that the construction of such large hydropower dams in Southwestern Cambodia could increase the salinization of underground water in coastal areas, affecting agriculture in the region.

Concerning the JMIs, it is suggested that the RGC promote the use of effective energy sources with minimal environmental impact, and create and disseminate policies and laws ensuring that sustainable environmental preservation and community livelihoods are priorities in the energy sector. As certain issues are not raised within the JMIs, it is recommended that the following priorities be acknowledged, in order to protect the environment and community rights, including: the adoption of international best practices on the compensation of communities negatively affected by hydropower dams; and, the

resolution of trans-boundary water conflicts, to ensure trans-boundary hydropower projects do not negatively affect Cambodia's communities.

Human Development

Significant strides have been made in the area of **education**, as measured by the JMIs, with student promotion rates gradually increasing since the 2009/10 academic year. Furthermore, the *Teacher Development Action Plan (2010-2014)* recognizes that teachers' academic qualifications must be improved, in order to assure educators have the appropriate skills to educate Cambodia's students. Upgrading teachers' credentials is among one essential issue relevant to the improvement of education quality in Cambodia.

Issues within the education sector continue to arise, however, with a number of critical issues in need of urgent action, including: teaching staff shortages and understaffed schools in remote areas; grade promotion regulation and ensuring the implementation of regulations in development partners' education programs; ensuring equal access to education services; reducing parental cost barriers and informal school fees; retaining students and reducing drop out; improving the quality and efficiency of education services; and finally strengthening institutional development and capacity building for decentralization..

A number of issues persist due to the inadequate management of education resources and personnel, disproportionately affecting remote and disadvantaged areas. With teacher shortages remaining a critical issue to education quality, it is recommended that policies on local teacher recruitment be expanded to include remote and disadvantaged areas, consider reallocation of staff funding and the improvement of financial management systems to ensure fair and timely salary disbursement. Assuring educators are properly trained and incentivized would not only improve personnel issues, but could also improve education quality, as children and young people would be learning from skilled instructors. With proper incentives and fair pay for teachers, the issue of informal school fees, which often creates excessive cost barriers to poor families, may also be rooted out. Moreover, resources, such as new schools and quality textbooks, must also be considered in planning and budgeting. Through quality personnel and materials, it is possible that repetition and dropout rates could be reduced, ensuring that resources are spent efficiently and children are provided with the necessary infrastructure to succeed.

Along with progress in the education sector, NGOs also congratulate the Ministry of Health and RGC in realizing significant achievements in the **health** sector, including: declines in HIV prevalence by ensuring universal access to antiretroviral (ARV) treatments to persons living with HIV/AIDS; increases in tuberculosis (TB) interventions, with curative rates reaching 92% and detection rates reaching 62%; significant reductions in under-five mortality rates, as well as maternal mortality; ensuring malaria eradication plans are on track, to be achieved by 2025, as well as showing signs that tetanus and measles are also on the brink of elimination; and, improving healthcare services to those living below the poverty line, through the Health Equity Fund.

Though improvements have been many, NGOs would like to bring forth a number of challenges to the attention of policymakers and health partners. Currently, high-impact interventions to improve maternal, newborn and child health services are insufficient, including (1) emergency obstetric and newborn care, (2) safe abortion and family planning, and (3) neonatal care and nutrition. While Cambodia continues to need long-term support to maintain the success of its HIV/AIDS response, financial support must be targeted toward principles of country ownership, build a stronger healthcare system that is capable of

sustaining effective responses without external support. Financial support should be maximized in order to build an independent national health system, with the ability to oversee drug and logistic management, access and quality of care, and referral systems. In assuring country ownership of the national healthcare system, health promotion and prevention can be intensified, and public health services for Cambodia's citizens, especially for the poor and vulnerable, can be efficiently managed for better human development results.

An educated and healthy population makes up the foundation to an effective and productive workforce; however, **labor concerns and work conditions** are still cause for concern in Cambodia. With the majority of the workforce employed within the informal economy, this proportion of the population is subject to low income and indecent wages, exclusion from social security benefits and job security, unsuitable and often hazardous working conditions, and limited participation to trade unions and workers' associations.

Good working conditions would provide employees with a suitable environment to remain productive and healthy. In this sense, it is crucial the RGC establishes the appropriate mechanisms to enforce labor laws, as well as national and international legal instruments for labor standards. Providing necessary instruments to promote workers' rights, such as collective bargaining agreements and access to trade unions and associations, not only improves working conditions, but also has the potential to increase productivity and trade. The RGC can continue to ensure good working conditions promote increased productivity and trade through: the effective implementation of labor standards, the Labor Law, and international conventions; the continuation of the ILO-supported "Better Factories" Project; facilitating overseas jobs for workers; and, linking vocational training to market demands.

Human development must also extend beyond the majority, and include **child rights** and **disability**. Challenges to human development, however, often arise for those not able to readily advocate for themselves. Currently, the appropriate monitoring mechanisms are not in place to track activities aimed at reaching poor and vulnerable children, as well as those living with disabilities. While the RGC is a signatory to both the United Nations Convention on the Rights of Persons with Disabilities and the Optional Protocol (still to be ratified) and the United Nations Convention on the Rights of the Child, inroads must still be made. Policies must be strengthened, and systems must be built to encourage the participation of children and persons living with disabilities in society, in order to achieve equitable and cohesive development.

National Development Plan

NGOs appreciate the opportunity given by the RGC to engage in the formulation of NSDP update 2009-2013 and its Mid-Term Review (MTR) and wish to reaffirm NGO commitment to constructively engaging with the RGC in its efforts to achieve critical development objectives set in the NSDP update and Rectangular Strategy. With the social and economic conscience, NGOs would like to not only congratulate the RGC on its achievements but also raise concerns that the real actions do not seem to match with the stated policy objectives, outlined in JMIs and NSDP update 2009-2013. To ensure **national ownership over the national development process**, NGOs would like to call on the RGC to realize its commitment established in the NSDP update and consider wider NGO/CSO engagement in the preparation process of future reports on the implementation of the national development plan and formulation of new development plan with improvement of input, outcome and impact indicators and inclusion of a policy matrix.

Introduction

The work of Non-Governmental Organizations (NGOs) and civil society organizations (CSOs) in Cambodia spans a broad range of development issues and involves close engagement with Cambodians from all walks of life and socio-economic statuses. The common ground of these organizations is the shared objective of advancing the position of poor and vulnerable groups in Cambodian society. Through our combined knowledge of what is occurring at the grassroots level, civil society is well placed to assist the Government in its policy-making and implementation by sharing and providing valuable feedback and suggestions regarding the country's development policy and implementation.

In previous years, the NGO community has produced sector and issue papers on topics ranging from agriculture, land reform, forestry and good governance, as their inputs for the Cambodia Development Cooperation Forum (CDCF). Since late 2011, the NGO community has brought together 21 sector and issue papers, prepared by sector NGOs/groups with contributions from and consultation with their networks. In late 2011, sector NGOs/groups gathered to discuss the preparation of the position papers for the fourth CDCF. At the meeting, NGOs agreed that the NGO Position Papers should continue to focus on the monitoring of the JMIs, implementation of the NSDP Update 2009-2013, while also raising other important issues, based on observations made during the period of 2010 to 2012. In addition to observations and recommendations from NGOs, some Position Papers include case studies reflecting on real events happening at the grassroots level. However, the fourth CDCF was postponed to 2014, so the NGO Position Papers with updates up to September 2012 will be published and contributed to policy dialogue at the 19th Government-Development Partner Cooperation Committee (GDCC) meeting to be held on 26 September 2012.

These papers present NGOs' views regarding the current situation of Cambodia's development, with the aim of providing constructive feedback and recommendations on the progress made during the implementation of the NSDP Update and JMIs since the meeting of the third CDCF in June 2010 with some papers providing updates up to September 2012.

CSO Contribution to the Development of Cambodia

CSO Contributions to the Development of Cambodia

A report, "*CSO Contributions to the Development of Cambodia 2011*," launched by the CCC in 2012 traced the commitment of civil society, strongly evident in Cambodia, to its own development effectiveness, including the research, learning, transparency and commitment to improve that comes with that.

This report captures the findings of a research study in late 2011 into the contribution of Cambodia's CSOs to economic, social and democratic development, as well as important details on the current status of the civil society sector. This report is an update of CCC's first contribution in this area, the 'rapid assessment' report on civil society contributions to development published in 2010, which elaborated on strong NGO contributions in certain sectors (public health, disability, education, community development), as well as through advocacy and public policy engagement.

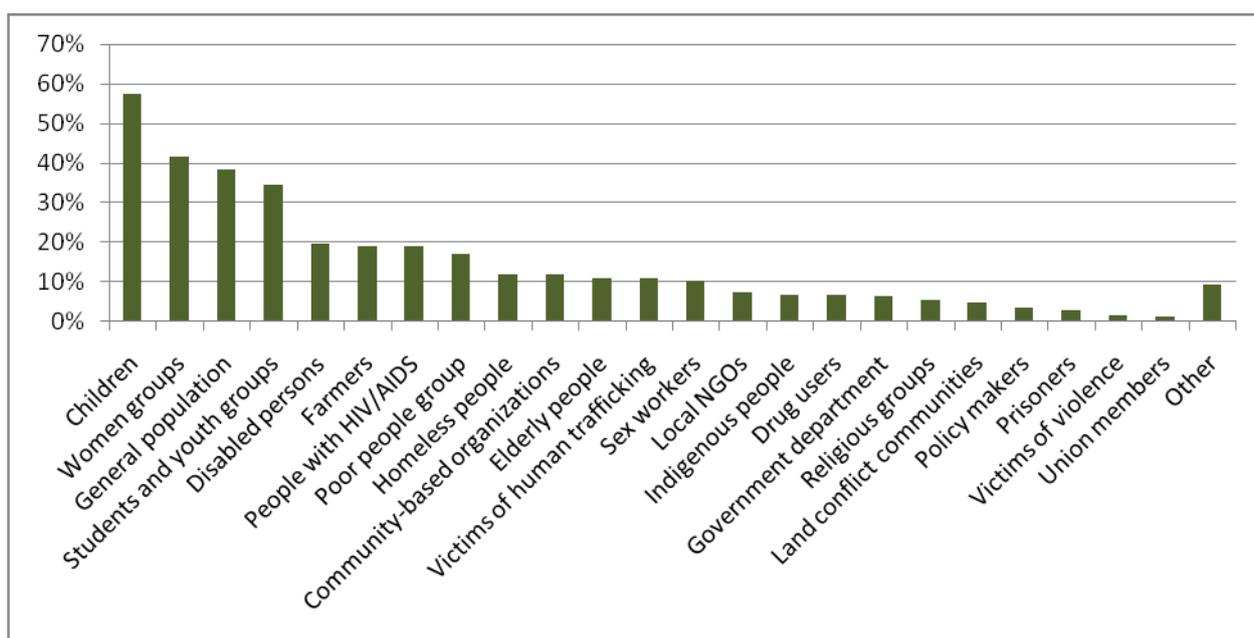
There has been a dramatic rise in the size, scope and capacity of civil society in recent decades, globally and in Cambodia. Much of the appreciation of civil society stems from CSOs' important, clearly noticeable contributions in social, economic and democratic life, including but also beyond providing basic social services where governments cannot or will not. However, civil society engagement on development issues is also underpinned by international human rights norms and standards, including obligations on state parties: this is significant for CSOs' work on social accountability and good governance, promoting and defending human rights, holding public servants to account, and stimulating civil participation in social life and decision-making processes, even as democratic shrinking space is shrinking.

The quantitative data in this research helps build a picture of CSOs' nature, priorities and activities in Cambodia, as well as the beneficiaries of their work and their contributions to national development. Analysis of the qualitative data explores this pro-poor contribution, from service delivery to capacity building and policy change to system strengthening, in more detail.

The first step in determining the contributions of CSOs was confirming the number of NGOs actually active and engaged in activities, as many NGOs that have registered in the past are no longer active or have changed purpose. A census of all NGOs and Associations registered with MOI and MOFA/IC from 1990 to the end of 2010 confirmed the activity of 1226 of the 3492 registered organizations, leading to a final estimate of 1350 active organizations based on average annual registrations in other recent years.

Respondents to this study identified as providing direct benefit to the lives of a minimum of 650,000 to 1 million Cambodians. To put this number of beneficiaries in greater perspective, with the estimate of 1,350 NGOs in Cambodia, then 2.8 to 4.5 million Cambodians, or approximately 20-30 percent of the population (National Institute of Statistics, 2009), *directly* benefit from the activities of NGOs.

The following chart shows the percentage of surveyed CSOs working to benefit each of a number of target groups of beneficiaries, although there were a wide range of other beneficiary groups reported as being targeted by CSO activities.

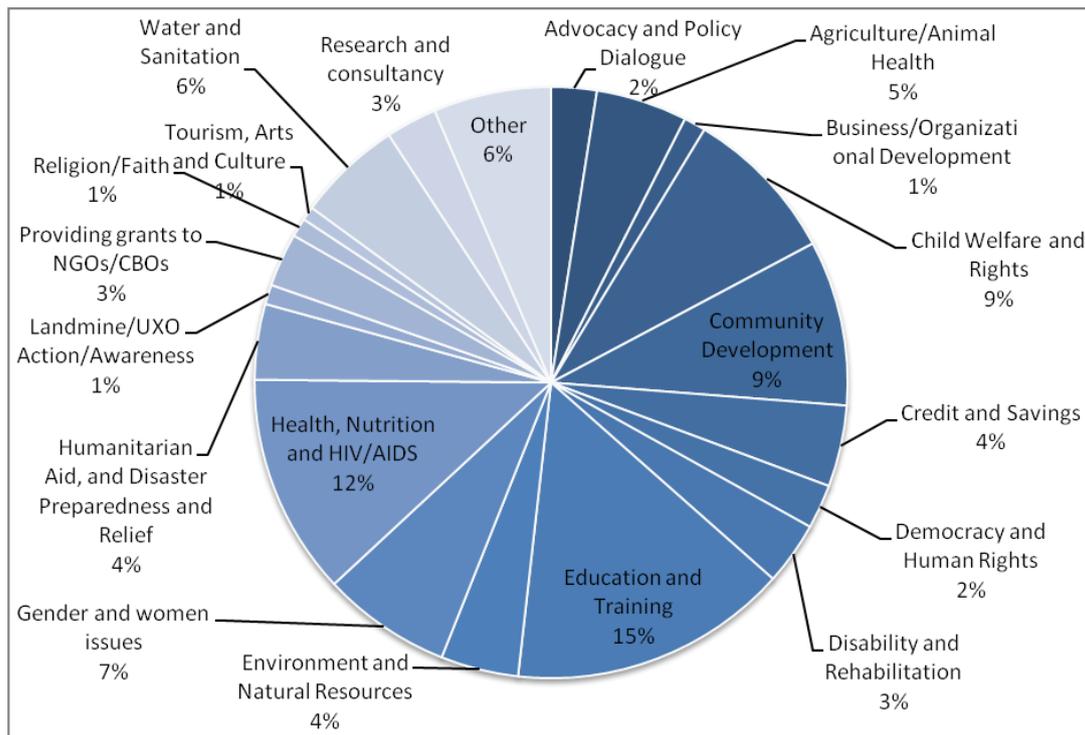


The data from 308 of the 309 CSOs surveyed indicate a total average annual budget of US\$146 million. Extrapolating from that to an estimate of 1,350 active NGOs, local and international, in Cambodia, it suggests a total annual disbursement in the region of US\$550 million for the NGO sector even after taking into account grants and disbursements between NGOs – far higher than previously estimated by the Council for the Development of Cambodia (CDC), and indications are that the NGO sector alone accounts for nearly as much spending in the social sector as the government.

Partially, this money is spent on employing an estimate of approximately 52,650 Cambodians in skilled positions with the opportunity for greater capacity development. Almost 69 percent of survey respondents also suggested that the average level of education in their organization was at university level or higher.

While it is hard to measure the true size of the entire CSO sector, the NGO sector contributes greatly to the grassroots development of Cambodian civil society, disbursing an estimate of US\$44 million to local community-based organizations - the very grassroots of the Cambodian economy.

Based on the overall spending of each organization and the reported activities of organizations, the following chart demonstrates an estimate of how the spending of CSOs in Cambodia is disbursed to the main sectors or themes.

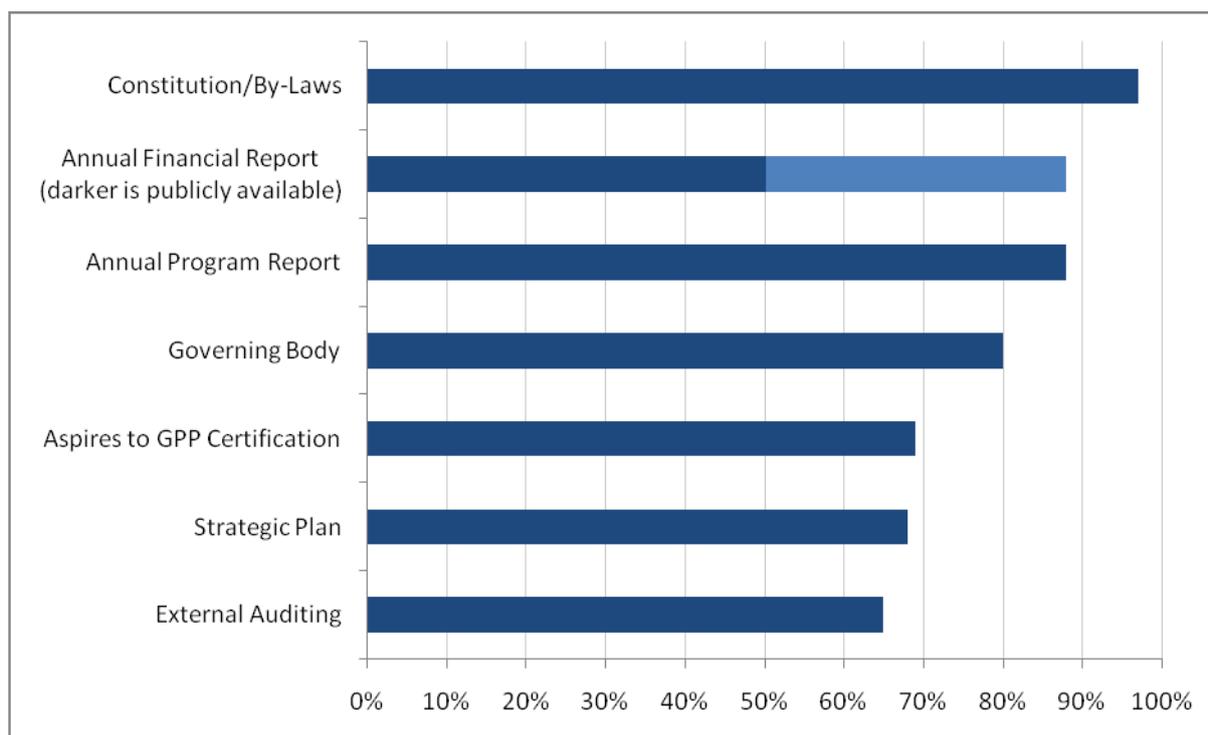


It is because civil society participation is recognized as crucial to development that CSOs have been invited to engage in the international processes on aid effectiveness, which has recognized the particular strengths of CSOs. The 2008 Accra Agenda for Action, in particular, speaks of the increasing contribution and valuable experience it brings; recognizes CSOs as “independent development actors in their own right”; commits to greater engagement of donors and partner governments with CSOs; and commits the other development partners to working with CSOs to provide an enabling environment that maximizes their contributions to development. This commitment to civil society was further endorsed in the Busan Partnership for Effective Development Cooperation in late 2011.

The Royal Government of Cambodia’s Rectangular Strategy (for growth, employment, equity and efficiency) also specifically “welcomes the participation of the NGOs in the process of socio-economic rehabilitation and development, and the promotion of democracy and respect for human rights”.

While proud of its contribution and confident of its place in development, civil society is mindful of the challenges that other development actors present in increasingly politicized discussions about development cooperation as to CSOs’ effectiveness and accountability. This report shows that the majority of CSOs surveyed have high commitment to basic tenets of good governance in their organizations through statutes, regular reporting and financial auditing. The research also indicates that many CSOs are eager to engage in the NGO GPP Voluntary Certification System, which Cambodia’s civil society sector has developed to improve standards and accountability.

The following chart shows the progress of the CSO sector towards these key facets of good governance, demonstrating both high commitment and room for further progress.



CSOs are keen to maximize their contributions to development, as called for in the Accra Agenda for Action, and their commitment is clearly evident in the agreement of the Istanbul Principles for CSO Development Effectiveness in 2010 and the International Framework for CSO Development Effectiveness in 2011.

In striving to maximize CSOs' contributions to development in Cambodia, civil society will continue to pursue the establishment of an enabling environment that allows CSOs to maximize their contribution to social, economic and democratic development. CSOs will also continue to work for a respectful partnership of equals with the development partners, which can abide through the tensions, challenges and constructive, channeled conflict that will inevitably arise from their important and distinctive roles in development.

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Good Governance

Access to Information Law

1. Overview

The Cambodian Government views good governance as a core and essential component of rectangular strategy to achieve the development goal. Access to information is a crucial ingredient in achieving the key goal of good governance. It allows people to acquire Government held information and for the Government to operate with more transparency, accountability and fighting corruption. To promote transparency and accountability, an Access to Information Law is necessary for Cambodia. Such a law would help to encourage trust and confidence between the Government, private sector and civil society, especially Cambodian people. It would empower and encourage more people to engage with the political and development processes that contribute to sustainable development.

The Freedom of Information Working Group, which was formed in 2003 with 19 national and international organizations in cooperation with the Government, plays a particularly crucial role in addressing support for the Access to Information Law. The group has cooperated with the Ministry of National Assembly, Senate, Relations and Inspection (MONASRI) to produce the Access to Information Policy Framework which is fundamental to guide and support Government institutions as they draft the Access to Information Law to an international standard and has been working with the 11 political parties to integrate the access to information concept into their political platforms. While some progress has been observed in the development of the Policy Framework there have not been any steps forward towards its approval.

Non-Government Organizations appreciate the opportunity offered by the Cambodia Development Cooperation Forum to share their observations and concerns as outlined below.

2. Joint Monitoring Indicators

Target	Action needed	Responsible Government Institution	Relevant TWG
17. Combat Corruption	... Access to information policy framework/law was not indicated in Joint Monitoring Indicators for 3rd CDCF Meeting (02-03 June 2010) to be implemented and monitored in the period between the third and fourth meeting of the CDCF.

Monitored Progress on Actions Needed/Analysis of Performance

130----	NGO Comments on progress and If any shortfall, clear evidence or experiences from grassroots must be provided	Recommendation to the shortfalls or progress
17.	NGOs appreciate that the drafting of this valuable Access to Information Policy Framework was conducted in a participatory manner through consultation with various stakeholders. NGOs also	Cambodia, the Chair of the Association of Southeast Asian Nations (ASEAN), is continuing its work in implementing priorities set for 2012 under the theme of "One Community, One Destiny".

	<p>recognized that the Royal Government of Cambodia intends at some stage to approve this policy framework and law. However it is noted that, to date, this draft remains with MONASRI.</p> <p>There is an increasing willingness and action of some members of parliament to demand for access to information. A Law on Access to Information proposed by Members of Parliament (MP) from the Sam Rainsy opposition political party was submitted to the National Assembly in March 2012. Meanwhile, a model law on Access to Information was also drafted by a civil society group (Freedom of Information Working Group).</p> <p>It was also observed that there were positive indications from the government to promote transparency, which has partially contributed to the access to information campaign. For example: issuing the regulation on the establishment of the spokespersons and communication officers in sub-national government and regulation on disclosing all public services information.</p> <p>The Government, National Assembly and Senate to work with civil society organizations and UN agencies on raising public awareness and to and discuss the importance of having an access to information law, as well as conducting a legal review study of the 310 Cambodian laws and 188 sub-decrees to identify information disclosure and access to information provisions.</p>	<p>Although Cambodia is the chair of the ASEAN it has yet to follow the lead of other member countries in adopting an Access to Information Law.</p> <p>The UNDP has recognised that the adoption of an Access to Information Law will contribute to the success of Cambodia achieving its millennium development goals.</p> <p>MONASRI has prepared a draft policy on access to information. MONASRI should work with the Ministry of Interior and Anti-corruption Unit to find ways to prepare an access to information law with participation of civil society organizations.</p>
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**3. Key actions/strategies from the NSDP Update 2009-2013
(optional if issues not covered by the NSDP Update)**

Page *	Para **	NGO Comments on progress and If any shortfall, clear evidence must be provided	Recommendation to the shortfalls
103- 104-	303- 304	<p>NGOs acknowledged that the Government has intends to promote the freedom to seek and obtain information and to promote transparency, accountability and good governance. Based on the NSDP update 2009-2013:</p> <p>I. FIGHTING CORRUPTION</p> <p>A. Policy Priorities for the Fourth Legislature</p> <p>333. Fighting corruption will continue to be a high priority for the Royal Government of the Fourth Legislature....The development and adoption of all fundamental laws has been and will continue to be a high priority of the Royal Government.</p> <p>334. While work on the preparation of these laws is underway, the Royal Government will continue to pursue strict strategic measures to eliminate the root causes of corruption through the following interrelated actions:</p> <p>-Public support and participation: Public support and participation is sine qua non for effectively preventing, reducing and fighting corruption. For this, the Government will continue to further promote and protect the freedom to seek, to obtain and to disseminate information on corrupt cases in the media. However, this should be done in a credible and responsible manner by respecting the rights, honour and dignity of people involved while protecting national security and public order.</p> <p>Joint Monitoring Indicators for the 3rd CDCF Meeting (02-03 June 2010) to be implemented and monitored in the period between the third and fourth meeting of the CDCF, Joint Monitoring Indicator 17: Anti-Corruption was noted that there are no specific output indicators to confirm the delivery of this access to information policy/law.</p> <p>The access to information is still limited. The World Bank assessment report, February 2009¹ found that there was extremely limited access to detailed or breakdown information about revenues, budget and expenditure. NGOs satisfy the disclosure of reports of the National Audit Authority. However, it was not updated publicised (the 2006 audit report published</p>	<p>Recommendations to the Government</p> <ul style="list-style-type: none"> ▪ NGOs would like to strongly request the law on access to information for this fourth legislature with specific and clear output indicators and timeframe of its output delivery. ▪ The Royal Government of Cambodia regularly increases publishing and makes publicly accessible the accurate information about Cambodia's policies, financial information, and other information that gives an indication of their importance/relevance to the Cambodian people. ▪ The Royal Government of Cambodia with inclusion of the NGO working Group is convened to formulate strategies, procedures and mechanisms to enable effective implementation of the Access to Information Law once it is enacted. ▪ Civil Society Organisations would like to strongly request a law on access to information for this fourth legislature which was committed by The Cambodian People's Party political platform in 2008.⁵ <p>Recommendations to the donors</p> <ul style="list-style-type: none"> ▪ Allocate resources to promote people's awareness of their right to

¹ Linking Citizens and States: An Assessment of Civil Society Contributions to Good Governance in Cambodia', World Bank, February 2009, page 21.

	<p>in 2009). Through the Access to Information workshops and forums² conducted by the Freedom of Information Working Group in 2009 also found that people wanted to know information (about the policies or sub-decrees, commune development plan, budget and expenditure, etc that related to and protect to their livelihood) but they could not access to them. The participants also expressed their concerns not having access to those information provided negative effect/impact to their livelihood such as losing assets, making wrong decision, poor health, lacking of knowledge and understanding, etc. and losing the trust, confidence and good linkage between citizens and the Government. The Ministry of Planning and UNDP report 2007 states: '... important is the need for much greater transparency, equal access to relevant information and genuine participation by rural people and communities in land related decisions that affect their livelihood, security and well-being'³. An Access to Information Survey was conducted by the Advocacy and Policy Institute with 737 respondents in 35 villages in four provinces in November 2011. It was found that 46% of community members had asked for information from their village or commune level, with the majority receiving everything they asked for although over 30% were not completely satisfied. It was noted that poorer members of the community found it harder to access information⁴. Without the Access to Information law, it is difficult for citizens participate in development process with sustainability.</p>	<p>access to public information and the need for a law in Cambodia to endorse this in order to broaden transparency and accountability.</p> <ul style="list-style-type: none"> ▪ Encourage their partners to focus and integrate access to public information concepts/ principles into their projects/programmes as a cross-cutting issue.
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* Page refers to the page number in the NSDP Update 2009-2013

** Para refers to the paragraph number in the NSDP Update 2009-2013

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² The Freedom of Information Working Group organised forums and workshops on Access to Information in nine provinces (2008-2009) participating by 910 people (220 women) representing local government, NGOs, private sectors, students, community identified the similar Access to Information issues between 2008 & 2009.

³ 'Expanding Choices for Rural People: Cambodia Human Development Report 2007', The Ministry of Planning and UNDP Cambodia, 2007. p. 6

⁴ Access to Information Baseline Survey, Advocacy and Policy Institute, November 2011, page 7

⁵ Letter number 104 from the Cabinet of The Cambodian People's Party to Advocacy and Policy Institute, dated 27 May, 2008

Decentralization and De-concentration

1. Overview

History bears evidence that any development process requires large-scale urbanization and deployment of people in non-farm activities. Consolidation of agricultural land and mechanization accompany this process, in turn, which helps raise land and labor productivity. Such a process also facilitates targeting social services at the populace. In its next stages, the Decentralization and De-concentration (D&D) program should encourage growth of small towns and provincial cities.

A D&D reform program has also been launched, with Commune Councils now receiving a larger say in the development process, as there is a statutory transfer of resources for the implementation of plans at this level. The Government's policy of decentralization and de-concentration was set out in the Strategic Framework for Decentralization and De-concentration Reforms (2005); and, the Rectangular Strategy focuses on D&D reform, which aims to strengthen and expand local democracy and promote local development to reduce poverty⁶. The National Program for Sub-national Democratic Development 2010-2019, along with the Three-Year Implementation Plan (IP3), takes the process further. Legislation includes the Law on Administration and Management of Communes and Sangkats (2002) and the Law on the Administrative Management of the Capital, Provinces, Districts, Municipalities and Khans (2008) (the "Organic Law"). Commune Councils were first elected in 2002, and District Councils were established in 2010. Both councils, as well as appointed local-level officials, generally do not have the appropriate skills, competencies and resources to deliver public services or respond to communities' needs. Issues then arise in cultivating good public relations and supporting the access to, and disclosure of, public information for improved transparency, accountability and civic engagement.

Joint Monitoring Indicator 18: Decentralization and De-concentration

Immediate outcome	Outputs	Output Indicator	Activity	Coordinating Institution	Implementing Institution
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	1. By end of 2011, the personnel in the Sala Reach Theany, Salakhet, Salakrong, Salasrok and Salakhan (about 10,000 personels) and in the 04 ExCom Units have	1. Develop and implement the 3 year-detailed-implementation program; 2. Study, exposure and integrate the structures and systems of the ExCom into the structures and systems of the sub-national administrations;	RGC TWG on D&D	RGC and DPs

⁶ The National Strategic Development Plan Update, p.16.

		<p>been integrated into the new structures with adequate capacity to perform the given functions based on laws and other regulations</p> <p>2. The increase of the Sub-National Budget in 2011 (from RGC budget and DP budgets)</p>	<p>3. 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;</p> <p>4. Develop mechanisms to integrate and strengthen the capacity of Mol's departments, ministries and other institutions;</p> <p>5. Formulate key legal instruments to support the sub-national administrative reform in accordance with the Organic Law;</p> <p>6. Law on Sub-National Financial Regime and Property Management passed</p>		
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2. Monitored Progress on Actions Needed/Analysis of performance

The Working Group for Partnership in Decentralization (WGPD) acts as a civil society coalition to promote decentralization in Cambodia, with particular attention to democratic development. The WGPD is a non-profit, non-partisan coalition of international and local Cambodian organizations and individuals committed to enhance democratic development in Cambodia, since its establishment in 2003. Its vision is a Cambodian society where all people have genuine engagement in democratic development, and equal access to quality and responsive public services, by promoting a collective voice and meaningful engagement between civil society and the government, at all levels, to strengthen democratic development.

Non-governmental organizations appreciate the opportunity offered by the Cambodia Development Cooperation Forum to share their observations and concerns as outlined below.

Monitored Progress on Actions Needed/Analysis of performance

Actions Needed	NGO Comments on progress and if any clear evidence or experiences from grassroots must be provided	Recommendation to the shortfalls or progress
<p>JMI 18: Decentralization and De-concentration</p>	<p>NGOs appreciated and recognized that the Royal Government of Cambodia has made significant positive progress on D&D as follows:</p> <ol style="list-style-type: none"> 1. Develop and implement the detailed 3-year implementation program; <p>Progress and achievements of the first 3-year implementation plan (IP3, 2011-2013):</p> <p>The IP3 was successful and completed most of its key pre-requisites for smooth program implementation. The IP3 program document was finalized with six sub-programs, as follows:</p> <ol style="list-style-type: none"> 1. Policy development and program coordination: NCDD Secretariat to implement 2. Institutional and human capacity building for SNA: Ministry of Interior to implement 3. Management of SNA human resources: State Secretariat for Civil Service to implement 4. SNA resources: MEF to implement 5. SNA planning and investment programming systems: MOP to implement 6. Improving capacity of association councils: National League of Commune/Sangkat Councils to implement <p>These 6 sub-programs have been recently finalized and implemented, but particular key</p>	<ol style="list-style-type: none"> 1. Ensure a clear set of inclusive mechanisms, with participation in full capacity from various development actors at national and sub-national levels. This includes improvement of D&D TWG functions, establishing Sub-Technical Working Group/Committee for six sub-programs of IP3 and for each province. 2. There should be more accessibility to MoUs, laws and regulations for the effective management and implementation of the D&D program and the Law on Administrative Management of the Capital, Provinces, Municipalities, Districts and Khans. 3. Capacity development projects should be developed and implemented in partnership between government and expert NGOs. This includes funding for capacity development, which should be allocated in an appropriate proportion to non-state actors. Training

	<p>development actors, such as civil society organizations and the private sector, were not fully included in the structure/mechanism for effective implementation of these sub programs. There is a D&D Technical Working Group at the national level, responsible for coordinating technical issues related to D&D, but there seems to be no clear mechanism to coordinate between sub-national and national levels.</p> <p>MoU between NCDD and concerned Ministries-- Ministry of Economy and Finance (MEF), Ministry of Information (MoInfo), Ministry of Planning (MoP), State Secretariat for Civil Society (SSCS), National League of Communes/Sangkats (NLC/S)—and 24 Provinces/Capital signed. However, most of the MoUs were not available to the public, indicating that citizens would not be able to participate in ensuring signed MoUs were being fully and effectively implemented.</p> <p>Many key activities targeted for the Provinces/Capital have been implemented, but SNAs still await the development of District Municipality Krong (MDK) operational systems and procedures. Provinces are implementing commune development (CD) and support activities using operational funds and maintaining support to Commune/Sangkat (CS) Councils for planning and implementation of the CS Fund.</p> <p>The RGC, through NCDD, has been investing \$80-90 million per year, across approximately 4,000 small-scale projects, since 2009. Some 34 percent of the 14,000 villages and 4,279,468 persons have benefitted from this. The projects undertaken are: red gravel-paved roads, bridges, irrigation projects, clean water and hygiene systems, schools, and health centers. Additionally, authorities have taken the necessary steps to help farmers with raising livestock, small-scale job creation, enhancing gender awareness, and educational training to improve living standards.</p> <p>2. Study, exposure and integrate the structures and systems of the ExCom into the structures and systems of the sub-national administrations;</p> <p>3. 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 the Capital, Provinces, Municipalities, District and Khan, with</p>	<p>contents should include both hard and soft skills and each course should allow to non-governmental members to participate. Ongoing mentoring and coaching must be provided to trainees. Continued reinforcement on the implementation of the Law on Administrative Management of the Capital, Provinces, Municipalities, Districts and Khans should be undertaken, and consultation with development actors and the public should be progressively increased concerning the drafting and implementation processes of laws and regulations.</p> <p>4. A clear set of guidelines and mechanisms to reinforce and implement the law should be developed and disseminated with meaningful engagement with development actors.</p>
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	<p>appropriate capacity development;</p> <p>Some 7,035 public officials working in decentralized administrations have been trained on how to develop the 3-Year Rolling Investment Plan. The Capital and all provinces have now completed their decentralized development plans, and have obtained the approval of MOI. Next, IP3advisors and staff were recruited for implementing ministries and SNAs. Third, the annual work plan and budget for 2011 was drawn up.</p> <p>Most training courses were only provided to government officials, and facilitated by government experts/appointed consultants, without engaging specialized NGOs. Also, most topics focused on hard skills, such as planning and the 3-year Rolling Investment Plan. To compliment this effort, soft skills, such as interpersonal communication, behavioral change, leadership training, resource mobilization, concepts of sustainable development, and facilitation skills should be provided to officials.</p> <p>4. Develop mechanisms to integrate and strengthen the capacity of MoI's departments, ministries and other institutions;</p> <p>Ten-year National Program on Sub-National Democratic Development:</p> <p>A National Program on Sub-National Democratic Development (NP-SNDD) was approved by the Council of Ministers in May 2010, and in August 2010 the NP-SNDD was officially launched. The NP-SNDD will be implemented in three phases, between 2009 and 2019.</p> <p>Improving the capacity of the Association of Councils, implemented by the NLC/S. Institutional and human capacity building for SNAs is to be led by MoI. Management of SNA human resources is to be led by SSCS.</p> <p>5. Formulate key legal instruments to support SNA reform, in accordance with the Organic Law;</p> <p>NCDD has drafted several laws, decrees, sub-decrees and other regulations, focusing on varied institutional arrangements, to ensure SNAs fulfill their mandates, as stated in the Organic Law.</p>	
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	<p>CSOs observed that certain committees in some provinces, such as the Technical Coordination Committee, Women's and Children's Consultative Committees (WCCC), and Procurement Committees were not fully functioning. Key development actors were still excluded from the process of drafting laws and regulations, although their inclusion was expected for the purpose of sharing their inputs and comments.</p> <p>6. Law on Sub-National Financial Regime and Property Management passed in consultation with MEF, and the NCDD has also drafted the Law on Financial Regime and Management of Sub-National Administration Property, which the National Assembly has now approved.</p> <p>CSOs viewed that it might be problematic if there are no clear implementation guidelines and mechanisms to reinforce the law.</p>	
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3. Key actions / strategies from the NSDP Update 2009-2013 (optional if issues not covered by the NSDP Update)

Session	Message
347 and 348	<p>DECENTRALISATION AND DE-CONCENTRATION REFORM</p> <p>347. The Royal Government will further pursue the Decentralization and De-concentration policy by developing legal and regulatory framework and laying out new measures to ensure effective implementation of the "Organic Law on the Administrative Management of the Capital, Provinces, Municipalities, Districts and Khans", especially the development and implementation of the legal and regulatory framework related to the transfer of power from the national to sub-national administrations by clearly identifying roles, authority, power, and accountability. This law will be carefully implemented in phases. Each ministry and agency will prepare concrete Action Plans for the delegation of power and functions to the sub national levels. Decentralized financial management will also be implemented in a phased and flexible manner over the medium term to allow for the capacity building at the sub-national levels. The National Committee on Sub-National Democratic Development is preparing a 10-year National Implementation Programme.</p> <p>348. To implement RGC's priority policies for D&D reforms and to enforce the Law on Administrative Management at sub-national levels, the National Committee for Sub-National Democratic Development (NCDD) is now developing a ten-year implementation programme called the Programme for Sub-National Democratic Development. The programme will consist of three phases:</p> <ul style="list-style-type: none"> • The first phase of three year period, 2010 to 2012, will focus on the establishment and institutionalization of structures and good governance framework at national and sub-national levels. • The second phase of also three year period, 2013 to 2015, will focus on consolidating and improving those structures and framework in order to guarantee that the sub-national administrations have the ability to lay out and implement the policies for their

	<p>respective localities to improve the public service deliveries.</p> <ul style="list-style-type: none"> • The third phase of four-year period, 2016 to 2019, will focus on the alteration of the components and activities of the programme in order to ensure greater success and further enhance the democratic development through lessons learnt and experiences drawn from the first and second phases
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Page*	Para* *	NGO Comments on progress and if any shortfall, clear evidence must be provided	Recommendation to the shortfalls
23	3.20; 3.21; 3.22; 3.23; 3.24	<p>NGOs acknowledged that the Government intends to promote (D&D), and there has been progress in D&D reforms.</p> <p>NCDD has drafted several laws, decrees, sub-decrees and other regulations. A National Program on Sub-National Democratic Development (NP-SNDD) was approved by the Council of Ministers. IP3 of the NP-SNDD has been made. Some government officials working in decentralized administrations have been trained. The RGC, through NCDD, has been investing millions dollars per year for thousand small-scale projects. Millions persons have benefitted on economic and social development.</p>	<ol style="list-style-type: none"> 1. Develop a capacity building project in partnership between government and expert NGOs to strengthen capacities of the newly established councils and officials at the national and sub-national levels, especially in understanding their mandates and responsibilities, leadership and decision-making, understanding of the D&D policy and their participation in the decision-making process. 2. Establish clear engagement mechanisms linking government/D&D, development partners, civil society, and non-governmental organizations (NGOs) at the national and sub-national level in all provinces and the capital. 3. More transparent and increased public consultations on the development of relevant D&D regulations, including laws, decrees, sub-decrees and guidelines that support the implementation of the Law on Administrative Management of the Capital, Provinces, Municipalities, Districts and Khans. 4. Balance capacity development to not only sub-national government stakeholders but also relevant sub-national civil society groups, to promote true and genuine engagement, leading to "learning from doing" by NGOs/CSOs in the D&D reform process, and the implementation of the NP-SNDD/IP3 activities. 5. Open for constructive engagement of civil society organizations at the policy level, in the implementation of each of the six program areas of the NP-SNDD/IP3 to increase

			relevant sector ministries' responsiveness, ownership and program accountability to sub-national stakeholders and citizens.
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* Page refers to the page number in the NSDP Update 2009-2013

** Para refers to the paragraph number in the NSDP Update 2009-2013

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Management of Revenues from Oil, Gas and Mining

1. Introduction

The Cambodians for Resource Revenue Transparency (CRRT) coalition consists of seven non-governmental organizations: Advocacy and Policy Institute (API), Development Partnership in Action (DPA), the NGO Forum on Cambodia, Non-Timber Forest Products (NTFP), Star Kampuchea, Cambodian Center for Independent Media (CCIM) and Youth Resource Development Program (YRDP), and 800 individual and organization-supported members.

CRRT is committed to constructively engaging with the Royal Government of Cambodia (RGC) to help ensure revenues from oil, gas, and mining are transparently managed in a way that is understood by the general public. With support from the NGO Forum on Cambodia, CRRT monitors *objective 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"* in the Public Financial Management Reform Program (PFMRP) Stage II, which is also highlighted in Joint Monitoring Indicator (JMI) 19 on Public Finance Management. Contact details of the CRRT Secretariat can be found below, as well as its website and email address, where, if interested, individuals may sign up for a subscription to its bi-monthly newsletter.

2. Joint Monitoring Indicators

The relevant Joint Monitoring Indicator (JMI) for resource revenue transparency, which CRRT monitors, is JMI 19 on Public Financial Management.

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

2.1 Development of Extractive Industry Revenue Management Framework

CRRT would like to applaud the RGC for its constant effort and commitment in improving revenue policy and administration, in general, and managing the EI sector transparently and effectively, in particular. In that, CRRT noticed significant progress in developing a regulatory framework governing extractive industry (EI) in Cambodia, especially in the implementation of the Public Financial Management Reform Program (PFMRP) Stage II. According to the 2011 annual PFMRP progress report⁷, the Draft Law on the Amendment of Law on Taxation (Draft Law on Taxation on Oil Operation) was submitted to the Council of Ministers for approval, while the Prakas on Tax Collection of Oil Operation and Draft Law on Taxation on Mining Operation are being drafted. The report also highlighted the inter-ministerial technical working group's continued discussion on revenue mobilization from the oil and gas sector. Moreover, budget classifications (economic classification) and common charts of account have been reviewed, preparing for the introduction of the Financial Management Information System (FMIS) and recording all donor projects into one national financial report.

Moreover, the RGC's openness on issues related to EI has been recently noted in practice. This included the presence of an official from the Ministry of Industry, Mines and Energy (MIME) who provided an update on mining operations, which spurred dialogue at a "Workshop on Transparency in Extractive Industry Revenue Management", which was organized by the NGO Forum on Cambodia, in cooperation with CRRT, on 19 January 2012. This openness is further seen when MIME provided responses to requests from the NGO Forum for clarification on MIME's roles in the management of the mining sector and some legal documents related to the mining sector, together with a brief annual report for 2011 and an action plan for 2012 for the General Department of Mineral Resources.

2.2 Observed Shortfalls Needed Further Improvement

The progress mentioned above clearly reflects the RGC's high commitment to paragraph 371 of the National Strategic Development Plan (NSDP) Update 2009-2013, which states, "the Royal Government is committed to efficient, transparent, and accountable management of the revenues from mineral, oil and gas exploitation." However, CRRT has, at the same time, observed some shortfalls in the implementation of PFMRP and in the management of revenues from EI itself. CRRT would like to call for more attention and further actions from the RGC to improve the transparent management of these public resources.

Lack of Public Consultation on Key Draft Laws and Regulations on EI Revenue Management

The important role of CSO/NGOs in promoting transparency has been noted in the work plan of the Inter-Ministerial Technical Working Group for the mobilization and management of revenues from oil, gas and mineral resources, as well as by the Cambodian National Petroleum Authority's (CNPA) recognition of the CRRT coalition through its inclusion of the CRRT homepage on its website. However, as observed, there has not been public consultation or engagement with CSO/NGOs, by the RGC, on important EI-related draft legal documents, despite consistent requests made by CSO/NGOs. These laws and

⁷ The progress of the implementation of the PFMRP is officially presented to Development Partners, line ministries and limited number of civil society organizations at the meetings of the Technical Working Group on PFM (of which the NGO Forum on Cambodia is a member) and in its annual, bi-annual and quarterly progress reports which are available at the Program's homepage at <http://www.pfm.gov.kh>.

regulations will create a standing framework on the manner in which licenses and concessions will be granted, including how, where and under what circumstances revenues will be paid to and reported by the RGC, and a host of other economic and social issues that will affect Cambodia for years to come. The release of the draft laws and regulations for public consultation will provide space for NGOs and the public to contribute to the development process of this sector, and thus, further improve transparency in the revenue management of these public resources. More importantly, such an action will signal the RGC's genuine commitment stated in paragraph 387 of the NSDP Update 2009-2013, which states *"the Royal Government considers civil society organizations (CSOs) as an important development partner in the national development processes. The Royal Government will continue to encourage civil society organizations that have been legally established and operate based on good governance principles to engage in the process of socio-economic development of the country, and in the promotion of democracy and human rights and encourage their responsible participation in monitoring the implementation of national development strategies and policies."* Furthermore, paragraph 389 also emphasizes, *"the Royal Government appreciates the active participation in the national development processes of civil society organizations that are genuinely willing to contribute in both financial and operational resources. The government considers the resources and expertise brought in by CSOs as an important input in the policy processes to reach the desirable development results. The Royal Government will continue to ensure rigorous participation of CSOs in the dialogue mechanisms."*

Improving Transparency in EI Revenue Management through the Adoption and Implementation of EITI Principles

Activity	Key Performance Indicator	Key Targets		
		2009	2010	2011
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, CAP2, Progress Summary Matrix

According to the 2009 progress report on the implementation of the PFMRP, the Inter-Ministerial Technical Working Group to mobilize and manage revenue from oil, gas and other mineral resources is in charge of studying and implementing the Extractive Industry Transparency Initiative (EITI) principles. However, no further progress has been reported in 2010 and 2011 on the adoption and implementation of EITI principles, against the targets set in the PFMRP's Consolidated Action Plan for Stage 2 (CAP2). Although continuous effort of the working group was later mentioned in the 2011 progress report, there is no detailed

activity highlighted as a course of actions. Without this, citizens will not be informed on the RGC's efforts toward realizing its commitment to transparency and accountability in the management of these revenues, as stated in the NSDP Update. Therefore, NGOs would like to know what progress has been made relating to the endorsement and implementation of EITI principles, and hope the PFM Secretariat and Inter-Ministerial Technical Working Group would include an update on this process in the next PFMRP progress report. With this, the public would be aware of the progress and challenges the RGC has been facing in the endorsement of EITI principles.

Limited Public Availability of Information on EI Revenue Management

In addition to the lack of progress updates on the RGC's adoption of EITI principles, publicly available information related to EI revenue management is very limited, and based on two surveys alone. The first was conducted in late 2010 by the Economic Institute of Cambodia (EIC), in cooperation with CRRT. For this survey, 548 SME owners/representatives in 16 provinces (mostly with more than 200 SMEs) were interviewed across Cambodia. The findings showed that surveyed SMEs are not familiar with the term "extractive industries", but between 20 percent-60 percent of them have heard about crude oil, natural gas and/or the mining industries. Nearly all of them were not aware of the current development (exploration and extraction) of these resources. Moreover, approximately half of the respondents did not know whether the government had received revenue from EI; among those who believed the government had received revenue, or would do so in the future, did not know the exact amount based on news received from TV, radio, newspapers and word-of-mouth communication (which has not been officially confirmed). Information on the names and activities of organizations/ institutes/companies working on EI were also not clear to respondents. The most appealing information to surveyed SMEs includes those related to exploration and production and the benefits it may produce, which also includes information on potential revenue.

Another survey was conducted in September-October 2011 by the NGO Forum on Cambodia, with 377 students representing seven private universities in Phnom Penh. Seven public universities were also randomly selected, comprising a potential group of 14 public and private universities; however, the public universities did not allow the survey to be conducted on their campuses. The survey assessed the amount of information students received and looked for, and their perspectives on future EI revenue management. The main findings confirmed that 92 percent were aware of EI development; however, 14 percent, 33 percent and 48 percent rated their level of awareness (or, amount of information they have received), respectively, as very minimal, minimal, and average. About 43 percent of respondents think the RGC has received revenue from EI, while 17 percent think the RGC has not, and the remaining 40 percent did not know. On average, less than half of respondents did not know about licensing processes, companies granted with licenses, and the existing laws and regulations the RGC is developing to manage EI revenue. Nearly 95 percent of respondents support that the RGC should hold public consultations on EI draft laws and regulations. The findings also show approximately 60 percent of respondents rated the RGC's ability in efficiently and transparently collecting and using EI revenue at an average or below average level, while around 10 percent to 20 percent perceived it as high; less than 3 percent rated this ability as very high.

Given the findings of these two surveys, the knowledge of the most active population, on EI development, is still low, while information on EI revenue is even less known. This current level of information does not inform the public on the efforts and progress the RGC has been making, and may probably lead to the public's misunderstanding on the RGC's high commitment in managing the sector efficiently and transparently, as perceived in the

abovementioned survey. Moreover, limited public information on EI also constrains the public from participating and ensuring transparency in the management of this public resource.

In addition to limited public knowledge on EI development and revenue management, it is also noted that information on EI revenue, specifically oil and gas, is only publicly available via an aggregate line recorded in the *Tableau des Opérations Financières de l'État* (TOFE) as, "revenue from extractive industry", showing a blank figure since June 2011. While this blank EI revenue line was removed from the TOFE for August and November 2011 which is available on MEF's website, TOFE is also presented as part of the MEF's Monthly Bulletin of Statistics, which is available in a timelier manner upon purchase. For the TOFE in the Monthly Bulletin of Statistics, the EI revenue line was still kept although there is no reported revenue. According to confirmation from officials at the Department of Policy and Public Finance of the MEF, the EI revenue line in the published TOFE on the MEF's website was removed due to a lack of updated information on EI revenue from the Supreme National Economic Council (SNEC). The line will be shown when there is a reported revenue figure received from SNEC. CRRT would like to suggest the EI revenue line be kept and reported as 'Blank' or 'Zero' , rather than being removed altogether, even though there is no additional revenue on oil and gas. The uninformed removal of this line may render different interpretations from stakeholders interested in this issue.

In December 2009, officials of the Inter-Ministerial Technical Working Group provided a presentation to members of the National Assembly, a table showing different types of revenue streams with separate tables for mining and oil/gas revenue, and the table resembles that of an EITI reporting template. According to the Prakas 1448 on the Implementation of Economic Budget Classification (2007), the breakdown of revenues from turnover on land concessions and rentals show separate revenues from oil/gas concessions and mining concessions. Furthermore, revenues from mining concessions were detailed by mining operations, annual mining land rentals, and non-mining land rentals. Therefore, to realize the RGC's commitment to EI revenue management transparency, CRRT would like to encourage the RGC to provide further breakdown of EI revenues, as indicated in the budget classification, in the TOFE, as well as to improve the timeliness of the information on EI revenue reported in the TOFE, and the timeliness of the TOFE itself.

3. Key actions/Strategies from the NSDP Update 2009-2013

Section	Message
371	The Royal Government is committed to efficient, transparent, and accountable management of the revenues from mineral, oil and gas exploitation.
466	The Royal Government considers oil and gas resources as a unique potential to ensure energy security and as valuable resource for long term economic development of Cambodia. In this sense, the Royal Government will develop policy, legal and regulatory framework for the sector in order to ensure efficient management and resource utilization for economic development and improvement in livelihood of the Cambodian people.
472	To implement RGC's priority policies for the Fourth Legislature, the Cambodian National Petroleum Authority (CNPA) will focus on: <ul style="list-style-type: none"> - Making further efforts to get maximum revenues to the Royal Government through multi-layered revenues such as royalties, production sharing,

	<p>income taxes, etc, in order to increase the financial capacity of the government.</p> <ul style="list-style-type: none"> - Developing policy, law, regulations, and regulatory framework for petroleum sector in order to ensure efficient management and oil and gas utilization for long term economic development of Cambodia. - Paying close attention to and preparing plans for the appropriate use of gas that is associated gas which will be produced with the oil production which might otherwise go to waste by flaring. - Enhancing appropriate downstream activities for appropriate economic and commercial processing and use of the oil and gas resources of Cambodia so as to create value-adding opportunities. - Promoting human resource development and institutional strengthening to improve management efficiency of oil and gas resources for economic development and improvement in livelihoods of Cambodian people. - Managing and monitoring the implementation of petroleum agreements more efficiently. - Promoting research and development focusing on oil and gas issues.
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The RGC is committed to transparency, accountability and efficiency in the management of extractive resources, by developing key governing laws and regulations as outlined in the JMI and PFMRP. CRRT sees that the oil, gas, and mining sectors are not receiving sufficient attention in the NSDP Update 2009-2013. Although these revenues are being recognized as a valuable resource for long-term economic development, the NSDP Update does not elaborate on the management framework, systems and measures that will be put in place to ensure proper implementation and management of EI throughout its value chain, except the action points for CNPA.

As clearly pinpointed earlier, information disclosure is highly needed in a way that makes people aware of the development of this important sector, through constant efforts and progress made by the RGC's contribution to the transparency and accountability of EI revenue management. The MEF, CNPA and MIME have taken steps toward increasing public awareness by disclosing information on their websites. The MEF publishes EI revenue in the TOFE, which is posted on its website, but information is still in an aggregate form. However, the website of MIME and its General Department of Mining Resources (GDMR) has not been accessible, or functioning, in the past few months. For CNPA, its website has been upgraded with a pool of useful information on the development of the oil and gas sector, including block maps and seismic profiles, together with a link to the CRRT homepage. Most remarkably, companies awarded with Production Sharing Contracts (PSC) are listed by their names in each offshore and onshore block. Given this, CRRT appreciates CNPA and MEF for disclosing information on EI revenue and contracted companies. At the same time, CRRT would also like to appeal to CNPA and MEF to continue these practices and enrich the contents on the EI value chain (especially information on open blocks for bidding, bidding announcements, names of licensed/contracted companies, types of contracts, exploration/ extraction areas, types of resources, names of companies making payments, names of government agencies receiving payments, etc.) on their websites. CRRT would strongly call for MIME to make its website functional and post detailed information related to mining operations and exploration, as regular as possible.

4. Recommendations

While recognizing the RGC's remarkable progress and challenges in EI, CRRT would like to constructively call for the RGC's actions, especially MEF, MIME and CNPA, with support from its development partners, to consider addressing the abovementioned constraints and shortfalls by:

- Engaging public and civil society organizations in the process of drafting the Law on Petroleum, Law on Taxation on Oil Operation, Law on Taxation on Mining Operation, and other related regulations, through the release of these draft legal documents and providing sufficient time for public review and consultation;
- Adopting EITI membership and/or EITI principles as stated in the PFMRP;
- Improving the frequency and comprehensiveness of current EI revenue reported in the TOFE and other related information along the EI value chain (bidding, licensing, contracting, revenue management and expenditure for public goods and poverty reduction) in an accessible public domain, i.e. functional websites of the MEF, CNPA and MIME/GDMR; and
- Engaging more actively and widely in dialogue with, and responding to, the public and civil society organizations upon calls or demand for information concerning issues related to EI revenue management.

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Democracy, Legal and Judicial Reform

Election Reform and Democracy

1. Introduction

The Committee for Free and Fair Elections in Cambodia (COMFREL) aims to create a favorable climate for free and fair elections and meaningful post elections. COMFREL continues to advocate for reform and improvements by discussing a variety of issues in Cambodia, which impact the function of free and fair elections, democracy, democratic governance and citizen's participation.

Overall, Cambodia's civil society organizations and other stakeholders (political parties, commune councilors, members of the National Assembly and local election authority officials) have been positively affected by advocacy, campaigns, consultations and the Forum exercise, which have brought together a wide range of participants to consider ways to improve democracy and elections in Cambodia. The results were positive, both in terms of the amount of discussion by participants, and the amount and quality of recommendations given. Democracy was strengthened through this exercise, and will support more informed decision-making by public figures, which were encouraged to consider what is more or less democratic, and to consider a range of reforms that would improve Cambodia's electoral system.

COMFREL and other stakeholders continue to urge the Government to review key reforms in the electoral system and protect the democratic environment, and the right to participation for Cambodian citizens.

2. Joint Monitoring Indicators

There is no JMI on election.

3. Key Action/ Strategies from the NSDP Update

Section	Message
318	The Royal Government is strongly committed to achieve its prioritized goals in the Fourth Legislature of the National Assembly by ensuring: sustainability, peace, political stability, security and social order to promote rule of law and protect human rights and dignity and multi-party democracy.

Monitored progress on NSDP Update implementation

COMFREL finds that concluding results of previous elections are mentioned in part 2 of Chapter II in the NSDP Update; however, specific policy announcements for election reforms and democracy are not discussed in great detail in the NSDP Update 2009-2013. This creates difficulty for civil society organizations, like COMFREL, to reflect its observation on the links between policy announcements or commitments on the election process and its practice during 2010 and 2011. Therefore, the COMFREL monitoring report is mainly based on its own observations on election process and practice of multiparty democracy in Cambodia.

4. Important Issues Not Covered by the JMIs or the NSDP Update

COMFREL is using this statement to provide an assessment of Elections and Democracy issues based on field observation and as the perspective of an independent and non-partisan civil society organization in Cambodia. It is a summary of previous and recent reports on democracy, elections and reforms in Cambodia, conducted by COMFREL through 2010-2011.

Executive Summary of the Issues Observed on the Practice of Election and Democracy

In the past, different electoral stakeholders raised concerns regarding irregularities and technical difficulties in voter registration. There were claims that registration had not ensured the right to vote for all citizens and might have been biased in favor of the CPP⁸. The current annual voter registration system was hereby seen by many stakeholders, including the NEC, as an obstacle to overcome these problems⁹. Some have recommended that the voter registration exercise could be better facilitated with the obligatory use of national identity cards (IDs). In 2011, 92 percent of voters used IDs to identify themselves for 2011 voter registration. Not all have IDs though. Moreover, until June 2011, it was unclear if IDs that will expire before the upcoming elections can be used for the next elections. This led to suspicions that intentionally or unintentionally fraudulent forms of voter registration are still possible. Against this background, COMFREL has also focused on the annual voter registration exercise this year. COMFREL employed 47 observers to monitor the registration exercise and 231 observers to interview voters and audit the voter list.

COMFREL found, in 2011, that considerable efforts were taken by the RGC and NEC to improve voter registration, in order to overcome such problems. First, the RGC resolved the question of expiring IDs by adopting a Sub-Decree on 23 June 2011, which extends the validity of about four million IDs until the end of 2013. This allows eligible voters to use these IDs for upcoming elections. In addition, some other amendments of the electoral law and decisions of the RGC and NEC improved annual voter registration. This includes that the NEC and the Ministry of Interior (MoI) decided to replace the controversial voter identification document, 'Form 1018', with a new form, Identification Certification for Election (ICE)⁹. This form will be harder to tamper with than the old form. According to the NEC, 426,116 ICEs have been issued, thus far, for voters in 2011. Commune councils and the NEC were also able to control the procedure for issuing this form, as COMFREL Election Watch observed. This was not the case in 2008, when the NEC and Commune Councils were not able to provide the total number of issued 1018 forms, while COMFREL had found

⁸ After the 2008 parliamentary elections, COMFREL estimated that approximately 440,000 voters could not exercise their voting right because they could not find their name on the voter list, or could not find their polling station, though the estimated number might have been lower due to double entries. Another voter registration audit, conducted before the 2008 elections, by the Neutral and Impartial Committee for Free and Fair Elections in Cambodia (NICFEC), COMFREL, Center for Advanced Studies (CAS) and National Democratic Institute (NDI) revealed that more than 57,000 voters (0.7 percent) were incorrectly removed from the voter list. Also, the European Union Election Observation Mission to Cambodia (EUEOM Cambodia) concluded that for the 2008 elections that "there were a significant number of mistakenly disenfranchised voters". The difficulties with registration had raised suspicions among some political parties that the registration was systematically biased in favor of the CPP, though these allegations remained unproven.

⁹ National Democratic Institute (NDI): Electoral Reform in Cambodia – Program Consultation Report, August 2009. pp. 8 - 29

around 440,000 such forms¹⁰. COMFREL's recommendations regarding provisions concerning voter registration in newly established or delimited communes have been accepted by the NEC. It was agreed that old Commune Councils remain responsible for the preliminary voter registration, though voters who have been asked to live in new communes have not yet registered for elections again¹¹.

Additionally, an amendment to the Electoral Law, approved by the National Assembly on 11 May 2011, ensures now that especially younger voters, who have just become eligible to vote, have more time to register for the upcoming elections in 2012 and 2013. The whole voter registration exercise period, including the updating of the voter list has been increased from 90 to 120 days; the official registration time has been increased from 20 to 45 days and the complaint period extended from five to 10 days. Likewise, the number of eligible voters has increased considerably by 660,210 voters, between 2008 and 2011. In 2008, 8,543,283 eligible voters were registered; while in 2011, 9,203,493 eligible voters were registered, of whom 4,861,853 were female voters and 3.4 million were young voters between the ages of 18 and 30 years¹². This number exceeds NEC estimations of 8,894,219 eligible voters for 2011. These numbers generally indicate that voter registration has been conducted more successfully in recent years. However, some concerns remain about the accuracy of the total number of eligible voters, and the quality of the current voter list for the next elections, since NEC figures claim to have registered 104 percent of voters, while COMFREL found that only 94 percent of all eligible voters were actually registered. COMFREL's audit of the 2011 voter list found that 17.2 percent of registered voters had no data recorded on the 2011 voter list (their name could not be found or there was a complete change of name), again this is lower than the 18.5 percent on the 2008 voter list. However, this still amounts to some 1.5 million registered voters, some of whom are likely to lose their right to vote in the coming elections. (*See recommendation 5.1*)

Political parties other than the CPP continued to demand NEC reforms in 2011. The NEC and the subordinated provincial and communal election commissions are perceived to lack independency and impartiality because of CPP dominance in the state administration. In the past, the election commissions were composed of members of all political parties represented in the Parliament of the last legislature. But this formula was changed before parliamentary elections in 2003, in order to increase the impartiality of the election commissions after conflicts between political party representatives within the election commissions occurred in the course of the parliamentary elections in 1998. According to the amended Law on the Elections of National Assembly 2008 (LEMNA), the NEC should be an 'independent and neutral body' and election commissions on all levels should be 'neutral and impartial in the implementation of their duties'. But one provision of the LEMNA stipulates that electoral official's must temporarily resign from their party positions 'until the expiration of their mandates' and election officials must be recruited by the MoI, the Council of Ministers, and the National Assembly. Since these institutions were dominated by the CPP after parliamentary elections in 2008, these provisions have not decreased suspicions among political parties other than the CPP that electoral officials are not genuinely neutral and independent.

Even though, on a national level, proportionality has been tolerated despite the LEMNA provisions, this means that currently the NEC is composed of five CPP, two FUNCINPEC and two SRP members. On provincial, communal and local level, this proportionality has not yet been applied. Political parties other than the CPP, therefore, have recommended introducing proportionality on all other levels of the election administration in 2011. The

¹⁰ COMFREL: 2008 National Assembly Elections – Final Assessment and Report, Phnom Penh 2008, p.17

¹¹ COMFREL Election Watch (Preliminary Results 2011)

¹² NEC: Official Voters List Has Been Validated, Phnom Penh 3th January 2011, www.necelect.org.kh

recommendation was hereby facilitated by COMFREL. In the view of political parties other than the CPP, this reform would increase the confidence and transparency of the election administration for upcoming elections. COMFREL and other stakeholders have therefore pressured the discussion of this reform. But, thus far, reform proposals have not been taken into consideration. COMFREL believes this reform still raises doubts about the influence of other political parties in the elections commissions, since the present electoral law stipulates that NEC decisions can only be made with a simple majority and initiatives need at least three NEC members. This means that political parties other than the CPP still would not have enough members to influence the NEC decision-making process, as they lack a majority in the commissions. This reform definitely would increase the transparency of the electoral process and would allow political parties other than the CPP to initiate reform proposals within the election commissions, on all levels. (*See recommendation 5.2*)

Regarding the present number of National Assembly seats, COMFREL and other stakeholders, including the previous EUEOM Cambodia in 2008, had recommended an increase in the number of seats for the next parliamentary elections. According to COMFREL and EUEOM, the number of eligible voters in four of the 24 constituencies, namely Battambang, Siem Reap, Sihanouk Ville and Kandal, has significantly increased, which requires that seats are added, in order to comply with the international principle of 'universal and equal suffrage', as stipulated in Article 21 of the Universal Declaration of Human Rights. The EUEOM concluded in its 2008 election report that 'according to statistics provided by the National Institute of Statistics the number of citizens per province would require some modifications as there are significant variations among the constituencies in the size of population per seat. In some cases such variations do not comply with the principle of equal suffrage contained in the Universal Declaration of Human Rights, Article 21'. However, in November, the Council of Ministers decided to keep the present seat numbers. The RGC justified that the decision was due to financial constraints caused by the global financial crisis and the 2011 flood crisis. However, COMFREL estimates that costs for 127 additional seats would only increase national expenditures by 0.12 percent.

Another widely perceived problem of the current electoral system among national and international stakeholders is the current electoral legal framework. The law is considered to be too complex, and lack clear complaint procedures and proper enforcement mechanisms. However, no reforms have been initiated or announced by the NEC to simplify the electoral legal framework. Currently, there are eight different complaint procedures in place. Moreover, different institutions share responsibility in enforcing the electoral law, including the NEC itself, and the constitutional court and criminal courts. COMFREL recommended a number of reforms in its 2008 election report, regarding the legal framework, in order to enhance confidence in the work of election commissions. Similarly, the EUEOM Cambodia stated in its electoral report: 'Overall, the legal framework remains fragmented, and the wide variety of norms of different levels and nature (including regulations, directives, reminder directives, manuals, guidelines, decisions and instructions developed by the NEC and relevant ministries) sometimes creates confusion as to which rule should prevail. The law does not set a clear hierarchy of norms. The lack of consolidation of the regulatory framework makes it difficult for any stakeholder to have access to the rules and to have a clear understanding of them. (*See recommendation 5.3*)

Voter registration in 2011 for the commune/sangkat council election in 2012 is closed. The commune and sangkat election committee and clerks have fulfilled their duties registering 192% (915178 voters) of the estimated eligible voters. The additional 92% registered is far beyond the expected number of 476037 voters and is obviously in error. Additionally, this does not include eligible voters who have not registered yet. There are large areas where people have been severely affected by recent flooding, along with land evictions, and

individuals who lack the required documents to register. This raises serious concerns over the quality of the voter list.

During the first stage of voter education, NGOs and political parties in some communes and sangkats were being observed by local authorities and occasionally by the military police. Local authorities and the military police were uncooperative in ensuring the security of some political parties who were present to educate citizens about voter lists revision and voter registration¹³. COMFREL observed that 30% of population in the communes and sangkats observed by COMFREL were not informed about the voter registration process in their villages. Remarkably, according to the guidance of NEC, clerks should announce the fixed schedule and date of voter lists revision and voter registration in communes and sangkats. Plus, it should fully inform the public of how many days the processes of voter list revision and voter registration is to be conducted in villages, communes and sangkats.

The reasons that the public had not heard information regarding the process of voter list revision and the voter registration in their villages was because either: no information (not publicly informed), they were not interested, were too busy or feared discrimination on their political allegiances. (See *recommendation 5.4*)

Based on the Cambodian legal provisions existed, though partly ambiguous provisions COMFREL has conducted a systematic observation and political parties comply with existing laws. The observation was conducted between 1st September 2011 and 15th January 2012. COMFREL applied three observation methodologies. The first methodology used, were direct observations by the nation-wide COMFREL observation network, which means that observers had to be present at the place and witness any irregularity themselves. However, because of resource constraints a systematic, nation-wide direct observation could not be conducted this time.

Likewise is the public media sector dominated by CPP. State-run media in particular TVK and state radio AM 918 broadcast in favor of CPP whereas other political parties continue to lack equitable media coverage in public broadcasters. Although best practice suggests equity for all political parties, neither the Ministry of Information nor the National Election Committee have yet taken steps to ensure that the requirement of equitable access to state broadcasters during NEC's election calendar, but also election free periods are met for all political parties concerned. CPP continues to enjoy stronger media coverage for its activities including broadcasts about its party meetings, campaigns and party gift-giving ceremonies. COMFREL has observed these activities on national television and radio, whereby also state resources including both materials and human resources were used for the benefit of CPP. Broadcasts about party gift-giving ceremonies covered by TVK and state radio AM 918 are also proven cases for professional breach by state officials as observed by COMFREL. For example TVK broadcasted a CPP gift-giving ceremony in which the governor of Bakan District was involved. On radio AM 918 COMFREL observed reports on meetings between the governor of Bakong District and a CPP Central Committee member. One media report covered involvement of military personnel in gifts distribution for the CPP youth wing in Kampot province¹⁴. (See *recommendation on 5.5*)

¹³ Survey Report on Voter List, Voters Registration and Audit for Voters List 2011, COMFREL, March 2012, p. 8

¹⁴ Report on Misuse of State Resource for Political Party Purposes, COMFREL, May 2012.

5. Recommendations

5.1. Voter List and Voter Registration

OPTION 1: A new registration system

Procedures shall be changed to simplify voter registration and ensure improved accuracy of the voter list.

The new system would make voter registration permanent (i.e. those who are 18 years old or those who move their place of residence can register to vote during all working hours). The government shall amend the regulations on issuing ID cards, allowing permanent lifetime use. Citizens, for practical reasons, would be encouraged to update their ID photo after a 20-year period has elapsed.

The MoI, in cooperation with experts and donors, are making efforts to support a project for producing ID bio-databases, while each citizen has one permanent ID card.

The voter list shall be integrated with ID bio databases and ID card number for each citizen. The NEC shall use the database of the ID card to produce the vote list.

OPTION 2: Improvements to the current system

The system in use would remain; however, there must be important improvements in the updating of the voter list, the distribution of the VIN, and the issuing of ID cards and the Identification Certificate for Election (ICE).

A. Updating Voter lists

In order to improve the quality of the voter list, the updating of the voter list should be conducted by the NEC, in cooperation with Commune Councils. Before updating or deleting any voter from the voter list, the Commune Council must obtain and present supporting documents. Every five years to coincide with the elections, the NEC—in cooperation with Commune Chiefs, Commune Councilors (two councilors from different political parties), clerks and other local authorities—must be responsible for managing a special updating of the voter list, undertaken specifically for the election year. The NEC should appoint its own staff members as supervisors responsible for commune-level voter registration and voter list updating, with Commune Council members and Commune Clerks acting as assistants to the NEC supervisor.

The NEC should use the last election's voter list to identify those who did not vote in the last election. The NEC can then concentrate on those who did not vote in the last election to ensure their participation in future elections.

B. Integration of ID card number

ID card number should be added to the voter list, making it easier for voters to find their names, in the case of other data being recorded incorrectly (i.e. name, year of birth, gender and address).

The voter list can be cross-verified (using name, date of birth, gender) with the ID card number. ID card numbers can replace the voter registration ID as the record's unique identifier. A new column should be created for recording additional remarks on the voter list.

C. The Voter Information Notice—VIN

The Voter Information Notice (VIN) shall be issued and disseminated to all registered voters, with an emphasis on those voters whose polling stations or location names have been changed during the update to the NEC's vote list. The NEC shall disclose clear information on polling station locations. If the VIN is omitted, the voter list shall be posted in each village. The distribution of the VIN should be carried out by the NEC, in cooperation with Commune Chiefs, Commune Councilors (two councilors from different political parties), clerks, Election Monitoring Organizations (EMOs) and contesting political parties, who have indicated a desire to perform such tasks, to ensure 100 percent of registered voters receive the VIN.

D. ID Card and Identification Certificate for Election (ICE)

The NEC shall publicly and frequently announce its guidelines immediately, giving permission to use an expired Cambodian ID card as an identity document on Election Day.

Commune Chiefs shall be instructed to be transparent in the issuing and recording of ICEs. All election stakeholders, EMOs and contesting political parties are able to freely monitor, verify and audit the issuing of the ICEs.

E. Voter Registration

Commune Councils and the NEC should strengthen the enforcement of voter registration procedures and ensure that eligible voters wishing to register appear at registration offices in person and show the required documents.

5.2. National Election Committee (NEC)

A. Changing Case: Restructure NEC in order to be Constitutional and Ensure Independence with Election Stakeholders' Confidence

2.1 The National Assembly and Government should review and amend the Constitution and other relevant laws (reforming the current system):

- The National Assembly should amend some articles of the Constitution, in order to develop laws on the establishment of the institution of the NEC, which shall be in accordance with Constitutional Law.
- The NEC should have an autonomous budget.
- In cases where the NEC faces difficulties in searching for neutral persons (or to ensure transparency and faith), NEC members should be comprised of members from political parties who have seats in the National Assembly, and the composition of members should be the same at all levels, including the province and commune/Sangkat levels.
- Neutral members (not members of political parties) of the NEC should be openly selected for long terms, and unanimously supported by the political parties in the National Assembly.

B. Improving Case: Improve NEC Structure in order to Build Political Parties' Confidence on NEC Performance

2.2 The NEC should review and reform the Law on Election:

- The NEC should make a serious effort to find an independent office separate from the Ministry of Interior.
- The selection of members of Provincial Election Committee (PEC), Commune Election Committee (CEC), and officers of polling stations shall be made in line with criteria currently defined by the NEC, and ensure the joint membership of political parties that hold seats in the National Assembly.
- Create a Mobile Investigation Unit (the NEC is in charge of the Investigation Committee), with one group per province.
- Allowance for election officers should range from 200,000 to 400,000 riels.

5.3. Election System

A. Changing Case: Create an Inclusive Election System

5.3.1 The National Assembly and government shall review and amend the election law and other relevant laws:

- The System of the Sub-National Election (Commune/Sangkat, District/Khans, Province/Municipality) should add individual candidates that refer to a mixed voting system, with votes going to individual candidates and political parties.
- The National Election (National Assembly election) should use a system of proportional representation, but its system should apply the seat allocation formula used during the UNTAC period.
- There should be a 50 percent quota of women on the ballot of each political party, with men and women ranked in alternate order in the ballot from the top.
- For the next two or three mandates, Cambodia should consider a mixed election system, allowing political party lists and independent candidate lists.
- The mandate of Prime Minister shall be limited to two terms.

5.3.2 Political parties shall support:

- A 50 percent quota of women in the ballot of each political party, and place male and female names in alternate order in the ballot, beginning from the top.

The mandate of Prime Minister shall be limited to two terms. It shall be stated in the party statute on candidacy that only two terms for the position of Prime Minister are allowed.

5.4. Voter Education: Improve Voter Education Especially in Remote and Indigenous Areas

All stakeholders such as the National Assembly, Government, NEC, Civil Society Organizations, political parties and local authorities shall participate in educating voters, especially in remote and indigenous areas.

- Frequently educate those in remote areas through movies and photos, burned on CDs, and translated into indigenous languages (Pnong, etc.) and distribute at people's homes.
- Voluntary agents: Provide home-based education with clear and easily understood pictures of the election process.
- Technical terms should not be used.

- Actors of educational plays should be indigenous people.
- Voluntary agents can provide home-based education, especially to women, people with disabilities and the elderly, with clear and easily understood pictures of the election process.

5.5. Media Services

A. Changing Case: Create Fair and Open Media for Political Process

5.5.1 The National Assembly and government shall develop a law on radio and TV broadcasting, or other relevant laws.

- Should create a media council, which consists of civil society members, and members who are from all elected political parties in the National Assembly.
- Help facilitate the process of licensing and operating radio and TV stations, for any member of the public who can afford this.

B. Improving Case: Strengthen Politically Equal /Equity Access to Media during the Election Calendar

5.5.2 The NEC should try to:

- Encourage radio and television stations, particularly private radio and TV stations, to widely and openly broadcast and provide equal access to political parties, to provide the option of delivering speeches to voters through TV and radio, and ensure private media does not violate the Law on Elections.
- Shall schedule time for campaign broadcasting, equally for each political party, in the NEC election calendar.
- Shall impose fines or discipline on any individual or party that violates the code of conduct and the Law on Elections.

5.5.3 Civil Society Organizations:

- Operate stations or TV programs or independent radio for each political party, in order to equally broadcast all positive or negative news to the public.

5.5.4 Political Parties:

- Shall comply with the code of conduct on the election campaign trail and the Law on Elections.

5.6. Finance of Political Parties

A. Changing case: Create a Law and Mechanism in order to Strengthen Fair Political Campaign and Good Governance of Political Campaign Finance

5.6.1 The National Assembly and government should develop laws on political campaign finance (or, a Law on Political Party Finance) and amend the Law on Elections and other related laws:

- Candidates who currently stand as representatives cannot spend over USD 30,000 and candidates who stand as commune/Sangkat councilors cannot spend over USD 5,000 during the election campaign.

B. Improving case: Disclose Financial /Account Reports of Political Parties and Promote State Financing Contestants in Election Campaign

5.6.2 The Government and National Assembly shall enforce the political party law, which states parties should distribute the national budget to all party contestants as equally as possible during the election campaign.

5.6.3 The NEC shall enforce the election law effectively:

- Monitor the financial statements of all parties competing in elections (income and expense) during the election campaign, and announce financial statements again before the election.
- Punish political parties that make fraudulent income and expense statements.

5.6.4 Civil Society Organizations shall:

- Observe and monitor the income and expenses of all political parties, and announce those statements to citizens through the media.

5.6.5 Political Parties

- Prepare campaign financial statements for the NEC, and announce these statements to the public, especially to their members.

5.7. Freedom of Expression and Assembly: Enlarge Democratic Space

5.7.1 The National Assembly and government shall improve / support / promote:

- A clear definition and explanation of the term "Freedom of Expression".
- Clearly determine the elements of an offence (related to defamation or disinformation or incitement).
- The expression of representatives (Members of Parliament) shall be protected with immunity, as stated in the Constitutional Law.
- A clear definition of cases, which can become offences, such as disseminating false information or incitement or defamation.
- The expression of citizens and political parties are not considered criminal offences.
- The wide and open expression of citizens, as well as civil society, even if there is an effect on public personnel or public institutions, is exempted from accusation.
- The public dissemination of laws related to "Expression", to avoid other charges.
- The regular dissemination of adverse/critical comments and activities of non-ruling parties in the state-owned media (regular programs).
- The encouragement of creating public forums to disseminate laws at the local level, and allowing citizens to express their opinions. In addition, there should be consultation on draft laws or other decisions, including in indigenous areas.
- There should be special guidelines to eliminate the habit of authorities that require permission for citizens to take part in an act of expression practiced in line with the law. Non-violent demonstrations in any public place shall be announced to the authorities in that location.
- Punishment for a person who threatens the owner or manager of a place of gathering.
- Democracy Squares/ Freedom Parks should be established in urban areas near governmental institutions, without limitation on the number of participants. These squares/parks should be built in the districts as well.
- Require the establishment of information centers, at all levels, in local areas.
- Increase the number of comment boxes (for accountability) to all villages.
- Responses and solutions to the appropriate expressions and suggestions of citizens should be made as soon as possible.

5.7.2 Civil Society Organizations should be involved in:

- Organizing training courses on law, human rights and democracy to the local areas, with participation from citizens and local authorities.
- Preparing public forums to disseminate laws to local areas, and allow citizens to express their opinions.

5.7.3 Local authorities and law implementers shall obey and support:

- All expressions of citizens related to the acts of public individuals and institutions without making charges (i.e. prosecution);
- Responses and solutions to the appropriate expression and suggestion of citizens should be made as soon as possible.
- Democracy Squares/ Freedom Parks should be established in urban areas near government institutions, and should be large enough for many people to gather.
- Non-violent demonstration in any public places shall be announced to the authorities in those locations.
- Organizing training courses on law, human rights and democracy in local areas, with participation from citizens and local authorities.
- Establish information centers, at all levels, in local areas.
- Ensure the security and rights of persons who express their ideas are protected.

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Legal and Judicial Reform

1. Introduction

The Cambodian Human Rights Action Committee (CHRAC) is a coalition of 21 NGO members working to promote respect for human rights, democracy and the rule of law in Cambodia. CHRAC is interested in monitoring the legal and judicial framework, which is an important issue guaranteeing in the implementation of essential activities stated within the Joint Monitoring Indicators (JMIs) and in the National Strategic Development Plan Update 2009-2013.

2. Joint Monitoring Indicators (endorsed at the 3rd CDCF in 2010)

Below are the JMIs related to Legal and Judicial Reform that the Royal Government of Cambodia (RGC) and development partners committed to implement and monitor in the period between the 3rd and 4th meetings of the Cambodia Development Cooperation Forum (CDCF).

Outcome Immediate	Output	Indicator Output	Activities	Associated aid effectiveness actions
Improved Court Functioning	1. Completion of fundamental laws pertaining to the judiciary	1. Approval by the Council of Ministers of the fundamental laws pertaining to the judiciary, being: a). The Law on the Court Organization of the Court b). The Statute on Judges and Prosecutors, and c). The Law on the Amendment of the Organization and Functioning of the Supreme Council of the Magistracy	1. Review status and prioritize order of technical review for the three drafts by CLJR. 2. Drafts reviewed by special working group led by Council of Jurists 3. Submission of drafts to Inter-Ministerial Meeting (IMM) 4. Adoption by CoM	
	2. Implementation of the model court concept in 4 courts	2. Implementation of priority activities for 2011 including functioning court registers for all 4 model courts	5. Completion of the 4 model court activity plans 6. MoJ and the 4 model courts agree on priority activities for 2011 & 2012 7. Budget submissions for funding the plans in 2011 & 2012 prepared in the MEF required format	3. RGC and DP funding to be made in line with Courts Strategic Plans and activity 4. Harmonization of development partner support

Monitored progress on milestone actions of JMIs:

JMI 16.1: Completion of fundamental laws pertaining to the judiciary

These JMIs did not meet proposed indicators, as the key fundamental laws related to the judiciary are still pending. No substantive progress from these draft fundamental laws has been noted during this period. Furthermore, it is not easy accessing information regarding these laws, making updates difficult as well.

- **Law on Court Organization and Prosecution:** This draft law has not yet been adopted. Presently, the draft is being reviewed by the Council of Jurists of the Council of Ministers.
- **The Statute on Judges and Prosecutors:** Similarly, this draft law has also been reviewed and commented on by the Council of Jurists of the Council of Ministers, but has not yet been submitted to the National Assembly for review and adoption.
- **Law on the Amendment of the Organization and Functioning of the Supreme Council of the Magistracy:** The Council of Jurists of the Council of Ministers has already reviewed the draft law and made comments for the Ministry of Justice (MoJ) to revise. The Ministry has already sent back the draft to the Council of Jurists, for further review.

Detailed information and a plan for an Inter-Ministerial Meeting, in relation to the adoption of this law, has not yet been released, which has raised doubts by the civil society concerning the political will of the government in pushing forward its adoption.

JMI 16.2: Implementation of priority activities for 2011, including functioning court registers for all four model courts

a. The organization of our model courts and the implementation of case registration in four model courts

Cambodia, for the first time, has upgraded four courts in Phnom Penh, Kandal, Kampong Cham and Banteay Meanchey as model courts. The CLJR of the Council of Ministers is mandated to prepare an action plan and other relevant documents for implementing model court projects.

The MoJ, and the four primary courts, have agreed to create a working group to implement 8 priority activities in the year 2010-2011. The Ministry has completed some activities, as stated in the action plan, and has prepared a budget proposal for submission to the Ministry of Economy and Finance (MEF), with the aim of supporting the four mentioned model courts. Senior MoJ officers, were asked to speak with unanimity, and this budget proposal is now under consideration by MEF.

Case registration is considered the priority action, in relation to the model courts project, as it is a necessary means for managing and measuring commitments fulfilled by court officials, which includes the number of case files received on a monthly basis. These measures will assist the courts in having a proper case management system.

This pilot project has been implemented with financial support from the Cambodian Criminal Justice Assistance Project (CCJAP). However, with regard to the model court project, civil society has not obtained any further reports on progress since the end of 2011.

b. On-going training of judicial professionals- lawyers and judges

- In year 2010-2011: The Academic Training Centre for Lawyer Professionals trained 44 legal students for their 11th Promotion; of these, 43 have succeeded in becoming professional lawyers after their completion of the program.
- In year 2010-2012: The Royal Academy of Judicial Professions trained 55 new judicial students. Among them, 33 will become judges and 22 will become prosecutors, upon passing their exams.

c. Rights to access justice:

With the approval of the RGC, the MoJ created a Justice Services Center (or "*Maisons de la Justice*") at the local level, which is located in the district/khan of various provinces/cities. There are 30 centers in total (20 old centers and 10 new centers). The purpose of creating these centers is to enable public access to justice, at the local level, including legal counseling and mediation concerning minor conflict resolution, such as domestic conflict, land disputes, minor physical assault, and defamation. The United Nations Development Programme (UNDP) supported this project from 2006-2010. Thereafter, it was continued under the responsibility of the MoJ, as part of its contribution to legal and judicial reform.

Recommendations

JMI 16.1: Completion of fundamental laws pertaining to the judiciary

1. RGC shall expedite the adoption of fundamental laws still in draft, such as the (a) Law on Court Organization and Prosecution, and the (b) Law on Statute on Judges and Prosecutors, by engaging relevant sectors, especially civil society organizations, so as to ensure wider participation in justice system reform and the effectiveness of the court system.
2. In order to ensure full independence of the judiciary and appropriate judicial disciplines of any judge or prosecutor, the RGC should also speed up the adoption of the Law on the Status of Judges and Prosecutors, which is still in the draft stage. In particular, the Government should consult civil society and provide space for organizations to join in the drafting process of the law. An independent secretariat for the Supreme Council of the Magistracy (SCM) should be established, with adequate staffing and an autonomous budget.

JMI 16.2: Ongoing improvement in the supply of judicial services and the functioning of the model court concept in four courts, and training and transparent selection of judicial professionals.

1. MEF should allocate adequate resources for the Ministry of Justice to implement the model court pilot project, in order to promote and encourage the effectiveness of the Cambodia judiciary.
2. Development Partners should continue to support the RGC, in both funding and technical assistance, in order to ensure the successful implementation of this pilot project.
3. The RGC, as the founder of the Judicial Professional Training Centers, should create a better environment that encourages wider participation by all legal professionals, by ensuring a transparent selection process. Through their attendance at the Royal Academy of Judicial Professions, these professionals may continue to progress professionally.
4. The RGC should undertake strict measures to fight against all forms of corruption and other irregularities, if any, occurring during the selection of persons and candidates to the Royal Academy of Judicial Professions.

3. Key Actions/Strategies from the NSDP Update 2009-2013

Paragraph	Substantial
341	Legal reforms: Continue to promote the adoption of the major fundamental laws, namely the Law on the Organization and Functioning of the Court, the Law on the Statute of Judges and Prosecutors, the Law on the Amendment to the Law on the Organization and Functioning of the Supreme Council of the Magistracy.

Monitored progress on NSDP Update implementation

341: Legal reforms

Even though a number of laws have been adopted in 2011, three fundamental laws still remain in draft, namely: the (1) Law on the Statute of Judges and Prosecutors, (2) Law on the Organizing and Functioning of the Courts, and (3) Law on the Amendment of the Law on the Organization and Functioning of the Supreme Council of the Magistracy. The slow progress of these laws has resulted in the slowing of progress for other necessary laws concerning the legal and judicial process, including the Law on Clerk of Court, Law on Public Notary, and Law on Bailiff. These pending laws have continued as key obstacles to the creation of special tribunals, such as the Labor Chamber Commercial Chamber, Administrative Chamber, and Juvenile Chamber.

In its efforts, the RGC has created alternative dispute resolution mechanisms, and has continued the implementation of the *Access to Justice Project*, in order to respond to the need for land dispute resolution, as proper and effective solutions to land disputes are still needed. Many dispute resolution mechanisms have been established and are currently playing a role in the mediation of minor disputes and legal counseling services—for instance, the Cadastral Commission, National Authority for Land Dispute Resolution, and the Justice Services Centre (under the *Access To Justice Project*)—, however, many challenges are still being observed. This requires the RGC to pay serious attention on how best to effectively improve these mechanisms.

Recommendations:

1. The RGC should open the consultation process to civil society and push the adoption of these fundamental laws, as soon as possible, in order to ensure the independence of the judiciary;
2. Development Partners should continue the action of civil society, especially legal aid organizations that help the poor and vulnerable;
3. The RGC should improve the quality of existing dispute resolution mechanisms, in order to enhance the effectiveness of land dispute resolution, especially for those affected by land crises.

4. Important issues not covered by the JMIs or the NSDP Update

The civil society appreciates that many issues have been covered in the NSDP Update. However, we also note several other issues needing attention.

1. The Extraordinary Chambers in the Court of Cambodia (ECCC), or the Khmer Rouge Tribunal (KRT):

The RGC, UN and donor community should continue ensuring the smooth functioning of the Extraordinary Chambers in the Court of Cambodia (ECCC), or, more commonly known as the Khmer Rouge Tribunal (KRT), which is supported by the UN. Its smooth functioning provides justice to victims of crimes committed during the regime of Democratic Kampuchea (April 17, 1975 to January 6, 1979), and any political, financial and legal aspects obstacles should be barred. Civil society organizations appreciate the current moves regarding Case 001 and Case 002, but there is still concern about the pending nature of Cases 003 and 004, which requires judicial decisions to be made while accusation of political interference has been observed.

2. Expansion of Appeal Courts at the Regional Level:

As part of the legal and judicial reform process, the RGC should consider the expansion of Appeals Courts, in order to promote justice and the speedy resolution of cases for all parties in the future.

Recommendations:

1. The RGC and UN should continue supporting, with all possible means, the ECCC to smoothly move forward without disruption, especially funding, and to ensure the tribunal's independence, in order to bring justice for all victims;
2. The ECCC should proceed in an expeditious and fair manner, by upholding the rights of parties, which would guarantee complete justice, and to create legal legacies contributing to legal and judicial reform both domestically and for the International Criminal Court, in the near future;
3. The number of judicial officials in the Appeals Court should be increased to enhance the effectiveness of the judiciary system, and to also respond to the increased need for court cases.

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Public Financial Management and National Systems of Development Effectiveness

Public Financial Management Reform: Budget Transparency and Credibility

1. Introduction

The NGO Forum on Cambodia is a membership organization with a dedicated mission to coordinate and equip members, networks of NGOs and other civil society organizations (CSOs) with information to actively engage in policy dialogue, debate and advocacy with and for the poor and vulnerable people in Cambodia.

In the field of Public Financial Management (PFM), the NGO Forum, with support from the Economic Development Network of NGOs established the National Budget Project (NBP) in 2006, with the broad objective of ensuring public awareness and engagement in the national budget process. At present, the project has worked to promote budget transparency by monitoring the Public Financial Management Reform Program (PFMRP¹⁵) of the Royal Government of Cambodia (RGC), and conducting budget analysis and research to reflect budget credibility and whether priorities are in line with the National Strategic Development Plan (NSDP). It conducts an annual analysis of budget laws¹⁶, with inputs from sector NGOs in the Development Issues Forum (an NGO network) and other interested groups, such as the Cambodian Economic Association. The NGO Forum believes that proper prioritization of the budget towards priority sectors, or ministries, would help ensure a trickle-down effect for the development of the poor and vulnerable groups.

The NGO Forum on Cambodia is a member of the Technical Working Group on Public Financial Management (TWG-PFM). The NBP monitors Objective 12 on debt management, Objective 14 on public procurement, and Objective 25.4 on reporting and communication with the public, as stated in the PFMRP, and with endorsement from its network members, prepared this paper. The monitored progress documented in this paper was primarily based on information obtained during TWG-PFM meetings, progress reports produced by the PFM Steering Committee on the implementation of PFM reform (found on their website: www.pfm.gov.kh), and the experience of NGOs trying to access budget information from public sources of the RGC.

Based on the above-monitored objectives, it is observed that the RGC has made considerable progress in implementing the PFMRP; an effort that deserves high appreciation from CSOs/NGOs, especially on the progressive steps in increasing transparency in the budget process in 2011. The Ministry of Economy and Finance (MEF) produced the Monthly Bulletin of Statistics in a timely manner, with the latest version for March 2012 becoming available in April 2012. It also released a draft version of the Law on Public Procurement in May 2011, allowing the NGO Forum to comment, and considered comments made by the NGO Working Group on Public Procurement Law, such as the expansion of penalty clauses. The MEF also developed a Sub-decree on Public Debt Management, which was approved by the RGC in June 2011, and engaged in dialogue with the civil society on debt and aid transparency, by participating in the Workshop on Aid Information Transparency and

¹⁵ PFMRP can be downloaded from the website of PFM steering committee secretariat: www.pfm.gov.kh.

¹⁶ During the period 2008-2010, the draft budget laws had been released by the 2nd commission of the National Assembly to the NGOF for an analysis to be presented to members of parliament prior to the adoption of the budget law; however, in 2011 the draft budget law 2012 was not released despite repeated requests. This has been a turnaround to the situation before 2008 in which the draft law was never publicly released.

Development Results, organized by the NGO Forum in October 2011. Moreover, the National Audit Authority (NAA) released Audit Report 2007 in November 2011. With this progress, we hope the RGC will continue improving transparency in the budget process in 2012 and the coming years.

2. Joint Monitoring Indicators 19: Public Financial Management

Coordinating Institution: MEF/PFM Reform Steering Committee/PFM TWG				
Implementing Institution: MEF and Line ministries /Institutions (39)				
Immediate Outcome	Output	Output Indicator	Activities: milestone actions	Associated aid effectiveness actions
Sustaining and strengthening budget credibility and improving financial accountability	<p>1. Revenue policy, forecasting and collection systems, transparency and capacity strengthened.</p> <p>2. Cash and Debt Management Policy, systems and capacity strengthened.</p> <p>3. ...</p> <p>4. Complete the designing of all To Be Business Process with proper Change Management Strategy and Communication Plan in place to manage those changes and get MEF's management approval on all to be business process and Management Support Mobilization</p> <p>5. ...</p>	<p>1. Progressive improvement in revenue yield compared to GDP by 0.5% per annum.</p> <p>2. Extractive Industry regulatory framework enacted and implemented</p> <p>3. Enhanced transparency achieved with regards to tax and non tax revenue.</p> <p>4. Arrears as defined be kept at no more than 2% of total expenditure</p> <p>5. Mid/end year expenditure profile not to be less than: 2nd Quarter: 45% 4th Quarter: 96%</p> <p>6. Percentage of payments to creditors and staff made through banking system to be not less than 80% by value.</p> <p>7. ...</p> <p>8. FMIS transaction accounting and internal control processes developed.</p> <p>9. ...</p>	<p>1. Finalize Revenue Policy Paper</p> <p>2. Develop draft taxation law on oil and gas</p> <p>3. Strengthen Revenue forecasting, collection systems, and capacity</p> <p>4. Further improvements in recording Payment Order due</p> <p>5. Strengthen efficiency of existing semi-manual systems, de-concentrate responsibility</p> <p>6. Rationalize Bank Accounts and increase use of commercial banking system</p> <p>7. ...</p> <p>11. Apply the to be business processes to the FMIS System Software</p> <p>12. ...</p>	<p>1. Implementation of PFMRP is on-going and comprises an important component of the overall contribution to aid effectiveness (PFMRP Consolidated Action Plan)</p> <p>2. Consultations and Program monitoring have been implemented through formal TWG meetings, Annual Review Meetings.</p>

Objective 12 of PFMRP: Further Improve Debt Management

Part 1: Platform One Activities to be strengthened in Stage 2

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 Quality of domestic and foreign debt records and reporting improved.	Annual Debt Strategy Preparation started Production of Quarterly and Annual Debt Monitoring Statements initiated.	Annual Debt Strategy produced Production of complete, updated and reconciliation of Quarterly and Annual Debt Monitoring Statements	Review of Annual Strategy produced Fully functional Debt Management and Monitoring System established with comprehensive management and statistical reports.
12.3. Enhance use of debt databases.				

Source: PFMRP Phase II, Page 28 (English Version)

The 2011 draft Annual Progress Report of the PFMRP was released in February 2012, and the Sub-decree on Public Debt Management and the Strategic Paper on Public Debt Management were developed and approved by the RGC, accordingly, in June 2011 and February 2012. Article 29 of the Sub-decree requires the MEF to publish the executive summary of the Strategic Paper on Public Debt Management in the public domain. In March 2012, the MEF released the executive summary of this strategic paper on its website (www.mef.gov.kh). Article 30 of the Sub-decree also requires the MEF to produce debt sustainability analysis (DSA) reports in rolling two-year periods, or upon necessity. During the workshop organized by the NGO Forum in October 2011, it is noted that an MEF official mentioned the preparation of Debt Bulletins, which will include information relating to DSA. During the workshop, it was also confirmed that the MEF has not used information in the Official Development Assistance (ODA) Database, found on the website of the Cambodian Rehabilitation and Development Board (CRDB) of the Council for the Development of Cambodia (CDC) (<http://cdc-khmer.biz>), which publishes information on concessional loans, including terms of assistance to Cambodia. We believe the MEF, as a holder of contracts, has more accurate and concentrated information relating to the amount of external and domestic public debt. Article 34 of the Sub-decree also mentions the MEF is allowed to publish information on debt management, and the forms and content of debt information shall be defined by the Minister of Economy and Finance.

The NGO Forum congratulates the RGC for legally binding its commitment to ensure transparency in debt management, as stated in the Sub-decree. We applaud the MEF for achieving considerable results, as mentioned above, and its efforts in improving budget transparency in Cambodia. Moreover, we also noticed that both the study and report on DSA are still ongoing. We would like to encourage the MEF, with support from development partners, to speed up the finalization of this work, and we look forward to the publication of Debt Bulletins, hopefully in 2012, in the public domain (i.e. via MEF's website).

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 (English Version)

According to the 2011 Annual Progress Report on the implementation of the PFMRP, the Law on Public Procurement was adopted by the National Assembly (NA) and the Senate, promulgated by the King and published in the Official Gazette, in January 2012. This was followed by an MEF Circular No.001, dated 23 February 2012, on the implementation of the Law on Public Procurement. The NGO Working Group on Public Procurement Law appreciates that the MEF has released the draft law to NGOs, allowing for the provision of comments¹⁷, although there has not been wide public consultation on the draft.

Since early 2011, it was also observed that the MEF started publishing public procurement opportunities on a dedicated webpage of its website. For 2012, around 148 procurement or bidding notifications were posted on the MEF's website, as of 04 May¹⁸. Although these notifications provide a duration of at least 30 or 60 days before the bidding process begins, the time lag between the date of issuance and their posting date on the website is generally long. More than half were posted 10-35 days late; depending on the date of issue, this would provide less than 10 days before the bidding process begins. It may be difficult for some bidders to obtain bidding information on time, although the announcements may be posted on the physical bulletin boards of individual agencies implementing public procurement. As an initial step, it is suggested the MEF enforce implementation of Article 40 of the Law on Public Procurement, which states bidding information, along with some preconditions and notices of change, shall be made publicly available on the website, in media and on information boards of agencies implementing procurement. Unfortunately, the timing needed to post notifications on the website was not mentioned in the specified article, which binds no legal responsibility for line ministries/agencies to address the above-mentioned time lag.

The NGO Forum observed that procurement bidding notifications originally posted prior to 15 March 2012 were removed during the second week of May 2012, perhaps because the bidding application period had expired. NGOs understand the technicality of MEF's website management; however, we would like to argue that those notifications should be kept on the website until the completion of the project, or services period, or under a certain, specified time frame. The notifications and the contract awards should be kept together, allowing the general public to see the links between the two, as well as for the purpose of conducting social audits on the quality and quantity of service or project outputs. This could

¹⁷ For more details, please see the combined NGO comments on the draft version of the Public Procurement Law, which can be obtained from the NGO Forum's website (<http://www.ngoforum.org.kh/eng/enallpublication.php>).

¹⁸ This number was accessed via the MEF's website on 04th May 2012; however, accessing on 10th May 2012 showed that around half of the procurement notifications were removed especially those announced before 15th March 2012. It is not known what the reason is behind this removal and where those bidding notifications could be retrieved.

be part of a wider government initiative toward improving public confidence in the transparency of the public procurement and public finance systems, and consequently, encouraging citizens to pay taxes or promote a culture of tax payment. That public confidence in the government systems remains low was evidenced by a rapid survey done by the NGO Forum, with university students in October 2011, regarding their confidence in government efficiency and the transparency of collecting and managing revenues from the extractive industries (EI). At least 60 percent of those 377 respondents, representing seven private universities in Phnom Penh, perceived the government's efficiency and transparency in EI revenue to be either average or below average, while only 10 percent to 20 percent perceived the government as having a high level of efficiency and transparency in EI revenue. Less than three percent perceived this to be at a very high level, while the remainder (approximately 10 percent) did not know.

The above-mentioned achievement is a considerable step taken by the MEF, in addressing the transparency gap in the public procurement process; however, more efforts are still needed to fill this gap. In the same progress report, and the Law on Public Procurement, the MEF is preparing a draft Sub-Decree on the implementation of the Law on Public Procurement. Through this, the NGO working group would like to call on the MEF to allow the public, or CSOs, the ability to participate or witness the process, as well as be informed of the public procurement process, such as the opening of bidding documents, and declaration of bidding results and information related to contract awards to successful bidder; all of which should be further stated in the upcoming Sub-Decree. In addition to bidding notifications and documents, the Public Procurement Plan should be made publicly available. With a publicly available plan and awarding contract, the public would be able to participate in conducting social audits on the quality of public services delivered, or witnessing the transparency of the bidding or public procurement process.

Objective 25: Improved Accounting, Financial Reporting and Transparency

Sub-Objective 25.4: Improve forms of Reporting to and Communication with the Public (Budget Transparency)

Part 2: Platform Two Activities to be implemented in Stage 2

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: <ul style="list-style-type: none"> ● 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: PFMRP Phase II, Page 38 (English Version)

NGOs continue to highly appreciate efforts by the MEF in systematically and continually publishing key budget documents in the public domain, i.e. via its website and the Official Gazette, such as:

- RGC Instructing Circular on preparation of the Budget Strategic Plan, and RGC Instructing Circular on Preparation of the Draft Budget Law, which are published in the Official Gazette, accordingly, in April and June each year
- Monthly and Annual Table of Government Financial Operation
- Annual Adopted Budget Law
- Annual Adopted Budget Execution Law, two to three years after fiscal year
- External Audit Reports on 2006 and 2007 Budget Implementation
- Prakas on Budget Economic Classification, in 2007
- Other budget information and legislations

By publishing more comprehensive and timely monthly, six-month and annual budget implementation figures (TOFE), citizens will be informed and updated on the Government's management of public funds, in a timely manner, and also able to participate and hold the Government accountable more actively in the budget process. Public participation in the budget process could be a catalyst ensuring more successful implementation of the PFMRP.

The RGC has published information on monthly and annual budget implementation in the Table of Government Financial Operation (TOFE¹⁹), on the MEF's website (www.mef.gov.kh), since 2009. The TOFE, which records only aggregate figures, has also been complemented by the breakdown of provisional figures by line ministries, in the Monthly Bulletin of Statistics, which is available, upon purchase²⁰, from the Economic and Public Finance Policy Department of the MEF. The Monthly Bulletin is observed to be prepared in a timely manner, with the March 2012 bulletin released in April 2012. We understand TOFE released on the website are approved versions, and time for data collection, verification and coordination across departments is needed in order to obtain its release on the website; however, we believe that with political commitment from the management of the MEF, the timing for the release of later versions will be improved, from releasing within three months after the reporting month to releasing within two months after the reporting month. Moreover, we hope that the breakdown of aggregate figures by line ministries, included in the Monthly Bulletin of Statistics, will be approved by the management for release on the website as well.

Cross-checking done by the NGO Forum, on the provisional figures of budget implementation by line ministries, showed significant differences from the actual figures reported in the Budget Execution Law and the National Budget Management Document vol 1: law and regulation. For example, the figure on 2010 budget implementation for the MEF, as reported in the Bulletin of Statistics, was 863 percent of the allocated budget, as stated in the Budget Law, while the figure reported in the 2012 Budget Management Document showed that the MEF spent around 124 percent of its allocated budget in the same year. Such a large inconsistency between figures could generate misinterpretation on budget implementation, or credibility across ministries. With an intention to continue using more accurate figures, and an appreciation of the initiative of the Bulletin, we would like to request for further scrutiny from the MEF, prior to the release of such provisional figures.

Since the start of budgeting work in 2006, there has been an absence of a simple guiding document to the national budget produced by the RGC, the one similar to the Guide to National Budget, developed by the NGO Forum in 2007. As a good governance practice, this

¹⁹ TOFE is an abbreviation from the French term, 'Tableau d'Opération Financier d'Etat'.

²⁰ It costs 20,000 Cambodian Riels, or USD5 per copy.

could help stimulate public demand for budget information, especially those not familiar with budget work, in that they could read and understand the content of budget documents, and effectively participate in the process of holding the government accountable for budget performance. Moreover, there has been no Khmer glossary or dictionary of budget terminology published for public access, which would encourage public participation, except for those few key words and budget terms explained in the Law on Public Finance System and the MEF's Prakas No. 1448, issued on 27 December 2007 on the implementation of economic budget classifications. These two documents, except those the NGO Forum may not be aware of, may have been the only publically available glossary and guidelines to help CSOs and citizens in reading and understanding budget classifications, as well as partly addressing the technical constraints in the budget process. The annexes on budget classification for revenue and expenditure, attached to the Prakas, provide a brief description of the purpose of budget chapters, accounts and sub-accounts; however, they may not cover all budget terms used in the budget cycle.

These publications, however, obviously mark an effort made by the MEF to ensure a standard in budget classification and the chart of accounts, for consistent application across ministries/agencies of the RGC, as well as to improve and facilitate effective communication with the public. More importantly, based on the PFM quarterly report for 2012, it is understood that the development of lexicons for public financial management are being undertaken. The NGO Forum hopes the MEF will continue such efforts in publishing new budget classifications or charts of accounts and more guidelines to budget documents, such as a budget glossary, and particularly accelerate the development of the lexicons. This concrete step, if taken soon, would generate more non-governmental key players in the budget process, as well as the enhanced capacity of line ministries/agencies in advancing the PFMRP. Moreover, we believe this glossary and/or guide to the national budget, or line ministry budget, could serve as a catalyst and stimulate public demand for budget information at the national (line ministry budget) and sub-national levels (provincial/municipality, district/khan, and Commune/Sangkat).

With a timely and available breakdown and comprehensive information, it is believed the public and relevant stakeholders would be able to assess the credibility of line ministry budgets, in comparison to planned allocation in the budget law. It also shows the MEF is committed to its mandate in the PFMRP, in advancing the level of budget transparency in Cambodia, through improving forms of communication and reporting to the public. **NGOs would like to congratulate the RGC and especially the MEF on the previously mentioned positive steps, and hope the (approved) monthly and annual TOFE will be made in a more timely manner, available on the website along with a breakdown of budget implementation by line ministries.**

In 2010, NGOs observed the Mid-Year Review, or Six-Month Report, on the implementation of the 2010 Budget Law, which the MEF submitted to the NA, were also published on its website. This was a positive step, which should be systematically continued to ensure the MEF's commitment to improving budget transparency, or achieving Objective 25 of the PFMRP, to ensure the improvement of forms of communication and reporting to the public remain on track. NGOs believe that there is high public demand of budget information, as experienced by feedback from the hosting of our radio talk shows and other public events; therefore, the MEF could stimulate this demand by disseminating this information at a minimal cost, or no cost at all, by publishing the Mid-Year Review, i.e. via the MEF's website.

The systematic and timely release of the draft Budget Law, in the public domain, or by making it available upon request, would significantly improve the level of budget transparency in Cambodia.

Contrary to the action taken by the MEF in releasing the 2011 draft Budget Law in November 2010, the 2012 draft Budget Law was not released in 2011, when it was submitted to the NA for approval, despite the NGO Forum's repeated requests to the MEF and the 2nd Commission of the NA. As a consequence, an analysis on the 2012 draft Budget Law by the NGO Forum, to be presented to Members of Parliament and the Senate, was not made prior to its debate and approval at the NA on 24 November 2011. In November and December 2010, the NGO Forum's analysis of the 2011 draft Budget Law was widely welcomed and appreciated by many members of the NA and the Senate. The analysis provided CSOs' perspectives on budget appropriation and prioritization in the draft Budget Law. ***Seeing that there is a minimal cost, or no financial cost, in releasing the draft in a timely manner, we would like to call for the RGC to translate its commitment to budget transparency into practice, by releasing the draft Budget Law for 2013 and the following years in the public domain (i.e. via MEF's website, or made available upon request) in October or November of the year (i.e. at least a few weeks prior to the full National Assembly session on the debate and adoption of the draft Budget Law).***

Additionally, good governance in the budget process and independence of the National Audit Authority can be ensured through the timely publishing of external Audit Reports within two years after the fiscal year.

In Objective 25.4 on improving forms of reporting to, and communication with, the public concerning the PFMRP, the RGC was committed to publishing external Audit Reports, contract awards and resources available to primary service units in 2010. Since then, it was observed that the National Audit Authority (NAA) published the external Audit Report on budget implementation for 2006 and 2007, respectively, in September 2009 and October 2011. The timing of the release of these two reports has worsened from nearly three years, after the end of the fiscal year, to nearly 4 years. Based on the standards of the International Budget Partnership (IBP)²¹, an external audit report published by the Supreme Audit Institution (SAI) of a country (e.g. the NAA), should be published within two years of the fiscal year. In this case, the external audit reports are not considered publicly available. With such a lag in the releasing of these reports, citizens are not informed of the efficiency and effectiveness of public finance management in a timely manner. Consequently, these reports, which can be used to hold the government accountable for the management of public funds, are rendered obsolete. Cambodia's performance remains far behind the international good practices proposed by the Organization for Economic Cooperation and Development (OECD) and the International Monetary Fund (IMF). The standard practice for submission of external audit reports to the legislature and the public, as defined by the OECD, is within six months after the end of the fiscal year, while the IMF sets it as one year after the end of the fiscal year.

NGOs observed remarkable progress in that the NAA's website has been functioning since 2011. With this, the Audit Report 2006 was once seen as being posted on the website, for public access in early 2012; however, the report was removed when the website was accessed in March 2012. This is not a good sign of good governance, nor of the checks and

²¹ Based on the result of the Open Budget Survey 2010 and of previous surveys, this two-year time frame is the minimum practice observed through most countries included in the surveys. For further details, please visit the IBP's website at www.internationalbudget.org.

balances between the legislative and the executive branches of government, given the timing of the audit report's release has been worsening already.

From a budget perspective, we also noted the share of budget allocation for the NAA, in the Budget Laws, has been on a decreasing trend, from 0.13 percent of the total national budget in 2006 to 0.06 percent in 2012. In real terms, the amount has increased very slightly from 5,381 million Cambodian Riel, or USD1.3 million, to 6,948 million Riel, or USD1.7 million per annum, an increase which was probably used to meet the government commitment of a 20 percent annual increase in basic salaries, as well as curbing inflation. Both percentage and real term values are similar in the actual values for budget implementation, from 2006 to 2011. This is used to cover operational and administrative expenses of the NAA throughout the year. As mentioned by the former Auditor General of the NAA in 2009, the NAA itself is young and has been facing financial and human resource constraints since its establishment in 2000. Comparisons showed that the NAA budget is almost four times less than the first budget allocation for the Anti-Corruption Unit (ACU), as stated in the 2012 Budget Law, which is 22,145 million Riel, or 0.21 percent of the total national budget. This decreasing share suggests that the NAA's budget may not allow it to widely expand audit activity across ministries at the national and sub-national levels. NGOs strongly encourage the RGC, especially the MEF, to increase budget allocation for the NAA, at a size comparable to the budget allocation for the ACU, to ensure good governance and checks and balances in the management of public funds, as well as the independence of the NAA. Moreover, we would also like to encourage the NA to legislate a budget threshold for the NAA, to ensure its effective and comprehensive functioning, i.e. similar to the practice of the Commune/Sangkat Fund and the ACU. Without this, there is no guarantee the NAA will systematically have sufficient resources to fulfill its mandate.

As observed, the 2008 and 2009 Budget Execution Laws were adopted by the NA and Senate, and promulgated by the King in 2011, while the NA adopted the 2010 Budget Execution Law in 2012. NGOs congratulate this remarkable improved timing in the adoption of the Budget Execution Law, within two years after the fiscal year. Based on the Law on Audit, the external audit was conducted on Government public finance management, or budget law implementation; therefore, with the three budget execution laws adopted, the external Audit Reports for 2008, 2009 and 2010 should be published (i.e. via the NAA's website), or made available upon request in 2012, or at least within two years after the fiscal year. We believe the cost of publishing the reports is minimal, and should not be a major constraint in making the reports publicly available.

According to the TWG-PFM meetings in 2011, and the 2011 Annual Progress Report, NGOs congratulate the progress thus far, and are aware of the MEF's challenges and commitments to achieving concrete milestones and subsequent steps forward. However, through our observation since 2010, there has been no update or report, especially in the PFM Progress Report 2011, on progress relating to contract awards and resources available at primary service units, except for the budget appropriation document for all communes/Sangkats in Cambodia in 2012, the implementation of which is not reported. From our observation, the contract awards to be published should be in line with the readiness of the public procurement website; however, since the website is still under development, to show the RGC's level of commitment to the budget transparency process, contract awards could also be disseminated to the public in other low-cost ways (i.e. via the MEF's website within the public procurement webpage or the Official Gazette). **We would like to further suggest the release of contract awards be introduced in public procurement documents, as well as information on the extractive industries (such as licenses for exploration and exploitation of oil, gas and mineral resources).** Public availability of key information concerning contract awards, relating to the quality and quantity of services and

products, would allow citizens and CSOs to conduct social audits and citizen report cards on those public services and products.

In April 2012, the four volumes of budget management documents, which are produced and made available annually upon request from the MEF, were supplemented by two additional volumes, which include budget appropriation for all communes/Sangkats, Khans, districts and cities throughout Cambodia. From NGOs' perspectives, budget appropriations for all communes/Sangkats can be considered an initiative in publishing resources available for primary service units. This is a concrete step taken by the MEF and the Ministry of Interior, in making budget appropriations for the sub-national level publicly available, and we hope the MEF would publish the two documents and other budget management documents on its website, so as to allow wider public access to budget information from the national level to the grassroots level. Moreover, we hope this significant step could be strengthened via other ways of communication with the public, and expanded to other key sectors, such as health, education and agriculture. Information on resources available for primary service units for the health sector should be introduced at health centers, referral hospitals, provincial and national hospitals; while for education, this information should be introduced at school levels. In the case of agriculture, information on available resources should be introduced at the district and commune levels, by which agriculture extension workers and farmers should be informed of what public resources and services are available at their disposal.

Commitment towards earning trust and improving budget transparency is also broadly envisaged by the RGC, in paragraphs 289 and 290 of the NSDP Update 2009-2013, which rely mainly on the PFMRP Stage II. Paragraph 290 states that **'Both enhanced accountability and empowerment will be supported by measures to further improve information systems and transparency about how financial management obligations are being exercised in practice by budget entities/managers.'**

As a final observation on the progress report of PFMRP implementation, the timeframe of achieving the three previously mentioned objectives seems to exceed commitments for PFMRP stage II, mostly in 2010. It was observed that there has not been an update on those objectives, and others within the PFMRP progress report, such as the setting of a new timeframe for achieving these objectives during the implementation of PFMRP stage II. Recognizing the challenges and efforts of the MEF in leading the PFMRP, the NGO Forum hopes the MEF will include progress relating to those specific objectives and indicators within the PFMRP progress report, as well as stating future timeframes and commitments in achieving said objectives. We believe that doing this and achieving all objectives would help to ensure the MEF's complete success in implementing stage II of PFMRP.

3. Future direction on Improving Transparency in Public Financial Management

To further improve public trust in the public finance system, as well as contribute to the RGC's efforts in combating corruption in Cambodia, NGOs would like to call on the RGC (especially the MEF) and the NAA, with support from Development Partners in the TWG-PFM, to prioritize achievement of budget by:

1. Publishing quarterly and annual debt monitoring statements, or bulletins, in a timely manner on the MEF's website;
2. Finalizing the Public Procurement website;
3. Publishing contract awards on public procurement and the extractive industries, in ways that will reach the public, i.e. via MEF's website, and keeping published public procurement bidding notifications until the completion of projects or within a certain time frame;

4. Publishing or releasing information on resources available at primary service units, for the health, education and agriculture sectors, as specifically mentioned above;
5. Increasing budget allocation to the NAA, at least at an amount comparable to the budget of the ACU in 2012, to ensure a system of checks and balances between the legislature and executive branches; and
6. Publishing the 2008, 2009 and 2010 Audit Reports in the public domain (i.e. via NAA's website) by 2012, so the public is able to see whether the RGC has been managing public funds appropriately, and that Cambodia's budget transparency score in the international ranking can be improved;
7. Publishing all enacted budget laws and budget execution laws on the MEF's website²².
8. Including breakdown figures of budget implementation, by line ministry, in the Monthly, Mid-Year Review, or Six-Month Report, and Annual TOFE on Budget Law implementation, and improving the timely release of these approved reports on the MEF's website;
9. Encouraging public participation in the budget process, through the publication of a Khmer budget glossary, or dictionary/guide to the line ministry budget, and accelerating the development of the PFM lexicons; and
10. Publishing a detailed progress report on the implementation of PFMRP Stage II, which may include progress reports on specific objectives, as mentioned above, along with shortfalls and commitments to achieving objectives within a specified timeframe.

The public availability of the abovementioned budget information would allow citizens and CSOs to conduct social audits, or help monitor whether public services and products are being provided by line ministries/agencies of the RGC or contractors. This should serve partly as a precondition for ensuring budget transparency, efficiency and effectiveness in Cambodia.

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²² There were only the Budget Execution Law for 2008 and 2009 on the MEF's website as of 30 May 2012, while a fair number of budget laws since 1994 to 2009 can also be found on the Tax Department's webpage (<http://www.tax.gov.kh/taxtypes.php>).

Improving Aid Information Transparency and Consistency with National System toward Achieving More Effective Development Results

1. Introduction

In the Cambodian context, the Royal Government of Cambodia (RGC), development partners (DPs/Donors), the private sector, and non-state actors have put in considerable efforts to leapfrogging aid effectiveness for development effectiveness, which relates to their partnership and roles in achieving lasting results.

As one of these non-state actors, the NGO Forum on Cambodia (The NGO Forum) is a membership organization, which was established in the early 1980s by international NGOs campaigning to advocate for an end to the aid embargo imposed on Cambodia at that time. Its mission is to coordinate and equip members, network NGOs, sector NGOs, and other civil society organizations in actively engaging in policy dialogue, debate and advocacy with and for the poor and vulnerable in Cambodia.

In 2007, the Trade and Economic Development Network established the Aid Effectiveness Project of the Development Issues Program of the NGO Forum. It aims to promote the engagement of NGOs in the aid coordination mechanism, and dialogue on aid effectiveness and development effectiveness with the RGC and DPs in Cambodia, as well as monitoring aid management and coordination by the RGC and DPs. This work contributes to ensuring that international aid is more harmonized and aligned to national development priorities, and leads to more effective and efficient use of aid for development results (i.e. poverty reduction and equitable development) in Cambodia. It also works to support both the RGC and DPs toward valuing and realizing country ownership and partnership principles, as stated in international declarations, such as the Paris Declaration (PD) on Aid Effectiveness (2005), Accra Agenda for Action (AAA-2008) and Busan Outcome Statement (2011).

Since 2009, the project started focusing on research²³ and advocacy on issues surrounding aid transparency, NGO engagement in the aid coordination mechanism, and development results. It worked to engage dialogue among the RGC, DPs and NGOs/CSOs, in order to reflect international declarations on aid effectiveness (i.e. commitments relating to transparency and accountability) and national declarations on development assistance disbursement to Cambodia.

Paragraph 49 of the Paris Declaration on Aid Effectiveness, stated "*Donors commit to: Provide timely, transparent and comprehensive information on aid flows so as to enable partner authorities to present comprehensive budget reports to their legislatures and citizens*".

Paragraph 24 of the Accra Agenda for Action reinforces the PD, in that "*Transparency and accountability are essential elements for development results. ... a) We will make aid more transparent. Developing countries will facilitate parliamentary oversight by implementing greater transparency in public financial management, including public disclosure of revenues, budgets, expenditures, procurement and audits. Donors will publicly disclose regular, detailed and timely*

²³ For those research publications, please visit the NGO Forum website via this link: <http://www.ngoforum.org.kh/eng/enpublications.php?docs=aepdoc>

information on volume, allocation and, when available, results of development expenditure to enable more accurate budget, accounting and audit by developing countries. ...".

Paragraph 23 of the Busan Partnership for Effective Development Cooperation further reiterates the above commitment: *"We will work to improve the availability and public accessibility of information on development co-operation and other development resources, building on our respective commitments in this area. To this end, we will:*

- a) Make the full range of information on publicly funded development activities, their financing, terms and conditions, and contribution to development results, publicly available subject to legitimate concerns about commercially sensitive information.*
- b) Focus, at the country level, on establishing transparent public financial management and aid information management systems, and strengthen the capacities of all relevant stakeholders to make better use of this information in decision-making and to promote accountability. ...".*

In 2010 and 2011, the NGO Forum produced a research report on "Cambodian Aid Information Transparency: An Assessment of Consistency of the Public Investment Program (PIP) and Official Development Assistance Database", and a Factsheet on the "Terms of Assistance of Foreign Concessional Loans to Cambodia". The research reports²⁴ present practical findings relating to donors' and recipient countries' commitments to aid transparency, which remains relevant for considerations by the RGC and DPs, pertaining to future improvements in the reporting of aid information to the public, and its consistency with the national budget and the National Strategic Development Plan. The NGO Forum believes more aid transparency and consistency in national systems (e.g. PIP, national budget and national planning) would be key stepping stones to encourage more participation from civil society organizations and the Parliament. Without the transparency and consistency of aid information in national systems, it is difficult for civil society and the Parliament to engage in the aid coordination mechanism, and hold the RGC and DPs accountable for development results.

2. Joint Monitoring Indicators 2: Aid Effectiveness

Coordinating Institution: CRDB/CDC ; P&H TWG				
Implementing Institution: All line ministries ; DPs ; TWGs				
Immediate Outcome	Output	Output Indicator	Activities: Milestone Actions	Associated Aid Effectiveness Actions
Harmonized and aligned development cooperation make a demonstrable	New &/or improved programme-based practices and	1. a. Number of PBAs Baseline: 7 Target: 10	1. CRDB/CDC to facilitate TWG network of RGC secretariats (and trainings) 2. CRDB/CDC to facilitate capacity assessments of TWGs/sector ministries	

²⁴ For complete report and factsheet, please visit the NGO Forum website at: <http://www.ngoforum.org.kh/eng/enpublications.php?docs=aepdoc>

<p>contribution to the delivery of RS-II, NSDP by furthering sector outcome level results</p>	<p>partnerships to implement sector programmes in a results-based manner, address fragmentation and promote predictability including:</p> <ul style="list-style-type: none"> ▪ Sector plan ▪ AOP (incl aid) ▪ Capacity assessment ▪ Aid effectiveness JMI activity ▪ Joint results-based review 	<p>b. PBA as % of aid</p> <p>Baseline: 28% (AER 2010)</p> <p>Target: 50%</p> <p>2. Improved predictability</p> <p>a. Aggregate predictability</p> <p>MYIFF +/-10%;</p> <p>b. Individual DPs</p> <p>MYIFF +/-15%</p> <p>(Baseline for aggregate predictability=104 %)</p> <p>(2008 PD survey) or as per 2010 AER if significantly worse</p>	<p>3. CRDB/CDC to provide support on PBAs and capacity development (incl TC) to reduce fragmentation and improve predictability through joint planning/review processes</p> <p>4. CRDB/CDC to conclude and follow-up "Making Partnership Effective" work</p> <p>5. P+H TWG to serve as peer review mechanism</p> <p>6. P+H TWG to support analytical work on country system use</p> <p>7. Development partners to explicitly state aid effectiveness commitments in Country Programme documents.</p>
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Observed progress on JMI implementation: Facilitation in TWG network and peer review mechanism through P&H TWG

The NGO Forum appreciates the Cambodian Rehabilitation and Development Board of the Council for the Development of Cambodia (CRDB/CDC), which has made considerable efforts in translating commitments, as stated in the revised Guidelines on Role and Functioning of the Technical Working Group (TWG), endorsed in the 18th meeting of the Government and Donor Coordination Committee on 20th April 2011, into practice. The RGC and DPs have accepted NGO representatives as full members in the TWG, and provide them with opportunities for capacity development in aid management. Moreover, CRDB/CDC invited representatives from the NGO Forum, CCC, and MEDiCAM to participate in the TWG retreat and cross-TWG meeting on 'Promoting Use of Country System', which were respectively held in Siem Reap in April and May 2011. The three NGO representatives in the TWG-Partnership and Harmonization also participated in the TWG retreat, hosted by CRDB/CDC in Sihanouk Province on 27-28 February 2012. At these meetings, representatives were able to note progress and understood issues at a more in-depth level across TWGs, as well as identify space for NGOs to participate more actively and responsibly in the mechanism. The umbrella NGOs (NGO Forum, CCC, and MEDiCAM) regret they were not invited by CRDB/CDC to the recent TWG Network Retreat on JMI Preparation held in Sihanouk Ville province in August 2012. At a subsequent meeting, however, CRDB/CDC clarified that the retreat agenda was more relevant to sector TWGs and DPs working to finalize the 2012 JMIs in line with Managing for Development Results (MfDR) principles. The lack of an invitation did not mean that the umbrella NGOs are likely excluded from the TWG network retreat since the RGC has recognized and reasserted the important role of CSOs as an essential contributor to the development of the country. In this regard, the umbrella

NGOs would like to request a more inclusive agenda for the next TWG Retreat so that the NGOs/CSOs could promote the MfDR principles in their own right for the benefit of the poor and vulnerable at the community level.

The inclusion of NGO representatives by CRDB/CDC on past occasions reflects good facilitation of the TWG network and capacity development of the TWGs-NGOs;²⁵ however, we would like to see invitations to participate in this TWG Retreat and capacity building exercise be further extended to at least one NGO representative in each TWG. The NGO Forum highly appreciates CRDB/CDC for providing a resource person to give comprehensive presentations on aid effectiveness concepts, and the history and trends in both the global and local context. We believe this is another option through which NGOs can benefit and we hope such knowledge sharing will help to fill gaps in understanding among NGOs, relevant line ministries/agencies and donors about the aid coordination mechanism in Cambodia. We would like to encourage the continuation and extension of this knowledge sharing to include deeper technical knowledge and concepts relating to translating and localizing international aid declarations in Cambodia, such as the Program-Based Approach (PBA) and PBA Clinics. We believe this would contribute to a more enabling environment for NGOs seeking to participate in the aid coordination process for the common interest and benefit of all Cambodians, especially the poor and vulnerable most in need of our concentrated and coordinated efforts.

To reduce fragmentation and improve predictability through joint planning/review processes, CRDB has made good use of the TWG-Partnership and Harmonization (TWG-P&H) to serve as a peer review mechanism. The NGO Forum on Cambodia and MEDiCAM were invited to participate in the TWG-P&H meeting for the first time, as full members, on 07 November 2011, following our request for membership. This also deserves high appreciation from the NGO sectors that may also benefit indirectly from the information sharing established by this trajectory. The TWG-P&H meeting mainly discusses the Cambodia Development Effectiveness Report 2011, which reflects more explicit results, rather than the concept of aid effectiveness. This participation allows the NGO Forum and MEDiCAM to receive more useful and strategic information relating to arrangements of aid coordination mechanisms, both at the local and international levels.

Observed shortfall on JMI implementation: Aid Information Transparency

With much improvement over the past few years, the ODA Database, one of the national aid information systems, has become both useful and practical for the RGC, DPs, and the general public, who use information on aid. Even though there have been remarkable improvements in aid information after the establishment of the ODA Database, there is still a need for more concentrated efforts by the RGC and DPs to make aid databases—ODA Database, PIP and National Budget Law—more consistent and transparent.

A research report on “Cambodian Aid Information Transparency: An Assessment of Consistency of the Public Investment Program (PIP) and Official Development Assistance Database”²⁶, found that there is a lack in the consistency of aid information recorded in the PIP and ODA Database, possibly due to different systems and processes used by the two databases. Understandably, the PIP records and prioritizes public investment projects, while the ODA Database records all projects updated by DPs; consequently, this has led to the ODA Database listing more projects than the PIP. Among the 151 active projects in the PIP, and the 277 active projects recorded in the ODA Database for 2010, 67 projects shared the

²⁵ ‘NGOs’ refers to sector NGOs who are representatives in the 15 TWGs.

²⁶ For detailed findings, please see the complete report, which can be downloaded from the abovementioned web link.

same information across databases. It was further revealed that when projects were recorded in both databases, the same project become different in terms its project title, duration and target area. These differences, in the name and duration for the same projects, are possibly a result of line ministries (LMs) not having all project information listed in the agreement between LMs and DPs. The different formats for recording (i.e. project coding and funding sources) between the two databases makes it difficult for monitoring by civil society organizations, especially concerning relevant projects recorded under LMs in the budget law, and the PIP and ODA Database. Different project coding and funding sources, as reported by the ODA Database (using a donor-based approach), and coordinated project coding and funding sources reported by the PIP (using a project-based approach under each line ministry) could stimulate confusion, or lead to misjudgments by public users on the lack of consistency between the two.

Moreover, an analysis on the "Factsheet on Terms of Assistance of Foreign Concessional Loans to Cambodia" (data retrieved on 07 October 2011), found that among the 143 concessional loan projects, 37 projects (including 8 pipeline projects) do not have information on either interest rates, or the type of interest rate, grace period, or amortization period. Among these 37 projects: 19 do not have information on interest rates; 13 do not have information on whether it is a fixed or variable interest rate; 28 do not have information on grace periods; and 27 do not have information on amortization periods. Although this information reflects the efforts and high commitments of the RGC and DPs in informing the public of the RGC's external debt, the abovementioned issues suggest a lack of complete information relating to foreign concessional loans to Cambodia. This deserves further attention by the RGC and DPs. Taking this opportunity, NGOs congratulate the RGC on having the Strategic Paper on Debt Management 2011-2018 adopted by the Council of Ministers on 10 February 2012, and its summary released on the website of the Ministry of Economy and Finance (MEF). This is a good steppingstone toward increasing the level of budget transparency in Cambodia, as well as ensuring sustainable debt management.

During the workshop on "Aid Information Transparency and Development Results in Cambodia", on 13 October 2011, notably, an MEF representative claimed that while MEF does not use the CRDB/CDC database as the basis for loan data, it does not mean the ODA database is invalid. He further informed the workshop audience that the MEF has a plan to publish a debt bulletin to inform and update the public of Cambodia's public debt status. The NGO Forum welcomes this commitment and looks forward to seeing the publication of a debt bulletin in 2012. Given that the MEF does not use information from the ODA database, we hope that the complete version of this public debt report will also include information relating to the terms of assistance and the conditionality of (concessional) loans, and be posted for public access on the MEF website.

Recommendations

1. To ensure consistent format and information flow among the ODA database, PIP, and National Budget Law, as each donor uses their own code to report various projects, **a common project code and other key information (including title, sources of funding, budget and duration) could be approved by the four central agencies, including the CDC, the MoP, the MEF and SNEC, in coordination with DPs.** This should be a satisfactory solution for donors to report data in a manner aligned with Cambodia's country system, as committed in the Busan Partnership statement. Common project codes should be posted in the ODA Database and written in the PIP, as well as the National Budget Law. In relation to multiple-donor projects, DPs should coordinate between themselves to make sure one project is not recorded multiple times by different DPs. Otherwise, a note

- informing this different recording, or coding, should be clearly and explicitly mentioned in each of the databases.
2. The research report recommends an urgent need to strengthen and speed up the coordinating role of the four central agencies: **MoP, MEF, CRDB/CDC, and SNEC. The central agencies should hold regular meetings to sort out project information.** The meetings are envisaged to allow the Government to monitor aid information, in alignment to the National Strategic Development Plan's priorities. The central agencies are rightly believed to check and edit the consistency of project information (title, duration, source of funding, budget, and project code) in the ODA Database, PIP, and National Budget Law.
 3. **Agreements signed by DPs and LMs should be used as the central information source for all projects when entering data into the PIP and the ODA database.** The agreement should be adjusted with an approved project code and other information; the agreement should be used by LMs, DPs, MoP and CDC to verify project information, before posting on the ODA website and PIP. DPs and LMs should have their staff translate and verify project titles from Khmer to English, or vice versa, and it is important to at least have a 'Glossary of Key Terms' in both English and Khmer.
 4. The NGO Forum would like to call on both the RGC and DPs **to publish more information on the related 'terms of assistance' of concessional loans (including budget, but not limited to, interest rates, grace periods, payback periods, and the conditionality of concessional loans)** to Cambodia, so Cambodian citizens are well informed about any possible burdens they will bear in the future from foreign concessional loans, such as tax payments funding the repayment of those loans. Cambodian citizens, as "the real payers of those loans" possess their rights to know the choices and conditionality the RGC has made in accepting any concessional loan, and how much burden they will have to bear.

3. Development Results of Aid: Review of Irrigation Projects Funded by Development Partners and National Budget²⁷

In 2011, the NGO Forum commissioned the Cambodian Economic Association (CEA) to conduct a study titled, "Learning from Irrigation Projects in Cambodia: Benefits and Challenges". The research assessed irrigation capacity, its impact on paddy production, and explored challenges in the irrigation sector by conducting a field assessment of 12 irrigation schemes across 8 provinces, located in the plains of the Tonle Sap Lake and Lower Mekong River. Four irrigation schemes were selected for a rapid survey with 180 farmers, in order to illustrate the benefits of irrigation on irrigated farm plots, in comparison to non-irrigated farm plots.

Based on the result from the investigation into existing literature, it shows that irrigated areas in Cambodia are inconsistent from one source to another. The RGC reported that irrigated areas in 2010 comprised 1.16 million hectares, which was 33 percent of land under crops, or 42 percent of paddy area. This represents an increase of 579,000 hectares from that in 2005. Such an increase of irrigated areas was not practically supported by the Ministry of Water Resources and Meteorology's (MoWRAM) average capital expenditure of approximately USD 34 million per annum, between 2006 and 2009. On the other hand,

²⁷ The key findings in this section are extracted wholly from the summary of the complete research report on "Learning from Irrigation Projects in Cambodia: Benefits and Challenges", which can be downloaded from <http://www.ngoforum.org.kh/eng/enpublications.php?docs=aepdoc>, as well as through <http://www.ngoforum.org.kh/eng/enallpublication.php> by going to sections on aid effectiveness projects or national budget project.

according to a World Bank report (2009), which is based on CSES 2007, suggested that the irrigated area in Cambodia was only about 25 percent of all agricultural land. Moreover, data available from commune data showed that irrigated areas in Cambodia consisted of 21 percent of all cultivated paddy areas, in 2008.

Through field assessment of 12 irrigation schemes across eight provinces, the research findings indicate that irrigated areas cover only 33 percent of all total cultivated wet season paddy areas, in 24 communes that have access to rehabilitated irrigation schemes. This suggests that irrigation coverage for nationwide cultivated wet season paddy areas could be significantly less, when considering that many communes are without access to rehabilitated irrigation schemes. The assessment further showed that, of total paddy lands in the communes, only 9 percent were producing early wet season rice (normally, from April-August) using irrigated water as a supplement to the rainfall, and 3 percent were producing an extra crop in the dry season (normally, from December-April), which is fully dependent on irrigated water.

The rehabilitated schemes, especially those financed by the DPs, usually supply irrigated water to meet full "command areas"²⁸ during the wet season, with supplemented water from rainfall, but there are some critical challenges attached to this, including limited availability of irrigation, a lack of distribution canals and diversion structures, and the poor design of the system. Based on data available from seven schemes, 23 percent of command areas could have access to irrigated water from improved schemes, leading to the cultivation of early wet season rice if receiving supplemental water from rainfall, while another 13 percent had the possibility of cultivating an extra crop in the dry season on the wet season paddy areas. However, the field assessment found that the actual irrigated area from large-scale rehabilitated irrigation schemes funded by the RGC, are limited because systems were not fully constructed or improved. Usually, tertiary canals were not constructed or improved. The effort could only rehabilitate the headwork and/or main canals through several consecutive years of work. Yet, in some cases, the commune uses its Commune/Sangkat Fund (CSF) to rehabilitate some tertiary canals to harvest irrigation water from the main canal into the paddy field.

The irrigation schemes were observed to have yielded a range of benefits to farmers, which include supplementary irrigation water for wet season paddy, intervention in time of drought, production of an extra crop in the early wet season or dry season, improved paddy yields, leisure sites, drainage systems to remove surplus water from the rice field when needed, expansion of vegetable production, access to towpaths for travel and transporting farm inputs and produce, household and animal use, and improved fish population. With regard to the impact of irrigation, the rapid survey found that irrigation had a considerable impact on the livelihoods of farmers. The majority of farmers benefitting from irrigation reported that the irrigation scheme had improved their livelihoods, especially among farmers who could farm an extra crop in either the early wet season or dry season. By comparison, a higher percentage of farmers with no access to irrigation, compared to farmers with access to irrigation, reported worsening livelihoods in the past year.

The key challenges that undermine the effective functioning of the irrigation scheme include an insufficient supply of water; incomplete infrastructure (particularly the lack of tertiary canals and diversion structures); poor design/improvement of the schemes; poor mechanisms for scheme management and maintenance; inactive Farmer Water User Committees (FWUC); low returns on paddy production undermined by poor soil quality;

²⁸ In the irrigation sector, the designed area to be irrigated is considered the "command area". Often, in reality, the system cannot supply enough water to irrigate the entire command area. The reasons could be due to the lack of a sufficient water source/rainfall and/or incomplete construction, among other things.

limited water sources, such as small rivers or rain-dependent reservoirs; competing water harvest from other schemes further upstream; and/or diversion of irrigation water for other uses.

Recommendations

The study, therefore, suggests the following issues be taken into account to further improve the effectiveness of the irrigation sector in Cambodia:

1. Since the absence of tertiary canals and diversion structures were found as major obstacles in the irrigation management, **irrigation schemes should be built or rehabilitated with complete infrastructure, proper design, and follow-up of construction or rehabilitation.** Moreover, proper design and follow-up of the construction or rehabilitation of schemes will help to ensure that schemes will not undersupply water to command areas, and that water management will not be undermined by the scheme structure.
2. For successful irrigation/water management or FWUCs, **experiments of other mechanisms should also be tried, for instance, private-led or NGO-nurtured schemes.** While private-led irrigation/water management would allow the private sector (individuals or companies) to run schemes through a bidding process, NGO-supported schemes are meant to have competent and credible NGOs assisting the institutionalization of the established FWUC during the early years. In any case, appropriate incentive systems must be put in place.
3. **A further in-depth cost and benefit analysis of existing irrigation schemes, in different locations and soil types, would provide clearer evidence for decisions on where or which projects should be prioritized, so resources are better planned and used.** As evidence has shown, irrigation schemes could provide a range of benefits other than irrigated water; multiple uses/functions of the irrigation scheme should be taken into account in project design and incorporated in the cost and benefit equation, so a project's cost-effectiveness could be enhanced.
4. **Given consistent reports of national irrigation coverage from different sources, a way to clarify or identify the irrigation capacity of Cambodia is needed.** This may require a robust review or survey to validate statistics, with agreement among key stakeholders, including Government institutions and DPs. At the same time, efforts to improve methods of data collection, among relevant and/or competent institutions, are required.

4. Key Actions/Strategies Committed by the RGC in the NSDP Update 2009-2013

For key policy announcements and actions relating to the importance of civil society organizations' contributions to the development of Cambodia, please see the position paper titled, '*Working Together toward Achieving Country Ownership over National Development Plan in 2013*'.

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Rural Development and Natural Resource Management

The Agriculture and Water Sector

1. Introduction

Cambodia's national economy is largely dependent on the agricultural sector, where approximately 80 percent of people reside in rural areas and rely primarily on agricultural occupations, including rice cultivation, crops and vegetable plantation and animal raising, to support their livelihood. The agricultural sector contributed 29 percent of total GDP in 2010. Based on the Progress Report of the Ministry of Agriculture, Forestry and Fisheries (MAFF) 2010-2011, the GDP from the agriculture sector increased 28 percent, relative to 2009. Nevertheless, this level of increase was still low compared to the growth experienced in previous years, and to the levels of GDP contributed by other sectors. The average growth of agricultural production increased annually, on average, by approximately 4-5 percent from 2006-2010.²⁹

The Royal Government of Cambodia (RGC), especially MAFF and the Ministry Of Water Resource and Meteorology (MOWRAM), have made efforts to improve the productivity of the agricultural sector, and have strengthened and rehabilitated irrigation systems to ensure effectiveness in responding to sufficient irrigation in the sector through the development of Strategic Plans, the formulation of a legal framework and regulations, as well as policies to ensure that agricultural and water policies can be effectively achieved. Activities have included the repair, rehabilitation, and construction of irrigation system in rural areas, capacity development of civil servants, community empowerment, and establishing Farmer Water User Committees (FWCU).³⁰ Together with these achievements though, certain areas still lack irrigation. For example, based on a study of 12 irrigation systems in 8 provinces, only 33 percent of the total area of rainy season rice in 24 communes has the ability to use rehabilitated irrigation systems.³¹ In addition, there is no system prepared to control water at the time of flooding, nor do systems exist to retain water for the purpose of irrigating rice and major crops after flooding. Moreover, these issues affect potential contributions in achieving the Rice Export Policy, as well as exporting other agricultural produce to regional and international markets.

Furthermore, the Strategy for Agriculture and Water (2006-2010) did not mention pesticides at all. As for the NSDP Update (2009-2013), it indicates the proper use of organic and inorganic pesticides in their required norms, but fails to show safe use in conformity with technical requirements and the dissemination of safe techniques to farming and direct users. The management and utilization of chemical substances in agriculture may entail severe obstacles to the development of the agricultural sector in Cambodia, as well as to regional and international competition, as well as reaching the RGC's goal for rice export (one million tonne by 2015).

In 1999, the NGO Forum on Cambodia established the Pesticide Reduction Network in Cambodia (PRN-C), with participation from national and international NGOs. The Network operates by cooperating with institutions of the Royal Governmental institutions in monitoring and reducing pesticide utilization in Cambodia, by encouraging alternative methods for sustainable agriculture and livelihood.

²⁹ Progress Report of MAFF from 2010-2011, and Action plan for 2011-2012 (pages 15-16)

³⁰ Activities and Achievement of Water Resource and Meteorology (MoWRAM, 2011)

³¹ "Learning from Irrigation Project in Cambodia: Benefits and Challenges (NGO Forum, 2011)

2. Joint Monitoring Indicators

- Coordinating Agencies: MAFF and MOWRAM - Implementing Agencies: MAFF and MOWRAM				
Immediate outcome	Output	Output Indicators	Activity	Associated aid effectiveness actions
Enhanced agricultural productivity and diversification and improved water resource development and management	1. Greater harmonization and alignment of implementation and monitoring and evaluation at both national and sub-national levels	1. A roadmap for moving towards a Program Based Approach to implementing the Strategy on Agriculture and Water (SAW) is endorsed by TWGAW	1. Public expenditure review and public financial management review for agriculture and water sector. 2. Roadmap for SAW implementation 3. RGC budget and human resources aligned to SAW. 4. Pooled basket funds for specific activities, mini SWAPs in areas where several DPs and RGC may have a common interest, joint planning and M&E mechanisms designed.	1. Joint commitment and action from RGC and development partners to move towards a program based approach to implementing the SAW.
	2. Rice, fruit and vegetable production is increased	2. Increased rice, fruit and vegetable yields increased by 2-3%	5. Increased use of good quality seed varieties and appropriate fertilizer usage. 6. Increased number of functional Farmer Organizations. 7. Increased irrigated land area 1% (25000 ha/year) 8. Increased number of functional FWUCs	2. RGC and DP resources supporting joint work plans to support extension services, farmer organization and irrigation services (Including training of irrigation engineers and the Technical Service Center)

Monitoring the Progress of Activities of the Joint Monitoring indicators

7.1. Public expenditure review and public financial management review for agriculture and water sector.

With reference to capital expenditure by external finance, in the Law on Finance for the Management of 2012³², in terms of the expenditure of the Ministry of Agriculture, Forestry and Fishery (MAFF), some expenditure plans did not receive funding, among which includes a project focusing on improving rice productivity in lowland. This project is crucial in responding to the goals set forth in the rice export policy, as the improvement of lowland areas is of paramount importance. As for the document on capital expenditure of MOWRAM, no funding was allotted to support the implementation of a project for flood prevention and drought. Risk factors from flooding and drought have had critical impacts on agricultural productivity in Cambodia, as Cambodian agriculture still relies heavily on nature.

Recommendations

- Push to support rice productivity improvement projects in priority lowland areas, to contribute to an increase in rice production and respond to the rice export policy of the RGC, through support by loans to purchase paddy rice from farmers' associations.
- Increase spending on the construction of small- and medium-scale irrigation systems, to allow water to be controlled for the use and prevention of irrigating land during and after periods of flooding and drought.

7.2 Road mapping for SAW implementation

Based on the Progress Report of Agriculture, Forestry and Fisheries 2010-2011 and the Action Plan for 2011-2012, dated April 2011³³, and the Annual Report of MOWRAM³⁴, it was observed that roadmaps for implementing activities within the SAW have yet to be shown.

Recommendations:

- Continue to construct a roadmap, in order to implement the SAW and provide opportunities for broad consultation with civil society and broadly disseminate it to stakeholders.

7.5 Increased use of good quality seed varieties and appropriate fertilizer usage

Going through the 2010-2011 agricultural progress report of MAFF, dated April 2010, we appreciate the efforts of MAFF in installing laboratories for studies on high-quality rice, crop studies, and pure seeds, and further disseminating broadly to farmers. In the report, we observed that rice yield increased by 8.75 percent in 2010, which reflected the use of good quality seeds, which was a crucial contributing factor. At the same time, with such an increase in rice yield, however, there was evidence of inappropriate use of chemicals (fertilizers and pesticides) by farmers not conforming to technical requirements. Consequently, not conforming to these requirements could lead to negative impacts on the economy, profits, health, and the environment.

³² Law on Finance for Management in 2012

³³ Progress Report of Agriculture, Forestry and Fisheries 2010-2011 and Directions for 2012

³⁴ Annual Report on Activities and Performance of Water Resource and Meteorology 2011

Recommendations

- Continue to do conduct experimentation, to identify quality seeds with high yields, which would not negatively impact the environment and health of producers and consumers. Disseminate tested research products more broadly to farmers, especially major rice seeds and crops, in order to contribute to the achievements set for 2015 within the rice export policy.
- Manage and use agricultural supplies safely, and take the appropriate responsibility in complying with technical requirements to disseminate techniques over their utilization, including the risks associated with the use of fertilizer and pesticides. Additionally, promote the wide dissemination of the Fertilizer and Pesticide Management Law to stakeholders, especially those who are direct users.

7.6 Increased number of functional farmer organizations

In reference to the 2010-2011 agriculture progress report produced by MAFF, farmers' organizations are necessary and their numbers have been increasing over time. We appreciate the efforts of MAFF in achieving results related to the increasing number of farmers' organizations in Cambodia.

Recommendations:

- In order to ensure appropriateness, clarity, and transparency in the formation of farmers' organizations, consultation should be made with communities at the grassroots level, to assure ownership³⁵
- Continue to support existing farmers' organizations, including Farmer Water User Communities(FWUC) and other farmers' associations formed by farmers and NGOs
- Help identify markets for agricultural production, to ensure farmers' organizations receive reasonable prices for agricultural products and generate profits to improve the livelihoods of their families.

7.7 Increased irrigated land area 1% (25000 ha/year)

Based on a 2011 report by MoWRAM, we appreciate the results achieved by the Ministry in increasing irrigated areas by 38,796 hectare (ha) from 2010 to 2011³⁶. The efficiency of the irrigation systems is still limited, as they have not been wholly constructed or repaired, and based on the 2011 report by MOWRAM, the majority of activities achieved were mainly rehabilitation and repairs.

Recommendation

- Irrigation system should be strengthened and improved in its effectiveness, especially its ability to irrigate secondary canal systems during the dry season. This would allow rice fields located far from primary canals to be irrigated.

7.8 Increased number of functional FWUCs

We appreciate the efforts made by MoWRAM for forming and increasing the number of FWUCs. Even though the number of FWUC has increased, we still observed some remaining

³⁵ Action Plan on the Management and Development of the Water Resource and Meteorology contributing to the implementation of the Rectangular Strategy II of the RGC (2009-2013)

³⁶ Report on Activities and Performance of the Water Resource and Meteorology Sector in 2011

issues, including irrigation systems that are not complemented by the formation of FWUCs, for example, those financed by the Government budget. Moreover, among particular irrigation systems that have already formed FWUCs, some have already become inactive. In Takeo, for instance, there are 26 FWUCs in total, but only 11 have registered with MoWRAM, and only 20 percent are still operational. Other FWUCs are poorly operational or inactive altogether³⁷. The inactivity of these FWUCs, for the most part, seems to stem from the fact that there has not been a sufficient number of management committees formed. Furthermore, the FWUCs are not equipped with the authority to lead due to conflicts of interest and the limited capacity of committee members, which in turn, lead to difficulties in coordinating water distribution.

Recommendations:

- The roles and responsibilities of FWUCs and their leadership are strengthened. They are required to notify farmers as to when water is to be pumped in and out. The committee should be effective in leading the group.
- The FWUCs should be formed for projects financed by the RGC as well. It has been observed that only projects financed by development partners have formed FWUCs.

3. Major Activities/Strategies in the NSDP Update 2009-2013

Paragraph	Contents
396	To improve production, employment, and income generation in rural areas and to ensure food security as well as to increase export of agricultural products
398	Strengthen agricultural extension services and agricultural techniques
402	To promote agricultural production growth from 2009-2013, MAFF has drafted various laws and regulations

396 To improve production, employment, and income generation in rural areas and to ensure food security as well as to increase exports of agricultural products

While the RGC is currently promoting the export of agricultural products, such as rice, we are concerned of the management and dissemination of technology to farmers, which has been, thus far, limited.

Recommendations:

- The RGC should strengthen and further support farmers, especially through lending services to rice millers, for the buying and storing of paddy, in order to reduce instances of paddy export without proper authorization, as well as to maintain food security. Support to farmers would also respond to the Rice Export Policy target set for 2015 (i.e. reaching 1 million tons of milled rice for export).
- Farmers' groups benefiting from each activity should be properly identified and targeted, by focusing on smallholder farmers and improving integrated and organic farming; rather, than large-scale mono-crop farming, or agro-industry that relies on numerous pesticides and chemical fertilizers or the use of genetically modified seeds. These farming characteristics are infeasible for small farmers, and the poor would

³⁷ Research Report on Learning from Irrigation Project in Cambodia: Benefits and Challenges (NGOF 2011)

not necessarily benefit from such a strategy, nor would it respond to ensuring food security.

398 Strengthen agricultural extension services and agricultural techniques

Based on actual activities and the agriculture progress report produced by MAFF, efforts have been made in improving agricultural extension to rural farmers.

Recommendations

- Support should be given to community-based organizations, as well as consultation services on: agricultural techniques, the production and purification of seeds, organic fertilizer, organic pesticides, management prior to and post harvest. This would help to ensure domestic resources are maintained and protected.
- Increase funding and human resources related to research on: agricultural techniques, agricultural advisory, documentation of experiences, and motivating farmers to know how to share their experience in rural areas. Domestic research by specialists and farmers, within their own areas, should be further motivated.

402 We appreciate the achievements of developing certain laws and regulations for promoting agricultural products over the 2009-2013 period; in particular, MAFF has drafted various laws and regulations

Recommendation:

- Continue to promote the development and consultation of draft laws and sub-decrees, such as the Law on Quality and Safety of Agricultural Products. The process of passing such laws should be hastened, in order to ensure high quality, and safe, agricultural production, and to ensure the wellbeing of producers and consumers.

4. Key Issues that did not exist in the Joint Monitoring Indicators and the NSDP Update 2009-2013

Many youth in rural areas are facing uncertain futures as they lack the necessary skills and knowledge to inherit and manage their rural economies, especially when off-farm opportunities in rural and urban areas are limited.

Recommendations

- Priority and support should be given to the initiation of training programs and vocational training centers for students at colleges, as well as those youth who have not accessed education in rural communities.
- Include this issue within the Mid-term Report of the NSDP Update, in order to motivate youth to participate in upholding the progress of the agricultural sector.

5. Recommendations

The following recommendations are centered on strategic plans, rules and regulations. Cooperation is necessary in seeking to address food security, poverty reduction, and small- and medium-scale agribusiness development among rural farmers in Cambodia:

- Developing an effective participatory agricultural extension systems (financial resources, and human resources) to strongly support farmers on best agriculture practices such as System of Rice Intensification (SRI)
- Fund for small and medium scale irrigation to be allocated to local government
- Fund for farmer to farmer exchange visit and study tour to be allocated to local government

- Vocational training for rural youth who want to take up career in farming business
- Pesticides education and law enforcement
- The RGC, especially MAFF and MOWRAM should include issues related to agricultural chemical substances, including pesticides and fertilizer, in the SAW.
- The Law of Pesticides and Fertilizer Management should be broadly disseminated. The Law will provide a basis for strengthening effective implementation over the management of trading, importing, exporting, and utilizing pesticides and fertilizer in a more effective way and all pesticides and fertilizers have to register and label in Khmer language.
- Further promote and increase agricultural production, in particular the quality and standardization of rice products, in order to meet the needs of regional and international markets, and to respond to, and achieve the goals set for paddy production according to the Rice Export Policy.
- Commit to cooperate and share information among DPs, RGC, and civil society organizations on education and awareness raising among rural farmers.

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Land Reform

1. Introduction

The Joint Monitoring Indicators below were endorsed at the 3rd CDCF meeting on 02-03 June 2010 and were intended to be achieved in approximately 18 months. As the Cambodian Government did not call for a Government-Development Partner Coordination Committee (GDCC) in late 2011, the JMIs were not newly formulated. This position paper therefore comments on progress made as of August 2012.

We welcome the Royal Government of Cambodia's directive, placing a temporary hold on the granting of new Economic Land Concessions (ELCs), and requiring a review of existing ELCs. This directive also included a provision related to the implementation of the "leopard skin" policy. Implementation of this titling scheme has begun and demarcation of an impressive number of 70,000 demarcated plots has been achieved, as of early August 2012. Civil society can play a constructive role in this process by monitoring its implementation, to ensure the achievements of goals.

However, equitable access to land and land tenure security for poor and vulnerable urban and rural Cambodians is still yet to be achieved. Urban poor communities continue to face pervasive tenure insecurity and are subject to forced evictions. Violent forced evictions continue to occur in urban areas, especially in Phnom Penh, as well as in rural areas. Civil society is concerned about the growing militarization of land disputes. We observe an increase in violent events between armed authorities and citizens peacefully defending their land and natural resource rights. These incidents are particularly disturbing as they indicate an increasing readiness on the part of security and military forces to use lethal force against civilians.

2. Joint Monitoring Indicator

Coordinating Institution: MLMUPC/GS CLP, SLC, GDCG, SNCDD MOI, GSSCL, Implementing Institution: MLMUPC/GS CLP, SLC, GDCG, SNCDD MOI, GSSCL,				
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 National 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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2.1. Improved Land Administration and Land Tenure Security

2.1.1. Policy for Land Administration, Distribution and Management Strengthened

2.1.1.1. Draft on Land Valuation Policy

NGOs welcome the efforts of the Council of Land Policy (CLP)/ Ministry of Land Management, Urban Planning and Construction (MLMUPC) to clarify that civil society representatives (point 5.3 in the Khmer version) must be included as members in the national, municipal/provincial and town/district Committees on Land Valuation.

However, it seems that the Khmer version is not consistent with the English version; the English version should also state that civil society participation, in all levels of the "Committee of Land Valuation", is mandatory.

We would like to repeat the remaining concerns, as previously expressed during the e-consultation process:

- Method of land valuation: The process of land valuation should be shorter, to avoid any differences in circumstances influencing land price.
- Steps for implementing land valuation: breaching any Code of Conduct should be punishable. The Code of Conduct should be in line with the implementation of the land valuation. Punishing breaches to Codes of Conduct is a way of ensuring effective and accurate land valuation.
- Usages of land assessment and single appraisal: in the Khmer and English versions, the enumeration of reasons for the requirement of a Land Valuation system, with regards to the Ad Valorem taxation, should be exhaustive.
- Implementation mechanism: in the English version, the policy should clarify that civil society representatives are included in the national, municipal/provincial and town/district Committees on Land Valuation (as this is also mentioned in section 5.3 of the Khmer version, i.e. private sector participation). In addition, the English version should also clarify that the town/district level has the authority to solve conflicts arising from the implementation of land valuation (this is also mentioned in the Khmer version).
- The Town/District Committee on Land Valuation should have a mechanism to give comments and suggestions on any decision (i.e. monitoring mechanism) made by the Municipal/District and National Committee. The body receiving, considering, deciding and giving feedback to the town/district level should be independent and have the authority to make decisions.
- The Land Valuation Policy should include clear criteria and the processes for selecting civil society representatives, to ensure the diversity of civil society is properly represented. CSO representatives should not be limited to an observer role. CSO

representatives should have a mandate in the conflict resolution process within all three levels of the land valuation committees.

- In general, the Monitoring and Evaluation Officers assigned to resolve conflicts should be separate, and able to act independently, from the Land Valuation Committee.
- Prior to accurate land valuation, Land Classification and Land Use Planning documents are necessary. We call on relevant institutions to implement such a process throughout the country, before valuing land. To strengthen the transparency of land valuation, we recommend allowing competent NGOs to observe and monitor the implementation of such valuation.

We hope that these comments will be considered by the Ministry and included in the final version, before its approval by the Council of Ministers. The process of finalizing and adopting the policy should be sped up, as annual taxes were already collected in 2011 and fees were determined by the Committee of the Ministry of Economic and Finance, as authorized by a Sub-decree and Prakas.

2.1.1.2. Draft National Housing Policy

The draft of the National Housing Policy has still not been adopted and there is no clear timeline for adoption and implementation of the policy.

Despite the fact that the MLMUPC promised to share the final version of the draft policy with NGOs, before submitting it for approval³⁸, NGOs have not received any update on the policy. The timeliness of this draft, and the safeguards it provides, still remain in question by NGOs and communities, as it contains guarantees of tenure security.

Urban poor communities continue to face pervasive tenure insecurity and are routinely subjected to forced evictions. Violent forced evictions continue to occur in urban areas, especially in Phnom Penh, as well as in rural areas. In 2011, community members of Boeung Kak, among others, were subject to forced eviction and the loss of their rights to housing.

NGOs welcome the sub-decree granting 12.44 hectares of land, from a development project, to the affected people in the Boeung Kak area, for onsite upgrading. However, the sub-decree fails to identify the exact location and boundaries of the area foreseen, leaving communities concerned and insecure. In addition, we note, with concern, that community members have been excluded from onsite upgrading. Protests from community members have been violently dispersed.

In early 2012, residents of Borie Keila in Phnom Penh were forcibly evicted³⁹. Of these resident, some were moved approximately 45 km from their current location, while others were injured and some arrested and jailed. The company supported by the municipality of Phnom Penh used military force while carrying out the eviction.

These evictions are characterized by inadequate consultation, notice, compensation or resettlement. In almost all cases, when compensation is offered, residents are subjected to pressure and intimidation to accept inadequate sums for their homes and land.

³⁸ During the quarterly meeting with MLMUPC on 28 March 2011

³⁹ For further information, please see <http://licadho-cambodia.org/pressrelease.php?perm=267>

Forced evictions continue to be gross human rights violations. Cambodia—which is party to relevant international treaties—has an obligation to curb and protect its population from forced evictions.

Relocation sites outside the city are not, in most cases, equipped with sufficient infrastructure, such as electricity and water supply, nor do affected persons have access to education and healthcare facilities. After relocation, people cannot continue to earn a livelihood, due to greater distances to their former jobs and higher costs of transportation. A lack of daily income is the consequence, and some children are forced to abandon school.

This contributes to increased poverty, which stands in contrast to the RGC's Rectangular Strategy. These communities, and many more, have been unable to utilize the existing legal and regulatory framework to secure land rights, and as a result, have become more impoverished.

Circular 03

NGOs appreciate the opportunity to comment on the approved version of Circular 03 (C03), which creates opportunities for sub-national level initiatives, and is aligned with the Decentralization and De-concentration (D&D) Policy of the RGC. The C03 pilot projects in Battambang are practical examples of this local initiative led by communities, Sangkats and Municipalities, and supported by development NGOs. We acknowledge that the C03 pilot projects' alignment with D&D will help to assure implementation is in accordance with local conditions in municipalities and districts.

However, a number of key factors are necessary for proper implementation: a) willingness of authorities to identify decent housing resolutions for informal settlements, b) encouragement from authorities for communities to be part of decision making and implementation, and c) openness of authorities in coordinating with relevant NGOs. On-site tenure security should be the first priority for housing resolutions, as it is: a) the best way to avoid complexity in implementation, b) is a low-cost solution for both communities and authorities, and c) demonstrates good governance. There is a need for capacity building at the sub-national levels, especially at Sangkats and districts, to help officials understand the various types of housing resolutions and how to consult/engage with communities and NGOs. At this stage, it is too early to say whether C03 could be part of the Housing Policy, but the housing resolutions reached during the implementation of the C03 pilot projects will provide important lessons (both positive and negative), contributing to the Housing Policy and its implementation. C03 offers a guide/direction, but during implementation it will be important to document where more clarification is needed, and to identify bottlenecks within the current legal framework; the best housing resolutions are based on the principle that "Policy/Law are for the people, not vice versa".

The lack land classification documents is one major obstacle to the transparent analysis of land classification. Various civil society groups have raised concerns over the understanding of the C03 processes, such as the identification of public state land, which does not seem to be clear to local authorities. Another issue is transparency and coordination with local informal settlements, during data collection, and the collection of comments after data dissemination. It is evident, in Phnom Penh, that communities have no clear, official information on community land status—whether it is state public or state private land—after a survey undertaken within their community. Local communities were not consulted on the process, as required by C03. Unclear information on land and property worries community members and restricts their investment in community development.

2.1.1.3. Sub-sector Programs on Land Management approved

The Sub-Sector Programs on Land Management were approved in June 2010.

2.1.2. Land Registration Strengthened with the focus on poor/ vulnerable households

2.1.2.4⁴⁰ 1.7 million systematic land titles distributed

NGOs acknowledge that the Systematic Land Registration (SLR) process has resulted in the issuance of an impressive number of land titles. As of November 2011, the SLR program had delivered 1,740,839 land titles⁴¹. However, concerns remain: while registration has been relatively straightforward for many particularly rural areas of the country, others, mainly in urban areas, have run into significant problems. Large-scale exclusions from the process have been identified, and in several high-profile urban cases, numbers of people with strong claims to legal possession have been unable to access the SLR process. In some cases people have been denied land titles for legitimate reasons, after having their claims adjudicated. However, in some cases, adjudication has only been partially implemented, and areas have been skipped or avoided on the grounds that they are "too difficult" to adjudicate. This excision of areas from adjudication zones does not appear to follow any clear legal process.

The issue of exclusions has been identified by several NGOs, and is a running concern; the World Bank and other development partners have also acknowledged this. However, little research or intervention has been carried out by the RGC to address: a) why exclusions are occurring, b) on what scale, c) at what stage in the SLR process they occur, and d) what legal process such exclusions follow (if any).

Research carried out by the NGOF in 2012⁴², to obtain more information, has revealed the following reasons for exclusions:

- Excision from the SLR process, prior to or in the early stages of the survey and demarcation process. In many cases, exclusions were taking place because land has already been sold, approved for development, or marked for future infrastructure works in government land use plans. However, there is evidence to suggest that, in some of these cases, the approval of land sales or development projects is not in compliance with existing law and legal frameworks, and exclusions from the SLR process are being made on the basis that titling those areas is "too difficult". This has no basis in the legal framework developed under LMAP/LASSP.
- Unclear status of land. Many households were excluded from receiving land titles, as land was given an 'unclear status', for example, in cases where land was claimed as state property, or if land bordered state public land that had not yet been clearly demarcated. These problems could be avoided if more transparent and coordinated work was carried out in the mapping of state land.
- Land being state property. A significant number of people have been denied title or had portions of land annexed because parcels overlapped with state land. In many cases these were clear-cut decisions, as land parcels overlapped with railways, waterways, and public paths. However, in some cases, it was highly questionable to assert that land was state property.

⁴⁰ The numbers are used accordingly to the Joint Monitoring Indicators 2010-2012

⁴¹ LASSP, Land is Life: Land Administration Sub-Sector Program Newsletter, Issue 2, November 2011.

⁴² Unpublished report

Other reasons that people may not be able to obtain land titles included:

- The absence of beneficiaries, or their neighbours, during the demarcation process.
- Land being subject to disputes. No land titles can be issued over disputed land, however, some disputes are not being effectively resolved by the dispute resolution mechanisms. Unresolved land disputes have been identified as a potentially significant barrier to SLR.

2.1.2.6. Percentage of women with land titles exceed men with land titles

The percentage of female property ownership is 19 percent, and the percentage of male property ownership is 8 percent. The percentage of common property ownership, belonging to both husband and wife, is approximately 62 percent. Six percent of property was registered to singles and 4 percent to others.

NGOs welcome the Ministry's plan to update the MLMUPC homepage on a regular basis, displaying relevant documents both in Khmer and English, including a public display of gender-disaggregated data on systematic land registration. This update should have begun in May 2012, but to our knowledge, data has not been made publicly available on the homepage.

2.1.2.8. Three indigenous communities are communally titled

Indigenous peoples (IP), and the NGOs working to support indigenous peoples' rights, appreciate the completion of the registration of indigenous peoples' community lands in three pilot areas. We also welcome the adoption of an Inter-ministerial Circular, *"on an interim protective measure protecting lands of indigenous peoples that has been requested for collective ownership titling, while awaiting titling process, according to procedure, to be completed."*

However, indigenous peoples and civil society still consider the sub-decree supporting the procedures for the registration of indigenous community land as not conforming international standards, as it not fully protect or secure the land of indigenous peoples.

The overall process of communal land registration is slow—titling of the three target areas was already planned for completion in 2009. The proceedings of communal land registration are complicated and require good cooperation amongst all involved Ministries, such as the Ministry of Interior (Mol), Ministry of Rural Development (MoRD) and MLMUPC. Indigenous people are concerned they will lose their land before they can obtain communal land titles.

We are pleased to learn about plans to ease the process for communal land registration, and to increase the number of staff and their capacity. The available budget for this project will be increased, in order to ensure an increase in the number of communal land titles. However, we have just learned that the MLMUPC plans to issue only three communal land titles per year. We strongly suggest the Ministry increase the number of communal land titles. We further welcome all Development Partners' efforts in support of indigenous communal land titling.

Due to the lengthy process of communal land registration, more measures need to be taken to protect indigenous lands, prior to registration. In this regard, we welcome the issuance of Inter-ministerial Circulars No. 001-No. 004, dated 31 May 2011, banning land transactions on indigenous lands, as interim protection measures. However, we regret that the Inter-ministerial Circular excludes areas "that the Royal Government has agreed in principle for investment or development – prior to this measures come into effect". Investment or

development in these areas potentially have a negative effect on the rights and livelihoods of indigenous peoples.

The circular only aims at interim protection of indigenous communities who have already requested collective titling. As NGOs have stated already, "interim protection for indigenous land can only be achieved by interim protection of indigenous peoples' land for all communities that are predominantly indigenous, *regardless* of whether or not they are registered. Applying interim protection only to registered communities disregards international standards of respect for self-determination (a cornerstone of the UN International Declaration on the Rights of Indigenous Peoples)".

Another concern is related to Articles 9 and 10 of the Sub-decree. These provisions imply that IP land, involved in land disputes, will not be registered. It is likely that communities will be left exposed to further land alienation, while they wait indefinitely for any disputes to be resolved, given the fact that large portions of land inhabited by IPs are disputed due to the encroachment of Economic Land Concessions, mining concessions and other development projects.

Articles 6 and 7 of the Sub-decree place a seven-hectare limit on the spiritual and burial forest that can be registered by indigenous peoples. However, this limitation does not reflect the fact that some spiritual and burial forest areas exceed this limit.

2.2. Increased equity in land distribution

2.2.3. Implementation of the Social Land Concession mechanism

NGOs welcome national efforts to distribute land to landless and poor households through the implementation of Social Land Concessions (SLCs). However, little progress has been made thus far. A progress report⁴³ on SLC implementation stated that four sites (in four communes within three provinces) with an approximate land size of 7,000 ha, have been distributed to 1,614 families, and are under development⁴⁴. Three communes in Kratie province are in the process of state private land registration and land use planning. Approximately 30,000 ha of land, out of 134,000 ha in 49 sites (in 16 provinces), are in the process of implementing national-level SLCs. However, it seems public and private state land has not been properly demarcated in the process of identifying land foreseen for SLCs.

Current data⁴⁵ from CSOs indicate that approximately 2,036,170 ha have been granted as Economic Land Concessions thus far, which stands in stark contrast to the total area made available for SLCs. While acknowledging an economic need for private sector investment, equal importance and attention should be given to the social needs of poor and marginalized parts of society, especially in the Government's aim to reduce poverty. In this regard, more land needs to be allocated for SLCs. Land made available for local-level SLCs comprises 6,800 ha, far less than that available for national-level SLCs (approximately 30,000 ha). This indicates a need to strengthen efforts in initiating and implementing local-level SLCs.

⁴³ Report on Progress in Implementing Joint Monitoring Indicator, TWG-Land

⁴⁴ Report on Progress in implementing Joint Monitoring Indicator, TWG- Land

⁴⁵ Carving up Cambodia, one Concession at a time, a joint LICADHO and Cambodia Daily analysis, The Cambodia Daily, Issue 730, Saturday and Sunday, March 10 – 11, 2012

The challenges listed below were mentioned in the last National Strategic Development Plan (NSDP) update⁴⁶, and to the best of our knowledge, no efforts have been made to overcome these challenges.

1. Project implementation requires involvement from government authorities and institutions on various levels, thus resulting in a rather time consuming process.
2. Lateness of development and approval from relevant bodies also posed critical challenges.
3. Budget limitations and the lack of flexible revisions, especially for the procurement of roads, clearances, schools, bridges, poles, and other related issues.
4. Less land available, but higher needs.

2.2.3.9. From Jan 2010 to Dec 2011 number of communes that submitted approved land use plans increases to 20 (baseline 10 communes)

2.2.3.10. Sub-sector Program on Land Distribution approved

The Sub-Sector Program on Land Distribution was approved in June 2010 as part of the Sub-sector Programs on Land Management.

2.2.3.11. Stock-taking on land available and suitable country-wide for SLCs

Three communes in Kratie province are in the process of state private land registration and land use planning.

Continue to develop and implement the legal framework related to land and housing

As discussed above, and as acknowledged by the RGC's development partners, key elements of the legal and regulatory framework for land are still lacking. One of the most critical missing elements is a comprehensive National Resettlement Policy and corresponding regulations.

NGOs seek clarification on the next steps for the draft Sub-Decree on Informal Settlements and hope that a meaningful public consultation on the next draft will be conducted.

Experience in Cambodia, and around the world, has shown that, when resettlement is carried out without safeguards, it leads to deeper impoverishment of affected persons. This policy is thus crucial to the RGC's poverty reduction strategy as it continues to pursue economic growth and development. As a priority, a national resettlement policy, and legal procedures consistent with international standards, must be adopted and implemented with respect to households unlawfully occupying State land. The policy should provide for the legalization of such households through lease arrangements, or other tenure options, and stipulate that evictions shall only be carried out if absolutely necessary for public interest. If any households must be relocated from State land, resettlement must be carried out in a manner consistent with international human rights laws.

A draft "Sub-decree on Urbanization of the Capital City, Towns, and Urban Areas" has been introduced by the Department of Urban Planning of the Ministry of Land Management, Urban Planning and Construction.

The NGO community welcomes urban planning legislation that is transparent and open to consultation with Government, civil society and the residents of urban Cambodia.

⁴⁶ "Compilation of the NGO Comments on the Draft Mid-Term Review of NSDP Update 2009-2013". Submitted to Line Ministries/Agencies of the Royal Government of Cambodia, Compiled in November 2011 by the NGO Forum on Cambodia, Development Policy Project. Available upon request from NGO Forum.

However, the draft Sub-decree was disclosed to NGOs only on 29 November 2011, calling for a half-day consultation on the draft for 1 December 2011. Such short notice made it impossible for civil society to conduct in-depth analysis, or to contribute meaningful input on the draft. Furthermore, the consultation was not widely attended by other key Ministries, Development Partners or community representatives. The MLMUPC verbally announced that NGOs could submit written comments within a timeframe of one week, which was also insufficient.

The concerns are not related only to the formal consultation process. Based on an initial analysis, there are multiple concerns on the content, which needs to be addressed. Among them are:

- While the objectives of the Sub-decree are generally satisfactory, subsequent articles fail to live up to these objectives and some actually contradict them.
- The draft is characterized by an overall lack of vision on urban planning. At the same time, some articles contain excessively detailed requirements (e.g. Article 22 regarding the number of trees in 150 square meters); others are vague and have no indication of how to make them actionable (e.g. Articles 2, 6, and 28), while others simply do not belong in a sub-decree on urban planning (e.g. Article 31).
- Although community and civil society participation and consultation is mentioned in the document, no details are provided on how to ensure such consultation is meaningful and takes place not only when plans are complete, but during their preparation as well. Timelines for commentary on various plans are insufficient. The different levels need to be taken into account when planning meaningful consultation and participation.
- Article 29 seems to provide complete discretion to the MLMUPC to allow landowners to exceed maximum levels of land use. Similarly, Article 32 gives MLMUPC the discretion to decide on minimum standards for plot size; this may lead to evictions, as the minimum sizes of plots stated in the sub-decree make most plots illegal. The same article also challenges any meaning of Control Areas (CA). Overall, there is a presumption allowing MLMUPC total discretion in making final decisions.
- The percentages and ratios put forward in Articles 22 and 23 are very puzzling. It is not clear if these will be retroactively imposed, in which case they could lead to mass evictions. Similarly, Article 32 on plot sizes is unrealistic and potentially dangerous. It would lead to evictions, as well as making city plots too expensive for the poor. The provisions set forth in this sub-decree are contradictory and overlap with existing laws, sub-decrees and policies related to land development, construction and land use. Despite claims complying with the principles of D&D, this is still a top-down, centralized planning mechanism. Additionally, mechanisms at the national and sub-national level overlap with existing mechanisms.

Recommendations

- Without comprehensive and transparent state land management, land grabbing and speculation will continue, as will the granting of illegal concessions and the associated degradation of the natural environment and the violation of the rights of poor and vulnerable people.
- NGOs call for a transparent and comprehensive demarcation of state land. This data should be publicly displayed. We note there has been no visible progress towards this vital goal of the NSDP. We strongly recommend to the RGC to document and publicly demonstrate that land classification is a primary and urgent priority.
- We hope the envisaged future support to the land sector from development partners will contribute to an increase in tenure security for the most poor and vulnerable

people in Cambodian society. We call upon these Development Partners to handle support with the utmost transparency and suggest a rigid monitoring and evaluation system, which pays specific attention to the avoidance of unintended human right violations.

- With regards to the “new titling scheme”⁴⁷, civil society hopes that the implementation of this scheme will have a positive impact on: land tenure and the rights of private landholders; land use and conservation; the rule of law and implementation of the existing legal framework governing land management and use; and, community cohesion and stability. While the new titling scheme will not cover disputed lands, we support the RGC in its efforts to accelerate the resolution of existing land disputes.
- We respectfully suggest increasing transparency in the process of implementing the scheme and to make comprehensive information about the objectives and the procedures of this titling scheme publicly available.

Circular 03

- We respectfully suggest to the government, in particular to MLMUPC, to equip local authorities with the capacity to clearly understand the process of C03, which would enable them to explain processes and properly consult with community members. We also look forward to seeing additional participation from NGOs in the implementation process of C03.

Time frame to provide comments on any policies/sub-decree

- The timeframe for providing the comments on the draft legal framework is insufficient. We suggest that government institutes should provide sufficient time to Civil Society to analyze any draft and provide comments to allow meaningful consultation.

Systematic land registration process

- Prioritise an end to the practice of de facto state land classification by local authorities, during the adjudication process. State land should be identified, demarcated, and registered through a transparent process in accordance with the procedures laid down in Sub-decree No. 118 on State Land Management, prior to the SLR of individual land parcels. In addition, the State Land Map and Database should be made public.
- Review the current procedure for the selection of adjudication areas and make the process and criteria of selection publicly available in the form. According to Sub-decree No. 46, the relevant provincial or municipal governor must announce adjudication areas.⁴⁸ Adjudication areas should be selected considering areas of economic growth and areas where increasing development measures, such as Economic Land Concessions, are being implemented. However, there is no additional

⁴⁷ On 7 May 2012, the RGC issued a directive placing a temporary hold on the granting of new Economic Land Concessions (ELCs), and requiring a review of existing ELCs. That directive also included a provision related to the implementation of the “leopard skin” policy, which aims to limit encroachment on communities’ land. On 4 July 2012, the Council of Land Policy (CLP) issued an instruction on how to implement the Royal Government’s Directive No. 01 BorBor, dated 4 June 2012.

⁴⁸ Royal Government of Cambodia, Sub-decree No. 46 on the Procedures to establish Cadastral Index Map and Land Register, 31 May 2002 (Article 2).

detailed selection procedure set out in any official document that is readily available to the public.

- Renewed emphasis on SLR in urban areas, with increased transparency in the selection of adjudication areas.
- Renewed efforts should be made to increase access to the 'additional SLR' process, including implementing the improved procedure for households that have been excluded from the SLR process across provinces supported by the LASSP.
- Strengthen the dispute resolution mechanism.
- NGOs appreciate that the avoidance of difficult areas from land titling has become a separate milestone in the second milestone process in the negotiation between the Cambodian and German Governments. The release of funds and the continuation of German support for the land sector reform program are linked to satisfactory progress and achievement of its milestones. We are looking forward to receiving full information on the MLMUPC's plans to avoid further exclusions prior to any envisaged consultation process, in order to be able to contribute to a meaningful consultation.

Communal Land Titling

- After registration of the three pilot areas, indigenous communities and CSOs request the RGC, as well as development partners, to highlight identified problems during the registration process. Based on the lessons learned, the current sub-decree on communal land titling should be improved to speed up communal land registration.
- To complement these efforts, we also suggest taking the following measures: Establish a project, with financial and technical support from development partners, to scale up and expedite registration of indigenous peoples' lands in not only Ratanakiri and Mondolkiri, but also any province with indigenous communities. Communities whose lands are most threatened by Economic Land Concessions, mining or other development activities should be prioritized for registration. NGOs working closely with indigenous communities should be involved in this project in order to ensure that the registration process is adequate and in accordance with Cambodia's obligations to fully protect the rights of indigenous peoples.
- We strongly suggest increasing the number of communal land titles from currently three per year.
- NGOs recommend accelerating the process of officially recognizing indigenous communities', and to recognize at least 35 communities per year, as this recognition is necessary to apply for communal land titles at the MLMUPC. Interim protective measures are in place only after the communities applied for communal land titles at MLMUPC.⁴⁹
- Furthermore, NGOs suggest increasing the target areas for communal land titling to 29 areas, until 2013, where communities have already registered as legal entities by MoI. We also request the RGC to share plans on the implementation of the sub-decree for indigenous land registration, as well as target areas including a timeframe for implementation, and information on available technical/financial support from Development Partners.
- We also request the RGC to clarify the following points in a circular regarding the registration of indigenous peoples' land:

⁴⁹ Circular on interim protective measure protecting lands of indigenous peoples, that has been requested for collective ownership titling, while awaiting titling process according to procedure to be completed, 31 May 2011.

- Should members wish to leave an indigenous peoples' community, the final decision on whether they should receive land or compensation must be that of the community through its traditional decision-making processes.
- Communities involved in land disputes should be able to register non-contentious areas of their land. A procedure should be created for subsequently registering the remainder of the land once disputes are resolved.
- The following measures should be taken to protect indigenous peoples' land prior to registration:
 - National awareness raising campaigns, explaining that the sale of customary indigenous peoples' land to people outside the community is illegal.
 - Raise awareness with RGC on its legal obligations, including that witnessing such transfers and granting of concessions on indigenous peoples' land are illegal.
 - Support basic community-led mapping efforts. GPS maps that show land boundaries should be posted at local and provincial government offices and referred to in awareness raising events.
 - Enforce existing provisions of the Land Law that prohibit interference with land in areas populated by indigenous peoples until the process of land registration is complete.
- Furthermore, we suggest strengthening the enforcement of provisions in the Sub-decree on ELCs, as well as the Land Law, which serves to benefit interim protection, such as Article 23 of the Land Law.
- All stakeholders should improve any consultation process based on the principles of "free, prior and informed consent", before implementing any development project on indigenous peoples' lands. Environmental and Social Impact Assessments need to be conducted based on international standards. The monitoring of land transactions in areas inhabited by indigenous peoples needs to be enhanced, and a moratorium on land sales in those areas should be imposed.
- NGOs working to support indigenous peoples' rights request clarification as to why JMIs are not achieved. Not achieving JMIs should have consequences for the non-compliant party. Interim protection measures for indigenous land must be implemented. Under Article 23 of the Land Law, all indigenous communities are protected, regardless of whether they are yet to be recognized as legal entities by the government. Civil society urges the RGC to add JMIs regarding interim protection of indigenous land, which are measurable and achievable.

Social Land Concessions

- First and foremost the RGC should explore all other mechanisms to increase equity in land distribution. These could either complement the concept of social land concession or follow it.
- Possibilities for simplifying these processes should be explored. Furthermore, all possible concerned Ministries such as the MLMUPC, Ministry of Interior and the Ministry of Agriculture, Forestry and Fisheries (MAFF) should be included in the process of Social Land Concessions; their cooperation must be strengthened to design a joint methodology to identify suitable agricultural land for SLCs and to develop national social land concession plans.
- Revoked ELCs should be transferred to SLCs.
- With regard to the ongoing efforts of strengthening D&D, sub-national stakeholders, such as Commune Councils, need to be strengthened and supported in identifying and allocating land suitable for SLCs, as well as in developing SLC Plans. Initiation and implementation of SLCs at the local level need to be increased, in order to

distribute more land to target land recipients. Communes need increased support and cooperation from/with stakeholders, especially at the national level.

- With regard to already implemented SLCs; efforts should be strengthened to increase awareness about good practices in (organic) cultivation of various agricultural products. Marketing opportunities for those products should be explored further; ensuring access to markets and fair market prices will improve food security and living conditions of the target recipients.
- Possibilities should be explored to avoid land encroachment on areas identified for SLCs. Local authorities are especially relevant in curbing and avoiding land encroachment, through education by local authorities and information dissemination involving legal procedures. We recommend to local authorities to expedite the granting of SLCs.

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Forestry Sector

1. Introduction

Concerning forestry issues, the NGO Forum on Cambodia coordinates the Forest Livelihoods and Plantation Network (FLPN). It is comprised of members from national and international non-governmental organizations (NGOs). The FLPN collaborate on forestry issues in Cambodia, in particular on policy engagement and consultation.

We thank the Royal Government of Cambodia (RGC) and the Forestry Administration (FA) for taking action to combat forest crimes in Cambodia, including some recent government policies to protect forests and natural resources. These include the National Forest Program (NFP) and the Cambodia REDD+ roadmap

Nevertheless, we remain concerned by the dramatic increase in the number of economic land concessions (ELCs) granted in Cambodia, especially in protected areas, which are the last repositories of Cambodia's rich natural resources, especially forest. We have observed that ELCs negatively affect both the environment and the livelihoods of forest-dependent communities, especially indigenous peoples. Although there are laws requiring transparency on ELC deals, public information on ELCs is still limited and fragmented. We therefore welcome the Royal Government of Cambodia's moratorium on any new ELCs, and the call for a review on all existing concessions⁵⁰.

As the granting of ELCs has increased dramatically, NGOs also have serious concerns about the landholding situation in Cambodia. According to the Ministry of Agriculture, Forestry and Fisheries (MAFF), the total land communities used for agriculture, in 2010, was around 3,478,592 hectares⁵¹, which was owned by 72.30 percent of Cambodia's citizens (approximately 9,685,078 peoples)⁵²; however, around 1,970,415 hectares of land was allocated for ELCs, occupied by 277 elite people or concessionaires⁵³.

According to another source, ELCs are now covering 2,036,170 ha, which is equivalent to 53 percent of Cambodia's arable land. In addition, 1,900,311 hectares have been granted as mining concessions. Totaling 3,936,481 hectares, mining and economic land concessions now cover 22 percent of Cambodia's surface area⁵⁴.

⁵⁰ Royal Government of Cambodia, No.01 BB, 07th of May, Directive on Measures to Strengthen and Enhance the Effectiveness of the Economic Land Concession Management

⁵¹ http://www.stats.maff.gov.kh/km/index.php?option=com_content&view=article&id=1&Itemid=2

⁵² According to Census 2008, 72.30% of Cambodian citizens are farmers.

⁵³ According to the NGOF ELCs database

⁵⁴ Carving up Cambodia, one Concession at a time, a joint LICADHO and Cambodia Daily analysis, The Cambodia Daily, Issue 730, Saturday and Sunday, March 10 – 11, 2012

2. Joint Monitoring Indicators (endorsed at 3rd CDCF meeting on 02-03 June 2010)

Coordinating Institution: Ministry of Agriculture, Forestry and Fisheries Implementing Institution: Forestry Administration				
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 millions Ha CF areas of forestland by MAFF 3. Produce Legal procedures and legislations for REDD.

3. Monitored progress on milestone actions

2.1 Reforestation of 25,000 ha of degraded lands

NGOs working in the forestry sector acknowledge the intention of the RGC, especially the FA, concerning efforts to reforest degraded land, as agreed in the Joint Monitoring Indicators (JMIs). However, NGOs and other Civil Society Organizations (CSOs) are disappointed that "reforestation" includes rubber trees included within ELCs, as well as acacia and eucalyptus.

NGOs and CSOs do not agree with the NFP's current inclusion of plantations in the definition of "forest". The artificial monoculture plantations cannot replace the value of natural forests with regard to biodiversity, ecological services (such as sediment and water regulations), contributions to local economies, and the livelihoods and cultural identity of Cambodia's indigenous peoples and forest-dependent communities.

NGOs recommend the RGC/FA limit the definition of forest to "natural forest", and distinguish true reforestation activities, such as the rehabilitation and re-establishment of natural forests, from ecology-changing crops such as acacia, eucalyptus, rubber, and palm oil.

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

While NGOs appreciate the government's demarcation of forest estates and protected areas, as planned, we are alarmed by the dramatic increase in the number of ELCs granted in various protected areas. These include Bokor, Botum Sakor, Virakchey, Aoral, Boeung Per, Lumphat, Namlyre, and Keo Seima.

Such protected areas are rich treasure troves of natural resources, especially forests that offer multiple layers of benefits, including ecological services critical to Cambodia's environmental sustainability. We have observed that ELCs damage the environment, resulting in the loss or reduction of important ecological services to which all of Cambodia depends. They negatively affect local economies and the culture, livelihoods, and food security of forest dependent communities, especially indigenous peoples.

2.3 100 Community Forestry (CF) approved by MAFF and 7 Community Protected Areas (CPA) approved by MoE

As of November 2011, there were 130 CFs, totaling 141,031 ha, that had been approved by MAFF. We applaud this effort. Nevertheless, some NGOs and Communities have observed that the process of obtaining approval from MAFF is slow and very difficult, especially when compared to that of ELCs; even members of the Technical Working Group on Forestry and Environment (TWG-FE) have recognized this⁵⁵.

NGOs would also like to raise a number of other concerns:

- CFs and CPAs are very small, averaging 1000 ha per site, compared to ELCs which, according to law, can be as much as 10 times bigger⁵⁶.
- CFs and CPAs are often awarded in less desirable, already degraded areas, disadvantaging communities as they try to simultaneously rehabilitate and utilize the forests.
- There are several cases of ELCs overlapping or encroaching upon CFs and CPAs, leading to reductions in the size of these areas, or contributing to their degradation.
- CFs and CPAs are increasingly becoming islands within ELCs and development areas, cutting off wildlife corridors and reducing biodiversity value.
- When ELCs are located in between CFs/CPAs and villages, community members often have difficulty accessing their protected area.
- CFs and CPAs are negatively affected by ELC production practices, which often include pesticide use, chemical regimes that reduce water and air quality and harm native species, and tillage and irrigation practices that affect the area's soil quality and hydrology. cursory, late, and/or poorly implemented Environmental Impact Assessments (EIA) contribute to this, by failing to anticipate problems or plan for their mitigation.

Community forestry is ineffective under these conditions or under the conditions where only small sections of disparate areas are accepted as CF or CPA.

Furthermore, NGOs have observed that communities' participation in forest management is critical to the conservation of Cambodia's forests. Forest-dependent communities are not only the first but also those most directly affected by losses to forest and biodiversity in their areas. With intimate knowledge of their forests, they are also well placed to contribute to their sustainable management. (It should be noted that resident communities have the most vested interest in maintaining the forest estate, as distinguished from migrants, who contribute significantly to deforestation.)

Around the country, we have seen communities mobilize to protect forests. This extends beyond registered CF and CPAs. The best example of this is the Prey Lang Community

⁵⁵ See the "Challenges" section in the Report on Progress in implementation of JMIs, Sept 2011

⁵⁶ Although the legal size limit of a concession is 10,000 hectares, there are concessions on record which are bigger. These include the Pheapimex concession in Kampong Chhnang and Pursat which is more than 300,000 hectares.

Network⁵⁷, initiated in 2008 by concerned community members, mostly indigenous Kuy, from around the forest across all four Prey Lang provinces (Kampong Thom, Preah Vihear, Kratie, and Stung Treng). This group, which now includes members from almost 150 villages in and around Prey Lang, has:

- Conducted regular forest patrols at its own cost;
- Trained youth in forest skills;
- Advocated convincingly for Prey Lang's protection, bringing the value of the forest to the attention of the entire nation and even the world; and
- Established a core network management structure, which could be further developed as an institution for cooperative forest management.

This Network has urged the government to confer protected status on this forest, while also appealing to be co-managers of the forest's sustainable management. Their idea is to maintain a largely undisturbed core zone at the heart of the forest, protected by a ring of contiguous, linked community-use forests and community agricultural land, serving as a barrier to the interior. This would not only sustain the forest at the landscape level (where it has its greatest value), but also leverage the vested interests of community members in its protection, while offering opportunities to develop a buffer zone of community forest and agricultural land, with support for appropriate entrepreneurial activities.

While the NFP includes multiple modalities for forest management, among them Partnership Forests, only community forests have been initiated to date. The Prey Lang case offers an opportunity to develop a new modality, one which has proven successful in other areas of the world, and which could offer multiple benefits to the Cambodian government, the forest communities, and the Cambodian people.

We urge donors to work with the RGC to:

- Protect Prey Lang and other forest areas that provide significant and vital environmental services;
- Develop other modalities for people's participation in forest management, including the institutionalization of Prey Lang as a partnership forest, managed in cooperation with the Prey Lang Network, at the landscape level.

2.4 Cambodia REDD Readiness Road Map approved and started implementation

NGOs and CSOs acknowledge that the development of the National REDD⁺ Roadmap has been more participatory than other forest policy development processes, providing some opportunity for NGOs and other CSOs to raise concerns and contribute ideas. We also acknowledge that provisions have been made for NGOs and CSOs to be represented in key decision-making bodies, including the REDD⁺ Advisory Group, Consultation and Safeguards Technical Team, Benefit-sharing Technical Team, REDD⁺ Demonstration Technical Team, MRV/REL Technical Team, and especially the REDD⁺ Consultation Group. NGOs and CSOs trust these groups and related processes will provide for genuine and valued civil society input for the continued development of the REDD⁺ strategy and policy.

Nevertheless, NGOs and CSOs observed that REDD⁺ and ELCs represent two incompatible mechanisms for forest management. REDD⁺ contributes to the protection of natural forests, while ELCs negatively impact natural forests by replacing them with large-scale agro-industry development. We appreciate that REDD⁺ represents an opportunity to protect Cambodia's remaining forests, but we also fear that REDD⁺ will not contribute to forest

⁵⁷ For more information on Prey Lang and on the Prey Lang Community Network, please see: <http://www.facebook.com/pages/Prey-Lang-Its-Our-Forest-Too/139354142798072>; <http://ourpreylang.wordpress.com>; and <http://mouthtosource.org/rivers/preylang/>

conservation, if the government fails to appropriately engage and empower communities to participate in forest protection and management.

We appreciate donor interest in supporting Cambodia to implement REDD⁺ as a strategy to sustain Cambodia's forest estate, and its environmental services. We seek donor support to ensure that REDD⁺ processes are undertaken in ways that are socially just, while also contributing to Cambodia's environmental sustainability.

4. Future direction for both government and development partners

We urge the following:

- It is necessary to fully review all existing concessions according to Directive 01, to ensure they all are fully compliant with relevant national and international legal frameworks. Gaps in resources or technical capacity should be identified and addressed, and the implementation of the directive, and its relevant documents, should be increasingly monitored and reported to the public.
- Penalize concessionaires for violating agreements and harming communities.
- The RGC shall change the definition of "forests" to include only "natural forest", and exclude plantations.
- With donor support and technical assistance, RGC shall institute proactive spatial planning to ensure the best, and most appropriate, use of every landscape;
- The RGC shall streamline and speed up the process of registering CF and CPAs, by increasing the size of each site.
- With donor support and technical assistance, the RGC shall develop other modalities for people's participation in forest management, including the institutionalization of Prey Lang as a partnership forest, managed in cooperation with the Prey Lang Community Network at the landscape level, eligible for REDD⁺ funding;
- Donors and RGC shall ensure continuing and meaningful representation and participation of civil society actors in all REDD⁺ processes.
- With donor support and technical assistance, the RGC shall improve EIAs, to better inform spatial planning and land use;
- RGC shall increasingly make information on ELCs public, current, and complete;
- RGC shall enforce water laws to maintain Cambodia's hydrology, and to ensure a community's access to water fulfills all their needs, inclusive of CF and CPAs, agricultural land, and villages.

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Environmental and Social Impacts from the Extractive Industry's Expansion in Cambodia

1. Introduction

Cambodian civil society submitted a second report on the environmental and social impacts of the extractive industry in May 2010. By that date, about sixty companies have received a total of 162 mining exploration licenses (a few of which have obtained exploitation licenses), according to data that we have collected from stakeholders. With greater attention from media, NGOs and civil society groups over the years, the public has become more aware of this growing sector.

As a developing country, Cambodia is only beginning to understand the potential social and environmental impacts associated with the extractive industry. For example, overlapping licenses have been issued to the same piece of land⁵⁸. Cambodia's legal framework to deal with potential problems arising from extractive activities remains inadequate. The country has, nevertheless, made encouraging moves by expressing its intent to publicly release information about mining concessions in the Joint Monitoring Indicators (JMIs) at both the second (December 2008) and third (June 2010) Cambodia Development Cooperation Forums (CDCF). The Government also recognized concerns in the sector through the 2011 annual review of the National Strategic Development Plan (NSDP).

However, progress made to achieve the JMIs has been very slow, especially with regard to obtaining information from the extractive industry. Similarly, the NSDP update drafted for the period 2009-2013 does not adequately address issues regarding governance in the extractive industry. Civil society groups have therefore prepared this position paper to highlight relevant concerns for the Royal Government of Cambodia (RGC), Development Partners and companies involved in the extractive industry in Cambodia. Specifically, this paper aims to:

- Continue identifying issues within the existing legal framework related to the extractive industry;
- Communicate with the affected local residents and summarize their key concerns regarding the social and environmental impacts of the extractive industry;
- Mitigate conflicting interests and encourage cooperation among all stakeholders related to the extractive industry in Cambodia.

To highlight progress, also included in this report are two case studies conducted in different provinces from 2010-12. As a historically important industry, Cambodia's mining sector has undergone steady growth in recent decades. But without greater accountability and transparency in Government and the private sector, the extractive industry cannot undergo more rapid growth.

Because Cambodia's current laws do not adequately address problems arising from the extractive industry, some opportunists in the extractive industry can exploit the legal gap with the potential of making significant and irreversible damages to the country's people and environment. With these challenges in mind, Cambodian NGOs, under the leadership of Development and Partnership in Action (DPA), hosted the Extractive Industry Social and

⁵⁸ The mining concession granted to a Chinese mining company in Banteay Meanchey province allowed the company to carry out logging in an area that had previously received recognition for community forestry protection under the Forestry Administration. The company, however, logged in the area covered by the license.

Environmental Impacts (EISEI) Network to facilitate dialogue among different local communities, Government and private industries. The DPA-EISEI Network is a national level communication and knowledge-sharing platform that facilitates the study and dissemination of information concerning social and environmental impacts from Cambodia's growing extractive industry. The network is envisioned to provide a solid foundation for implementing future education, technical support and advocacy initiatives addressing community and civil society concerns about social and environmental impacts arising in relation to extractive industry activities in Cambodia.

2. Joint Monitoring Indicators (JMIs)

The ninth item in the JMIs, agreed in the third CDCF Meeting (02-03 June 2010), to be implemented and monitored between the third and fourth meeting of the CDCF indirectly relates to the extractive industry:

Given unsatisfactory progress in the implementation of this JMI, civil society organizations (CSOs) strongly recommend that the next CDCF should specifically address extractive industry issues, and that a Technical Working Group for the Extractive Industry overseen by the Ministry of Industry, Mines and Energy (MIME) be formed. While this position paper deals with mining, it is applicable to oil and gas extraction.

Results: outcome, output & indicators			Activities: milestone actions	
Immediate outcome	Output	Output indicator	Activity	Associated aid effectiveness actions
Implementation and Management of the National Strategic Development Plan-Update (NSDP-Update)				
Joint Monitoring Indicator 9: Forestry				
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 forest land by MAFF 3. Produce legal procedures and legislations for REDD

Progress on the implementation in JMI #9

The Ministry of Environment (MoE) established a subdivision that is currently drafting laws on Environmental Impact Assessment (EIA), as one of the Government's initiatives to ensure Economic Land Concession (ELC) licensing minimizes the extractive industry's negative social and environment impacts on communities. MoE also has a Pollution Control Department that is currently extending Cambodia's existing noise and water pollutions laws to a more general law that thoroughly covers various forms of pollution. We encouraged the EIA department and the Pollution Control Department to collaborate more with each other, in order to align and share agendas. In addition, we encouraged MoE to engage the public in the EIA and pollution law drafting process, and to make its EIA report available online. These measures will not only improve understanding, but also welcome participation by the public and affected communities.

With the new arrival of the mineral resources and oil/gas extraction sectors in Cambodia, the current Sub-decree in 1999, regarding EIA guidelines, are not specific enough to handle these two new sectors. Currently, MoE is working with development partners to create specific Extractive Industry Sector Guidelines to help independent consultants and mining companies prepare EIA reports for mineral resources and oil extraction sectors.

In addition, the government should consider developing a legal framework to ensure transparency, accountability, and good governance in mineral resources and oil/gas extraction sectors. All stakeholders should engage in the review process to agree upon an optimal direction for the extractive industry sector in Cambodia.

3. Institutional Framework for Mining in Cambodia

Article 58 of the Cambodian Constitution makes all mineral resources the property of the state under the regulation of law. The Law on Mineral Resource Management and Exploitation (2001) and the Law on Environmental Protection and Natural Resources Management (1996) are the two most prominent laws governing the extractive industry. Additionally, the Land Law (2001) also affects the extractive industry as it determines the status of land under which mineral resources are located. To support implementation, these laws are complemented by regulation in the forms of sub-decrees, *prakas* and circulars issued by various departments of the RGC.

The concerns of civil society, concerning the legal framework governing mining operations in Cambodia, have essentially remained the same from the December 2008 and May 2010 Position Papers on the same subject. Many of these concerns have still not been addressed. For example, our 2010 Position Paper recommended that the Government amend the Law on Mineral Resource Management and Exploitation to follow international standards for best practice. However, no progress has been made in this area.

The following summarizes some of the key institutional concerns of civil society, regarding the extractive industry.

Lack of enforcement of existing mining law

The EIA Sub-decree of 1999 mandates the preparation of EIA as a prerequisite for the issuance of exploitation licenses. However, evidence in Battambang province suggests that this order was not strictly followed, with companies obtaining exploitation licenses without the submission of EIA reports. Moreover, some communities alleged companies that were issued only two-year exploration licenses were, in fact, conducting exploitation activities by renewing their exploration licenses repeatedly.

Relocation and compensation

Most of Cambodia's rural residents, especially those in indigenous communities, have not secured property rights to the land they currently occupy, due to the high costs involved. A licensed mining company in the area, therefore, has the legal right to evict these land occupiers. While a small number of local communities have obtained communal land titles in the last several years, this progress is unmatched by the rapidly growing number of licenses issued to mining companies and its associated higher threat of eviction, without any compensation in the future. Mining activities should be suspended until communal land titling is completed.

Access to information

The Sub-decree on Environmental Impact Process (1999) requires that EIA reports be made available to the public. But in reality, not all EIA reports have been released to the public. Moreover, not all licensing documents are available to the public. We encourage that EIA reports and licensing documents be uploaded to the website of relevant Ministries, to facilitate access to the public.

We appreciate the effort put forth by MIME, in publishing a list of companies granted a license in the last year; however the information published lacks detail. Following consultation from the public, we confirmed the difficulty of finding and obtaining information regarding mineral resource licenses. We were also unable to obtain data for the location of mineral resources. We encourage the Ministry to publish detailed information that is readily accessible and understandable to the public.

Lack of meaningful consultation

Currently, the DPA-EISEI Network Secretariat and its members have received several EIA reports (prepared by independent consultants) from the Ministry of Environment (MoE). However, we were often given only a few days (3-5 days) for comments. This short timeframe makes it difficult to give meaningful and effective consultation to improve the quality of the EIA reports. Moreover, it would be much more efficient if the contracted independent consultants could start working with civil society throughout the EIA report preparation process, and not just at the end.

Lack of institutional capacity

Cambodia has a severe shortage for trained personnel familiar with environmental impacts associated with the extractive industry. Although local universities have started to offer courses related to geology and environmental studies, it will take these newly created programs years before their students can be employed in the extractive industry. Meanwhile, there is an increasing demand for such personnel in the rapidly expanding extractive industry sector. Currently, foreigners (mainly the Chinese and the Vietnamese) are hired for technical positions in mining companies. Local residents are only hired as laborers for the mining activities of these companies. Faced with increasing demand for these specially trained positions, we comment that the Government should plan ahead so Cambodians can soon join the ranks of the technicians in the extractive industry.

Cambodia currently lacks a professional training program to equip people with the skills in preparing EIA reports, especially for the mineral, oil, and gas sectors. It is therefore important for the Government, and the country's education sector, to establish professional training programs to ensure EIA reports are prepared in a professional manner. Neighboring countries are known to have sent their government staff abroad for training. Such training would likely benefit Cambodia also.

4. Case Studies

We summarize two of our case studies, documented in detail in DPA's 2011 publication *Current Trends for Mining Related Social and Environmental Impacts in Cambodia* (available upon request).

Case Study 1: Impact on indigenous peoples: the case of Pou Teu area, Bousra Commune, Mondolkiri Province

GneutKok is the name of a natural rock area located in Poteut village, Bousra commune, Pichreada district, Mondulkiri. The indigenous PuPhnong peoples believe this area to be an eminent source of supernatural power and venerate it in their traditional belief. They make seasonal offerings in GneutKok for community health, sufficient rainfall and good harvests.



Figure 1: deforestation stemming from mining in Gneutkok

The GneutKok area is currently under threat by the mining operations of a local company that has not obtained community consent. This case study was conducted to help the PuPhnong people raise their concerns about mining in the GneutKok

area, and to highlight the responsibilities of the provincial department of mining and energy, the Cambodian Government and the private sector, concerning the social, cultural and environmental impacts of exploratory mining activities. In interviews conducted between June 6 and June 9, 2011, several elders (in Bousra commune) informed the DPA-EISEI Network about their fears if the GneutKok area continues to be exploited for mining.

Under the hypothesis that unchecked exploratory activities of the local mining industry adversely and severely impact the cultures and existing belief systems of indigenous peoples in Cambodia, a DPA-EISEI team surveyed GneutKok in June 2011.

Test boring and hydraulic drill equipment was sighted near the survey site, located immediately southwest of the area. According to those involved in forestry in the area, the company involved was Vietnamese. Subsequently, the DPA-EISEI Network Secretariat and its survey team members requested more information from representatives from the Department of Industry, Mines and Energy's in Senmonorum, Mondolkiri province. No reply was provided, highlighting the difficulties of obtaining accurate, up-to-date information on mining activities in Cambodia.

On the other hand, all elders present at the interviews agreed that development of trekking and ecotourism at Phnom Yanang would benefit the village economy and help conserve the GneutKok area. Accordingly, we strongly urge the RGC to evaluate and reconsider issuing licenses for mining in the GneutKok area, as mining activities can erode indigenous social, cultural, and environmental traditions and compromise the rights of indigenous people to control their own land, culture and religion.

The DPA-EISEI Network Secretariat and working group on mining in Mondolkiri province raised these issues with the Provincial Governor and the Director of the Provincial Department of Mine, Industry and Energy, and other relevant departments in June 2011. Following this, the provincial department began visiting the mining companies to discuss these issues. Progress is still being made.

Case Study 2: DPA-EISEI and Wildlife Alliance's Effort to Terminate Titanium Mining in Chi Phat Commune, Koh Kong Province

United Khmer Group (UKG) carries out mining activities in Chi Phat Commune, an ecologically sensitive part of Koh Kong province. Collaboration between the DPA-EISEI Network and Wildlife Alliance led to a campaign against the UKG mine, repeatedly highlighting the threat the UKG mine posed not only to the rainforest, but also to the livelihoods of the 553 families residing in the commune. Both DPA-EISEI and its members, together with Wildlife Alliance, have been working to encourage the preservation of the natural area, while encouraging locals to operate their own businesses (such as ecotourism) through responsible use of their forest.

Both organizations engaged the local community to request that the mining company (UKG) should work closely with all levels of the Government, associated NGOs, and local communities, in order to minimize the destructive potential of their mining operations. We urged UKG to coordinate and plan future mining efforts before any further deforestation activities. In response, UKG pledged to reforest all territories excavated for the extraction of titanium. Reforestation will not only repair the damages done, but also contribute to the livelihoods of those local villagers hired for reforestation.

Government departments, informed of the situation in Chi Phat Commune by the work of NGOs, weighed the potential negative social and environmental impacts to this important conservation area against the economic benefit of the mining project. This led to Prime Minister Hun Sen's announcement on 8 April 2011, to terminate all mining activities in Chi Phat commune. Without the threat of mining, the communities now continue to present themselves as a model for the development of ecotourism in Cambodia. This successful story is indeed a great model for implementation.

5. Recommendations

The fourth CDCF was unfortunately postponed. We believe the CDCF is an important and constructive way for NGOs to identify and exchange views on key issues; we hope the meeting will be organized soon.

Recommendations to the RGC

Meanwhile, we believe it is important for the Government to:

- Discuss new JMIs specifically targeting the extractive industry at the next CDCF;
- Strengthen the existing legal framework by bringing relevant laws up to international standards of best practice;
- Encourage public input in the drafting of extractive-industry laws and policies;
- Conduct a thorough review of existing laws to prevent the issuance of overlapping licenses for different types of exploration activities to the same piece of land;
- Initiate a review of the Law on Mineral Resource Management and Exploitation, in close consultation with all impacted sectors of society, to ensure sufficient protection for people and the environment, in accordance with international standards for best practice in the mining industry.

The nation will also be better off in the long run if it can:

- Work out a plan to train its people to undertake technical positions in the extractive industry; the training should be both in-class and in the field. The Government should require companies to provide on-the-job training within employment contracts;
- Build standardized programs to help prepare professional EIA reports;
- Make easy-to-understand information readily available to the public, through sources such as the Internet.

Recommendations to the Development Partners

- Development Partners from countries with mining companies in Cambodia should work with their own governments and these companies to ensure companies operate in accordance with the highest international standards for best practice.
- Support Government efforts in the development of legal frameworks to govern the extractive industries sector.

Recommendations to mining companies

- Train all security staff members in accordance with the United Kingdom–United States (UK–US) Voluntary Principles on Security and Human Rights. Avoid employing soldiers from the RCAF.
- Establish educational programs and training plans (with a defined implementation timeframe) for local staff, to ensure local employees are equipped with the skills to work in technical positions.

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Fisheries Issues

1. Overview

Recent years have been difficult for fishing communities, as fishing households, poor and non-poor, continue to face immense difficulties as a result of high food prices and the economic downturn. As many fishing households are landless or land-poor, fishing households depend largely on fishing activities for their livelihoods.

The nutritional and economic contribution of Cambodia's fish and fisheries-based livelihoods is significantly under-recognized. Civil society organizations (CSOs) through the Technical Working Group on Fisheries (TWG-F) should work to ensure that fisheries are given full recognition in the policies of the Royal Government of Cambodia (RGC). Stakeholders—NGOs, development partners, and Government agencies—focusing on the fisheries sector are working together to develop and maintain mechanisms that support sustainable fisheries, and their contribution to national food security and economic development. Sustainable fisheries and associated livelihoods are key to Cambodia's national food security.

The Fisheries Action Coalition Team (FACT), together with NGO network members, works directly with Cambodian fishers and their organizations to ensure their voices on key fisheries decisions, especially those affecting their environments and livelihoods, are heard. FACT and partner NGOs are attentive on the processes of implementing the 10-year Strategic Planning Framework (SPF), in full recognition of fishers' rights and the participation of fishers and their legitimate representatives. FACT works directly alongside the Fisheries Administration (FiA), development partners, CSOs, line agencies, other ministries and the private sector to develop sustainable inland, marine and aquaculture systems for the benefit of all Cambodians.

2. Joint Monitoring Indicators

Target	Activities (milestone actions)	Responsible Government Institutions
Fisheries plans in support of food security, livelihoods and economic development improved	<ol style="list-style-type: none"> 1. Final Khmer-language draft completed by end of Q2, 2010 and SPF approved by end of Q4, 2010. 2. All central-level action plans implemented based on SPF targets by the end of Q3, 2011. 3. Sub-national fisheries planning processes implemented in line with SPF targets and National Program for Sub-National Democratic Development in 4 provinces by the end of Q4, 2010. 	Ministry of Agriculture, Forestry and Fisheries (MAFF)

Comment on JMI Activity 3:

"Sub-national fisheries planning processes implemented in line with SPF targets and National Program for Sub-National Democratic Development in 4 provinces by the end of Q4, 2010".

Sub-national fisheries planning processes are, generally, still not implemented well, as they are not integrated with the priorities of communes and districts. Lack of sufficient resources

is one important reason, but another challenge is the independency of the Provincial FiA, as they sometimes fail to cooperate with sub-national councils, e.g. in cases where sub-national council members wish to put an end to illegal fishing activities. Without good cooperation between authorities at the sub-national level, the priorities of local citizens will not be met. Further, such a lack of cooperation jeopardizes the aim of ensuring sustainable fisheries in Cambodian waters.

This issue is related both to the capacity of Provincial FiA and of sub-national council members, who are not always aware of decentralization processes, and their own roles and responsibilities. Further, sub-national council members are sometimes not aware that they can involve with fisheries issues, as their perception may still be that such issues are restricted to the FiA.

Recommendations to the RGC:

- Disseminate the Strategic Planning Framework for Fisheries: 2010-2019 (SPF) to sub-national council members, to encourage their involvement in ensuring sustainable resource management.
- Disseminate the National Program for Sub-National Democratic Development (NP-SNDD) to the FiA, to strengthen cooperation with sub-national councils.
- Find a way to increase salaries of government officers to reduce the risk of corrupt behavior.
- Engage sub-national councils and CSOs in full partnership, to implement the SPF and the NP-SNDD.

3. Key actions/strategies from the NSDP Update 2009-2013

Section	Message
101	Significant progress has been made by MAFF in increasing the land area for crops, paddy cultivated area, yield per hectare, <i>fishing lots, and area released to fishing communities, fish catch (from all sources)</i> , forestry cover, and percent of land area reforested.
119	The new Fisheries Law was promulgated in May 2006; the fisheries sector has since undergone major reforms and now has a more poverty-focused approach.
119	Since the release of the fishing lots for community use, 468 Community Fisheries have been established (433 inland, 35 coastal), of which 173 were formally registered in October 2008.
417	The Royal Government will continue to take serious action against illegal encroachment of flooded forests, use of illegal fishing gears, and all anarchic activities preventing the conservation efforts, by encouraging participation from relevant local and competent authorities .

Monitored progress / Analysis of performance

Evidence of shortfalls/non-compliance/action

101: Significant progress by MAFF

In recent years, there has indeed been progress in the form of destroying illegal reservoirs and annulling fishing lots. Still, it is worth highlighting some challenges to the fisheries sector, identified in the NSDP 2009-2013:

- “Fisheries are being seriously threatened through the destruction of flooded forests, clearing for land ownership by both ordinary and powerful people, which requires timely and effective intervention from the government.
- Shortage of resources to carry out its functions: transportation, equipment, budgets and gasoline for management process, research and studies to develop and conserve fisheries resources.
- Fishing by using electrocution fishing gears, long tubular mosquito nets, and destroying fish hatching sites in flooded forest is still taking place.”

At the end of 2011, these challenges remain and there is an imminent need to take action to improve the situation.

119: The new Fisheries Law

While there have been improvements as of late, in regards to the releasing of fishing lots and protecting flooded forest areas, there is still an urgent need for the RGC to scale-up efforts to reduce and minimize illegal fishing and protect additional flooded forests, mangroves and sea-grass areas, which are important fish habitats; and, thus crucial for the livelihoods of poor fishers.

119: Community Fisheries

Among the 468 Community Fisheries established, a large number are still not legally registered and many do not have sufficient budgets to patrol, carry out activities, or hold regular meetings.

417: Participation from relevant local and competent authorities

The commitment of the RGC to encourage participation by local and competent authorities is highly welcomed. However, current observations show that the FiA often sees fisheries as their area of concern, and consequently, they have failed to include other important local stakeholders in efforts to ensure sustainable fisheries resource management and considering the needs and concerns of small-scale fishers. Thus, there is still an urgent need for enhanced cooperation among sub-national authorities and line agencies, as well as inclusion and cooperation with CSOs.

Recommendations to the RGC:

- It is recommended that the FiA increase cooperation with other stakeholders in their efforts to prevent and suppress flooded forest land grabbing.
- Ensure any RGC fisheries policy reflects clear actions to assist fishers to develop sustainable livelihoods, and promotes effective integrated conservation and development planning that contributes directly to poverty alleviation.

4. Important issues not covered by JMI's or NSDP Update

Real and effective management plans need to be developed, which accurately reflect the social and ecological conditions found in the Tonle Sap. Management solutions must be generated with full and effective participation of local resource users. Participatory forums are needed in order to provide a mechanism to assist the RGC in meeting its responsibilities in the conservation and sustainable management of fisheries resources on behalf of all citizens.

In addition to the challenges mentioned in the NSDP 2009-2013, other challenges identified by CSOs in the fisheries sector include:

- Lack of cooperation and coordination among line agencies (especially FiA), sub-national councils and relevant fisheries management CSOs continues to be an issue limiting overall positive impact in the fisheries sector.
- Apart from this year (2011), where fishing lots have been released and flooding has been high, fishing communities are generally facing a decline in household fish yields, while many full-time fishing households, such as floating communities, face food insecurity.
- Community fisheries have limited capacity and lack the resources to fully manage their community areas. Increased support from the RGC, for community fisheries management, is urgently needed.
- Loss of fish habitat, such as flooded forest, mangrove and sea-grass areas, caused by development projects, is a threat to the sustainability of the natural resources and the livelihoods of fishers.
- Changes to water levels of the Mekong River and the Tonle Sap Lake, due to reservoirs and hydropower development, are a potential risk of immense dimensions. This needs to be dealt with by the top-level of the Government, due to its international nature. If dams are built on the lower Mekong River, this could have serious negative impacts on fisheries, as well as overall food security in Cambodia.

In regards to fisheries management in Cambodia, it is pertinent the following key issues are adhered to:

- That the Fisheries Law is effectively implemented in a transparent and accountable manner.
- That sustainable fisheries management and equal access to fisheries resources are ensured.
- That fisheries management is oriented towards fishers' livelihoods and respects human rights.
- That fishers' participation in fisheries management and development is promoted.
- That fisheries management follows the Decentralization and De-concentration (D&D) policy.
- That the Government ensures an Environmental Impacts Assessment (EIA) is conducted before approving any development projects in, or near, Cambodian waters.
- That all international treaties signed by the RGC and related to fisheries management and development, are followed.

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Environmental Protection/Conservation and Climate Change

1. Introduction

The Environmental Forum Network of the NGO Forum on Cambodia, founded in 1995, is the network of national and international organizations, which consists of a total of 40 member organizations. This network was established with an aim to collaborate in sharing comments on the development and implementation of policies, laws, and legal documents, of the RGC, concerning the environment, particularly climate change, in order to strengthen good governance and social accountability to a higher level.

The Kingdom of Cambodia has become a country that is developing its economy and society in almost all sectors, especially agriculture, industry, trade, tourism, communications, telecommunications and infrastructures. Despite development initiatives, environmental issues continue to emerge, such as the encroachment of forested land for ownership, trading of wildlife, disposal of hard/liquid waste in public areas, landfills on beaches, lakes, natural canals, and the destruction of inundated forests, especially mangroves and inundated forests along the Tonle Sap Lake.⁵⁹

The international community recognizes that Cambodia is most vulnerable to the adverse impact of climate change because of a limited understanding, limited technology resources, and a limited level of adaptation. For this reason, the RGC has spent a huge amount of the national budget on rehabilitating the country's infrastructure and for rescuing victims from the floods.

With reference to the 2011 Human Development Report of MOE, MEF, and UNDP: the temperature in Cambodia is increasing and continues to increase; the rainfall pattern varies substantially with heavy rains of shorter periods; the dry season has become drier and continues over a longer period of time; severe floods and droughts are more frequent; and the sea level has risen. Unfortunately, there is no science to precisely predict how climate change will affect the future.

Therefore, it is necessary that the National Development Plan consult with local communities in order to identify their true needs and devise effective solutions. To this end, the RGC has been making efforts to seek solutions to address the issues of climate change by forming the National Climate Change Committee, with MOE being the national focal point. The National Committee for Disaster Management, of the Council of Ministers, has also established the National Adaptation Program of Action to address the issues of climate change, but the budget to implement the plan is not sufficient.

2. Joint Monitoring Indicators

With reference to the joint monitoring indicators on forestry and environment, we observed that the report primarily focused on the forest sector without integrating the plan that addresses climate change issues in Cambodia, even though MOE has been making efforts to coordinate both issues nationally and internationally.

⁵⁹ Progress report of MOE in 2010 and 2011 Annual Plan

NGOs would like to propose that the RGC includes a separate JMI that specifically focuses on climate change and disasters to facilitate the work performance assessment of the Ministry and of other institutions concerning this issue.

3. Key Activities and Strategies of the NSDP Update 2009 - 2013

The NSDP Update 2009-2013 of the RGC is priority policies and actions concerning protection, conservation, and climate change. These key activities and strategies are as follows:

Point	Content
426	<p>To implement RGC's priority policies for the Fourth Legislature, the Ministry of Environment (MOE) will:</p> <ul style="list-style-type: none"> • Ensure sustainable use of natural resources and implement measures that require Environmental Impact Assessments of the proposed development projects before their implementation are licensed.
427	<p>MOE will prepare regulations and documentary by:</p> <ul style="list-style-type: none"> • • Further drafting guidelines on formulation of environmental impact assessment report by sector •
430	<p>In the area of management of natural resource and climate change, the MOE will:</p> <ul style="list-style-type: none"> • Promote and coordinate the mainstreaming of climate change in concerned sectors • Prepare a National Strategy and Action Plan for Climate Change. • Promote the establishing of a national fund for climate change. • Promote the implementation and update the National Action Program on Climate Change adaptation. • Further identify and foster the implementation of clean development mechanism and greenhouse reduction projects. • Educate and inform the public on climate change.
432	<p>In the fourth Legislature of the National Assembly, the Royal Government of Cambodia will focus on implementing the "National Action Plan and Strategy pm Disaster Reduction 2008-2013" through strengthening a mechanism of effective participation of all concerned parties in the government, development partners, private sectors and civil society organizations. In order to achieve the strategic goals of disaster management, the National Committee of Disaster Management will carry out the priority programs as follows:</p> <ul style="list-style-type: none"> • Formulate legal and regulatory framework, Standard Operation Procedures (SOP), and policy guidelines for disaster management; and • Formulate and implement 5-year Strategic Plan an annual action plan to promote the mainstreaming and integration of Disaster Risk Reduction (DRR) and Disaster Response Preparedness (DRP) into the development of social and economic sectors and recovery/ rehabilitation/ reconstruction.
433	<p>The Royal Government will strengthen the roles of the National Committee for Disaster Management in coordinating and implementing "National Action Plan and Strategy on Disaster Risk Reduction 2008-2013" which includes six major components as follows:</p> <ul style="list-style-type: none"> • Ensure disaster risk reduction in preparedness for emergency response at both the national and grassroots levels, •

4. Progress/Analysis of Implementation

4.1 The Process of Socio and Environmental Impact Assessment

We appreciate and are proud of the RGC, especially MOE, for successfully developing the Sub-Decree 72 ANKr.BK, dated 11 August 1999, on the Process of EIA, as well as issuing the Prakas No. 376 PrK.BS, dated 02 September 2009 on the *General Guideline for Preparing Initial and Comprehensive EIA Reports*. They are also drafting the Law on EIA so that investment companies in Cambodia will be able to undertake their businesses responsibly, to ensure sustainability of natural resources and the environment.

At the same time, with reference to the Progress Report of MOE in 2010 and the 2011 Plan, civil society organizations observe that some companies have been implementing their projects prior to the approval, in principle from MOE on their EIA reports. Such companies include CRCK Rubber Development in Prey Lang area, Sandan district, Kampong Thom province and the Great Field (Cambodia) and Yellow Field (Cambodia) International Limited, who are developing a sugar cane plantation in Oral district, Kampong Speu province. Based on past experience, the Ministry has given civil society organizations very limited time to review and comment on the EIA reports, usually only two to three working days. With such a short period of time, CSO cannot share these reports with the people and stakeholders in the project areas, to allow for broader consultation and the conducting their own surveillance on EIA to determine measures for reducing impact. If they were able to do so, those reports would be more beneficial to the people and protect the environment sustainably.

Further more, CSOs observed that EIA reports are very small consider about green house gases emission (GHGs) from land use and land use change and forest (LULUCF) from the investment project.

Suggestions/Recommendations

- The CSOs insist that MOE provides EIA reports to us at least two weeks prior to the consultation date of the inter-ministerial meeting. This would be sufficient time to review and verify the reports with actual information in the project areas, in particular those that have adverse impacts on the environment, the society, and impact minimizing measures.
- MOE should continue to monitor project implementation of companies through the formation of designated Monitoring Committees. They should examine the implementation of EIA reports and company contracts, with the participation of relevant institutions of the RGC and NGOs, to make sure that those approved projects would be fully and responsibly implemented by the companies.
- The Draft Law on EIA should address, with an attempt to further study, the relationship between economic development and climate change at all the stages of the preparation of EIA reports, including actual implementation and inspection.
- MOE should stand firmer and impose fines or suspend the activity of any companies that fail to make and submit EIA reports to MOE and who implement their projects prior to approval in principle.
- All approved EIA reports should be distributed to relevant institutions for specific information.
- The format of the EIA report should add the **Mechanism for Complaint Resolution between project owner and the group of affected people**.
- It would be better if the format of the EIA report complies with the guiding principle of ADB, cited on page 30 of the requirements for environment protection (ADB safeguard policy, June 2009)

4.2 Managing Climate Change and Disasters

We observed that the development of the national strategy and action plan to respond to climate change is slow; consequently, it might be difficult to achieve by 2013, which is conflicting with what has been stated in the NDSP Update 2009-2013. On the other hand, many national programs such as National Adaptation Program of Action (NAPA), which consists of 39 projects (20 priority projects), need a total funding of almost USD 200 million and only two of them are operational⁶⁰.

This is a good start but you need more especially on the key impacts of climate change policy problems. Here are some suggestions (from my PPT presentation in Sihanoukville)

The issue of climate change is becoming more severe from one year to another and it is impossible to prevent it from happening. For instance, the flood in 2011 affected 18 provinces nationwide, killing 247 people, affecting agricultural land of more than 590,000 hectares, of which 20,000 hectares of paddy fields were completely damaged⁶¹.

- One of the most disaster-prone countries in regions
 - o Especially vulnerable to floods and droughts
 - o Majority of population reliant on natural resources
 - o Poverty increases vulnerability
- Reduced agricultural & fishery yields
- Health-related problems, such as dengue & malaria
- Increased Salinization and coastal erosion
- Lack of understanding and uncertainty of climate change impacts and weather impacts of public at national and community level
- Poor coordination between ministries and agencies, and between government, researchers, and civil society organizations
- Lack of participation: Policies developed almost entirely done at the national level without engaging vulnerable people in the development process
- Lack of human resources: limited knowledge and experience of officials and limited number of them working on climate change
- Lack of funding: Because the government has allocated a small budget to climate change, it is heavily dependent on external funding.

Other problems are:

- National DRR policies are focusing mainly on post-disaster emergency relief
- Programs do not integrate global policies on climate change
- No comprehensive national plan or strategy on climate change yet & not enough laws and policies
- Lack of M&E of policies so hard to gauge their effectiveness

Suggestions/Recommendations:

- Clear guidelines, devices, regulations, and mechanisms should be in place in order to mainstream the issue of climate change and to integrate disaster risk reduction into national and sub-national development programs, especially agriculture, energy, forestry, water resource, industry, and the health sector.

⁶⁰ Presentation by Oxfam at the 2nd National Forum on Climate Change in October 2011 at the Inter-continental Hotel

⁶¹ The Cambodia daily report 16/10/2011

- Connecting existing local knowledge with policy/strategy formulation concerning disaster risk reduction and climate change.
- Budget for climate change should be allocated to the most vulnerable, and CBOs should help address the challenges and to adapt to climate change effectively.
- Strengthen and expand education, disseminate climate forecasts broadly to the public through media, such as TV, radio, phone, and other means so that the information can reach remote areas, in a timely manner, that are prone to vulnerability so they be prepared for disasters.
- Prepare Cambodia's position for CoP-18 Meeting; broadly consult with local people's representatives and civil societies to raise the need for adaptation to climate change in Cambodia.
- Donors and developed countries should increase their funds to the Government and civil societies to help support climate change projects and these funds should be free from any conditions. Many local communities have various proposals addressing climate change issues in Cambodia.
- The RGC should increase the size of the budget in the 2012 Budget Law and that of subsequent years to address disaster risks because with no budget it is difficult to mobilize resources for emergency relief. Doing as such would be easier for donor support and for sharing resources. The budget plan for climate change should be allocated to the sub-national level, in order to implement the adaptation plan, especially in communes/sangkats that are living directly with climate change issues.
- Commune/sangkat development plans should include climate change and disaster plans to help facilitate financial resources from different sources.
- In order to integrate the issues of climate change and disasters into commune/sangkat development plans, the RGC should equip them with clear mechanisms for climate change adaptation and disaster reduction at the sub-national level, and these mechanisms should be approved by commune/sangkat councilors and development partners.
- The RGC should strengthen additional capacity to existing communes, districts, and province disaster management committees and provide them with various means to effectively respond to disasters in a timely manner.
- Strengthen and expand early warning mechanisms at the village and commune effectively. Create an information gathering and sharing center including a means for quickly sharing and using information.
- Strengthen and implement guidelines for operations to respond to risk exposures to all relevant institutions.
- Issue guiding principles on preventive measures and disaster risk reduction through mainstreaming disaster management into all sectors, with special attention to women and children.
- The National and Sub-national Committees for Disaster Management should further strengthen their capacities and mobilize resources for regular coordination. They should conduct an immediate meeting when the area is under a state of emergency.
- There is a policy gap to support climate change adaptation mainstreaming into national and sub national policies, planning and budgetary processes. By instituting such a policy, this could help to ensure that the intent of climate change adaptation knowledge, systems and structures are effectively utilized and sustainably funded.
- A policy is needed to support the participation of farming and fishing dependent communities into national and decentralized economic planning. This will effectively move 'policy' closer to implementing and supporting applicable practices in the field, i.e. improving on relevance and sustainability of interventions.

- A policy is needed to institute formal and informal/ locally derived research-based decision making in all disciplines. By doing so, special interest will be lessened respective of sector support, decision making will be founded on accurate and integrated information, and ultimately the impact of efforts will be improved.
- A policy is needed to support the inclusion of adaptation plans for sub sectors like fisheries and aquaculture in the National Adaptation Program of Action to Climate Change. This will effectively move needed resources to areas/ sectors 'overlooked' by priority funding support; ultimately ensuring equity in responses taken and limiting hindrances caused by gaps in climate change adaptation needs of A policy is needed to provide for the incorporation of the natural resource management sector into disaster response policy and planning development. It is thought by doing so, such will add value to natural resource management efforts and safe guard critical ecosystem-based environmental services during times of disaster response – services critical to the recovery phases of those impacted by the 'disaster'.
- Policy support is needed to encourage private sector involvement in climate change adaptation. By doing so, innovation in adaptation and the needed resources to support innovation can be capitalized upon efficiently as well as provide a sustainability mechanism to drive adaptation forward on a consistent and basis.

4.3 Formulation of Regulations and Legal Documents

CSOs appreciate the efforts of the RGC, especially MOE for formulating many laws, sub-decrees, decisions, guidelines, and circulars concerning the protection of the environment and natural resource management. With reference to the statement in the NSDP Update 2009-2013, MOE will draft a number of laws, such as the Law on Controlling Water Pollution, the Law on the Management of Hard and Hazardous Waste, the Law on the Management of Air Pollution and Noise and Vibration Disturbance, and the Law on the Management of Chemical Substances, along with other sub-decrees. Based on the Progress Report of MOE in 2010 and its Directions for 2011, CSOs have observed that these laws have not been drafted yet and the period for implementing the NSDP 2009-2013 is nearing its final year (2013).

Suggestions/Recommendations:

- MOE should speed up the drafting of this year's laws, as stated in the NSDP 2009-2013, because each law needs at least two years to draft and be approved before adoption by the Parliaments. Otherwise, the Ministry would not be able to achieve its goals by the end of 2013.
- The issue of climate change should be mainstreamed into all of the laws and policies of MOE, line ministries and institutions because of its crosscutting development nature. It cannot be overlooked in the development agenda, which is well in line with the great statement that **Samdech Akka Moha Sena Padei Techo Hun Sen, Prime Minister of the Kingdom of Cambodia** delivered at the First National Forum on Climate Change on October 19, 2009.
- MOE should quickly speed up the drafting of the Law on Environmental Impact Assessment, as this law is crucial for Cambodia while development projects and the inflow of investments into Cambodia are booming. This is a sign of increased unsustainable use of natural resources by some opportunists by way of granting economic land concessions and mineral resource exploration.

- All MOE laws should be made available on their website for public access and education purposes as well.
- Cambodia Climate Change Strategic Plan should be speed up its drafting and share it to civil society for further inputs.

4.4 The Development of Electrical Power and the Reduction of Greenhouse Emission

Based on research results in 2011, of a power plant of 100 MW, powered by coal firing in Stoeng Hav district, Preah Sihanouk province, coal firing contributes to the emission of major greenhouse gases, such as carbon-dioxide. Coal burning is also a source of methane emission and is of major concern to the world. Its effect is more than 20 times stronger than carbon dioxide, while Cambodia is making an effort to sell its carbon through the Clean Development Mechanism Project. Such a power plant would have a negative impact on air quality, agricultural land, public health, ocean bio-diversity, etc. Consequently there would be an adverse effect on the fishermen living in the area⁶².

Suggestions/Recommendations:

- With reference to the long-term Plan for Electrical Power Development from 2012 to 2020, the Ministry of Industry, Mines and Energy will use the electrical power generated from coal firing with the capacity of 900MW and the plant will be constructed in different stages. The Ministry should consider options of modern technology that can reduce the emission of toxic gases. These technologies use other inputs as substitutes, such as water-vapor combustion, also known as Circulating Fluidized Bed (CFB), that can burn agricultural waste such as small pieces of wood, instead of coal, while protecting the environment. However, Cambodia does not have coal yet and would need to import it from countries like China, Australia, and Indonesia. Therefore, the price of electricity will continue to be expensive if the price of coal importation increases.
- On the other hand, the study shows that this CFB machine is only 20 percent energy efficient. This has led to economic loss of millions of US dollars and has emitted large quantities of toxic gas into the air. If the machine increased its energy efficiency to 36%, the economic benefit would be more than six-fold (USD 900 million) of the total capital investment (USD 175 million) and, at the same time, would greatly reduce the impact on air quality.⁶³
- MOE should have its Pollution Inspection Department establish an Inter-ministerial Committee [along with relevant institutions] to monitor the construction of the coal-fired power plant. The plant should be equipped with technological equipment, as stated in the comprehensive EIA report of the company that MOE approved in 2010, to ensure compliance with Cambodia's standard emission, as stated in the Sub-decree No. 42 ANKr.BK-BK, dated July 10 2000, of MOE on Air Pollution and Noise Disturbance.
- The lesson learned from other countries such as China, USA, Thailand, Australia, the Philippines, and other developed countries, is that air pollution causes a severe impact on people's health. It is very difficult to prevent the operation of the plant as it costs millions of US dollars to run this type of power plant. We are concerned

⁶² Gregg Eisenberg, Iron Mountain Consulting, November 14, 2011, research report on coal fired power plant in Stung Hav, Sihanoukville

⁶³ RFA report 07/Feb/2012 _by Mr. Sok Serey

that in the long run, there will be litigations between the people living in the surrounding project area [the plant] since people's livelihoods are entirely dependent on fishing.

Based on the EIA report in 2010 on page 7-3 of the Cambodia Limited Power Company, the environmental loss caused by the operation of the project is as much as USD 42,300/month by the community's fishermen over the full course of the project operation. This is these people's sole source of income. A credit worth USD 10,000 is the only compensation that has been given to the community. Therefore, we suggest that MOE and line institutions should reconsider other subsequent coal-fired power plants following this one.

- Renewable energy, as a power supply in Cambodia, would preserve the environment's quality and be beneficial to the economy and social equity.
- Improving energy efficiency and increasing renewable energy usage, especially solar energy particularly small hydropower dams

4.5 The Formation of a TWG on Environment and Climate Change

So far, CSOs observed that the majority of the JMIs on Forestry and Environment only covered the forest sector of MAFF. There is less thought being put into environmental issues, despite the fact that the forest sector is important for protection and rehabilitation, especially if the goal is to achieve 60 percent nationwide forest coverage by 2013. Such JMIs should be divided separately between the TWG on Forestry, to be led by MAFF, and the TWG on Environment and Climate Change, to be led by MOE. That way, MOE would have the opportunity to show its efforts to protecting and conserve the environment and also focus on climate change, which must be addressed urgently. In the TWG on Environment, sub-technical working groups should be formed to primarily pay attention to legal affairs, EIA work, pollution management, climate change, conservation of natural protected zones, hard and liquid waste, etc. These sub-groups should have their members from relevant institutions and CSOs promoting and working in tandem with the RGC, especially MOE, in protecting natural resources and the sustainable environment, in compliance with the NSDP 2009-2013 and the Millennium Development Plan.

Case Study on the Impact of the coal-fired power plants in Rayong and Chachoengsao provinces in Thailand

A. The Case in Mabtaphot Industrial Zone in Rayong Province

The Mabtaphot area of Rayong province is a tourist area with white sand beaches that is full of people who come to visit and relax. Now, since the presence of the coal-fired power plant, the area has become an industrial zone of 1,000 large-scale factories. This province is ranked number one for the prevalence of cancer, especially respiratory diseases caused by air pollution in the area.

The people who are living in the area have stood up to complain to the government—from the national level, down to the regional levels-- but they cannot ask the Government to stop the operations of these factories, as they have complied with the Law on Emission of Thailand. Please note that after the emergence of the coal-fired power plant, more than 1,000 factories have been built in the area. The people have to adapt to living in the degrading environment caused by polluted air, discharged from those factories. The people have to spend a lot of money on their health treatments, and some are even forced to migrate to other safe areas.

B. The Case in the ChakChoengsaop Industrial Zone

A similar issue has occurred in Chakchoengsaop province. The majority of the people there are farmers and currently a coal-fired power plant and other factories pollute the area. The power plant there has polluted the underground water, which has been rendered unusable. Mango farms in the area have suffered damages. Mango trees cannot shed flowers due to the tiny dusts from coal firing and air pollution, and mango farm owners have complained that they have lost one million Thai baht annually.

Suggestion:

Based on these case studies, the impact from unclean development activities has led to severe adverse effects to the environment and society. Cambodia has been constructing a coal-fired power plant of 100 MW- capacities in Stoeng Hav district. The RGC approved the project in March 2008. They are also studying EIA on an investment in a coal-fired power plant of 1,800 MW capacity in Koh Kong by a Thai company, known as Ratchaburi Electricity Generating Holding Public.⁶⁴:

CSOs would like to suggest that the RGC consider that the development of such a large-scale coal-fired power plant might cause a tremendous impact on ocean bio-diversity, eco-tourism, fishery, agriculture, and public health. We would respectfully suggest that they consider clean energy options with less environmental impact to meet the power supply needs of Cambodia.

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Development of Hydropower Dams and the Energy Sector

1. Introduction

In 2011, the Royal Government of Cambodia improved the development of the energy sector, consistent with the National Strategic Development Plan Update 2009-2013. This was achieved through increased transparency on a number of priority energy sector plans. These plans included: an increase in rural electrification; the use of renewable energy; and the correct decisions on the delay for a more detailed study of the potential trans-boundary impacts that can be caused by the Xayaburi hydropower dam project. This project is planned to be built on the mainstream of the Mekong River, in the north of Laos, with 1,260 MW and costing US\$3.5 Billion. In a series of meetings with member countries of the Mekong River Commission and ASEAN member countries, in particular, the 18th Mekong River Commission Council Meeting from 7th to 9th December 2011 in Siem Reap Province, Cambodia, the further study on the trans-boundary impacts was addressed by the government of the Lower Mekong Countries. At the same time, the Royal Government has also sought to strengthen cooperation with civil society, to appeal for participation in taking care of as well as management of natural resources and water resources, especially the Ministry of Environment, the Cambodian National Mekong River Commission and the Office of the Council of Ministers. Examples of the cooperation include the National Consultative Workshop on the Lower Sesan 2 Hydropower Dam Project on 31 May 2011, with elaboration and explanation to communities and other stakeholders, using the Environmental Impact Assessment (EIA) as a guide; participation of keynote speakers who showed a documentary film entitled where have all fish gone? and Discussion on the Future of Mekong Fishery on 26 April 2011 to explain to students the impacts of the construction of large hydropower dams on the mainstream of the Mekong River on biodiversity of the river; participation as guests of honor in the Youth Forum on Xayaburi Dam on 27 November 2011; and the 1st National Conference on Climate Change, Agriculture, and Energy on 1-2 December 2011 to discuss the legal procedures of the development of hydropower dam projects on the Mekong River and a cooperation agreement for sustainable development of the Mekong Basin in 1995, etc.

We would like to compliment the Royal Government for providing EIA reports to the civil society for feedback on how to improve the report. However, the time for the civil society to give feedback is short, i.e., only about 3-4 days. It is a challenge for the civil society to consult with communities, to collect information from relevant institutions as well as other research documents for in-depth and appropriate analysis to provide comprehensive comments for inclusion into EIA reports in such a short period of time.

Regarding development of hydropower dams, the Royal Government of Cambodia has sought to improve EIA reports by delaying the construction of the Lower Sesan 2 Hydropower Dam (400 MW), planned to be built in Stung Treng province, so that comprehensive, repeated environmental assessment can be carried out to ensure availability of detailed information before making a decision. This shows a difference with other dam projects underway and to be constructed in Cambodia, which have been signed and/or are being built before EIA reports have been completed. Examples include the Kamchay Dam (193 MW), Kirirom 3 Dam (18 MW), Stung Atai Dam (120 MW), Russey Chrum Krom (338 MW), and Tatai Dam (246 MW).

Although the Lower Sesan 2 Hydropower Dam project has been studied many times, a thorough assessment of the potential impacts on fisheries, caused by the Lower Sesan 2 Hydropower Dam, and predictions of impacts and benefits from the Dam have not been performed in detail yet. In particular, the social and environmental impacts, both upstream and downstream, of the Dam are not included in the scope of the studies and the EIA

report. Moreover, if the Lower Sesan 2 Dam operates without sufficient water (according to the Report 3STA of the Asian Development Bank), Cambodia will be affected, and investment will be even riskier for the Royal Group, a Cambodian company that has a share of 49% investment in the Dam. It is also difficult for Cambodian people as well as their Government to demand compensation for the effects caused by the hydropower dams, built and operated in the upper Sesan River, of the Vietnamese government and the companies investing in these hydropower dams, if construction of the Lower Sesan 2 Dam is eventually approved. For example, Cambodians were affected by the Yali Hydropower Dam since the 1990s but have not received any appropriate compensation yet. Moreover, the report on resettlement and appropriate compensation of the Lower Sesan 2 Dam has not been made public. This indicates limitation and concealing of information related to development. People have the right to access the information from the government because they are constituents, and the government provides social services as well as manages the country under the rule of law, with harmony and goals for sustainable development.

Public consultations with communities affected by the development of hydropower dams in Cambodia are still limited. Further, related to dam construction, there is no detailed public information about the area of forest clearance for a reservoir. This may result in illegal cutting-down of trees and hunting wild animals in the area.

Because these issues, related to hydropower dam development, have been occurring in Cambodia, Rivers Coalition in Cambodia (RCC), which is the CSO working on restoring river ecology and people's river-based livelihoods, has expressed its concerns. They have sought to strengthen the cooperation with the Royal Government as well as national and international research institutions. The goal is to bring appropriate solutions for implementing development plans of the energy sector to the Royal Government in an effective, equitable, and sustainable manner, in the interest of all Cambodian people.

2. Joint Monitoring Indicators (JMIs)

There are no JMIs for the hydropower dam development and the energy sector.

3. Key Activities / Strategies of NSDP Update 2009-2013

Paragraph	Content
467	<u>The Royal Government of Cambodia encourages the use of efficient energy with minimal impact on the environment.</u>
468	Focus on developing policies, legal, and regulatory framework for the energy sector in order to ensure efficient management and resources utilisation for economic development and improvement in livelihood of Cambodian people.

Monitoring of Progress / Analysis of Implementation

A. Use of effective energy and has minimal environmental impacts

We would like to compliment the Royal Government of Cambodia for its efforts in increasing the use of renewable power, through rural electrification and promotion of decentralized power generation. Decentralized power generation has minimal impacts on the environment because such power is situated close to or next to the people, e.g., solar power, power from bio-fuel, power from rice husks, etc. However, development of large hydropower dams on big rivers, such as the Sesan River, can cause serious environmental impacts because this

river contributes to a large part of water supply and fishery resource from the Tonle Sap Lake, which is the barn of fresh water fishery in Cambodia. Further, the Kamchay hydropower dam, currently in operation, and other large dams, under construction, can cause negative impacts on the environment, including in-land and maritime natural resources. Moreover, with respect to the impacts of climate change, construction of large hydropower dams in southwestern Cambodia will become a concern over increased salinization in underground water in coastal areas affecting agriculture in the region. However, there has been no in-depth assessment of environmental impacts of hydropower dams on agriculture and changes in ecology in coastal areas.

Suggestions:

We would like to make the following suggestions to the Royal Government of Cambodia:

- 1. Cooperate with relevant institutions, in particular, research institutions, to conduct in-depth research on impacts, benefits, and cost before making a decision on development of large hydropower dams in the country. Large dams, such as the Lower Sesan 2, can have more negative impacts than benefits from energy exporting. Therefore, we request a more detailed social, environmental, and economic impact assessment upstream and downstream of the dam projects, especially the impacts on fisheries from the Sesan river to the Tonle Sap Lake, before approving the construction.*
- 2. Collaborate with the Vietnamese government so that it gives proper compensation to Cambodians living on the Sesan and Srepok rivers in Mondolkiri, Rattanakiri and Stung Treng Provinces for the impacts caused by past development of large hydropower dams on the upstream Sesan and Srepok rivers in Vietnam. This should occur before development of the Lower Sesan 2 Dam.*
- 3. For the dams in the south-west, information on projects should be made widely, publicly available, consultations should be made with stakeholders, and studies should be carried out on impacts related to salinization on the underground water (which may affect agriculture in the area) and on relevance with climate change.*
- 4. The Royal Government should give CSOs sufficient time to give feedback on EIA report, i.e., at least 15 working days.*

B. Creating policies and laws for the energy sector

The report on resettlement and appropriate compensation for the Lower Sesan 2 Dam has not been made public. Ideally, policies, laws and regulations for the energy sector should be disseminated widely so that it will be easy for the public, as well as researchers, to access and use the report to strengthen legal capacity related to energy.

Suggestions:

We would like to suggest that the Royal Government of Cambodia disseminates the report on resettlement and appropriate compensation for the Lower Sesan 2 Dam, as well as uploading policies, laws, and regulations related to energy on the webpages of the Ministry of Industry, Mines, and Energy and other relevant ministries. In order to ensure that energy sector policies can warrant sustainable environmental preservation and meet Cambodian people's demands as well as power effectiveness in the Great Mekong Sup-Region (GMS). Enhancing use of decentralized power options and renewable energy is necessary – this excludes development of large hydropower dams, which produce a lot of methane, a major element causing global warming, especially in tropical regions like Cambodia.

4. Gaps not included in the Joint Monitoring Indicators (JMIs) and NSDP Update

A. Best Practice Regulation

Regarding laws requiring fair compensation and equity in sharing benefits and cost of Payment on Ecological Services plans, international legal best practice of appropriate compensation for communities negatively affected by hydropower dam projects has not been fully implemented. Please read the Guidelines and Recommendations of the World Commission on Dams on the webpage: http://wwf.panda.org/what_we_do/footprint/water/dams_initiative/dams/wcd/ or the World Commission on Dams' Report "Dams and Development: A New Framework for Decision Making"⁶⁵.

Suggestions:

We would like to suggest to the Royal Government of Cambodia:

- 1. Include JMIs for the energy sector and development of hydropower dams.*
- 2. Strengthen implementation of Payment on Ecological Services Plans.*
- 3. Develop the international legal best practice in providing appropriate compensation to affected communities.*

B. Resolution of Trans-boundary Water Conflict

With respect to the issue of resolving the trans-boundary water conflict, a clear and accountable agreement and collaboration between countries in the area to ensure that all trans-boundary hydropower projects do not affect the people is necessary.

Suggestions:

We would like to suggest to the Royal Government of Cambodia:

- 1. Continue to raise concerns over trans-boundary issues of hydropower dams on the mainstream Mekong with neighboring countries and international agencies. The RGC should also take part in supervising the study carried out by Japan to assess trans-boundary environmental, social and economic impacts to jointly preserve the Mekong ecology and to ensure food security for the Cambodian people as well as people living on the Mekong delta. These detailed studies should also be applied to the dams on the Mekong tributaries, such as the dams already built and being built in Vietnam.*
- 2. The trans-boundary impacts on the Sesan and Srepok rivers should be resolved first, before approving construction of dams in Cambodia.*
- 3. Establish formal agreements with neighboring countries, especially the Vietnamese government, to provide fair compensation to the people affected by the dams on the Sesan and Srepok rivers.*
- 4. Make publicly available, in regional languages, all agreements related to use of trans-boundary water to ensure that poor or vulnerable people have access to such information.*

A case study on activities of clearing forest for the reservoir of the Lower Sesan 2 Hydropower Dam

⁶⁵ Earthscan (November, 2000). The report of the World Commission on Dam: Dams and Development - A New Framework for Decision Making. London and Sterling, VA.

19 January 2012

Preparation for construction of the Lower Sesan 2 Hydropower Dam

Stung Treng, Cambodia: A Vietnamese company has started to clear a reservoir for the construction of the Lower Sesan 2 Hydropower Dam in Stung Treng.

Vietnamese workers have arrived in Srekor and Kbal Romeas villages and have started to spray paint and are felling trees along the boundaries of the reservoir of the Lower Sesan Hydropower Dam 2. From 12 to 14 January 2012, the 3S (Sesan, Srepok, and Sekong) Rivers community representatives in Rattanakiri went to the area to collect further information in the two villages to confirm the situation. The name of the Vietnamese company was not specified, but according to the account of a Vietnamese worker and a Sesan district policeman, the Vietnamese company is the company that won the bid or was authorized to clear the reservoir of the Lower Sesan 2 Hydropower Dam.

Srekor village:

Srekor is a village located in the reservoir of the Lower Sesan 2 Hydropower Dam and the villagers here will be displaced or resettled if this hydropower dam is actually built. Since late December 2011, villagers have seen about 30 Vietnamese workers entering their village. These workers were protected by the Sesan district police. The field visit, by the Rattanakiri 3S Rivers community representatives, confirmed that many trees had been marked with paint and felled in the boundary areas of the reservoir of hydropower dam. Vietnamese workers have started to mark with paint and fell trees in the area located behind the village (to the north-west of the village) all the way to the location of the Lower Sesan 2 Dam crossing the community forest.



A Srekor community representative showing a tree marked with paint for falling and the trees already felled

Srekor community representatives said "If they cut down trees like this, I lament very much because we have taken care of and preserved them for many years; now the forest is being destroyed."

Another Srekor villager said that *"I was very frightened when I saw this; I ran to the middle of the rice field when I saw the Vietnamese coming close to my rice field cottage; and at night we had to come back to the village. This reminds me of Pol Pot's time; it's exactly the same."*

This Vietnamese company has come to work in the Srekor village, without informing the community or village/commune authorities of their activities. Many villagers were frightened and concerned when they saw unfamiliar Vietnamese workers in their village. Moreover, the Sesan district police threatened that *"Anyone who resists will be hand-cuffed and imprisoned immediately."*

Kbal Romeas village

Kbal Romeas is a village located in the reservoir of the Lower Sesan 2 Hydropower Dam. The people in this village will be resettled too if this hydropower dam is actually built. In Kbal Romeas an authority official expressed his concern over the activities of the workers of the Vietnamese company who have come to his village without informing the community and authorities in the area. *"Acting like this, they seem to think that the village authority and the local community do not have any rights or a part in the development process"* he added.

An official of the Ministry of Industry, Mines, and Energy (who does not want to be named) said that the Lower Sesan Hydropower project is under discussion at the national level, and there has been no decision yet on approving the construction or clearance of the dam reservoir. *The referenced information was broadcasted by Radio Free Asia on 24 and 26 January 2012⁶⁶.*

One Srekor villager reported that after strong reaction from villagers and village/commune authorities and with the information publicized so far, the Vietnamese workers have stopped their activities and moved out of Srekor village. They moved out for only a short while, however, and will return on 18 February 2012.

The presence of the Vietnamese workers in Srekor and Kbal Romeas villages caused great fear and concern for the villagers. Some villagers who wanted to build new houses would not dare to build because they thought that they would have to move out sooner or later.

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⁶⁶ http://www.rfa.org/khmer/indepth/villagers_concern_about_hydro_dam
http://www.rfa.org/khmer/indepth/rattanakiri_report-01262012061356.htm

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Human Development

Education

1. Overview

Cambodia's education sector NGOs (NEP), development partners, and Government are working hard to improve education for the citizens of Cambodia. Education NGOs play an important role in addressing gaps in education for disadvantaged groups – the very poor, ethnic minorities, girls, children with disabilities and those living in remote areas.

Education NGOs not only help to extend the reach of basic education in Cambodia; they also support the Ministry of Education, Youth and Sport in its efforts to improve the quality of education services by broadening the scope of interventions. In line with MoEYS Child Friendly School Policy (CFS), NGOs help with the development and implementation of a wide range of activities to contribute to the realization of Child Friendly Schools. Activities include Effective Teaching and Learning, institutional and organizational capacity building, improving school environment, encouraging local volunteering programs through student councils' and commune councils' participation, health education, vocational/technical training, life skills education, leadership training and management support at decentralized levels, bilingual language education, community support, scholarships, gender issues and providing evidence-based suggestions for the national policy dialogue to increase effectiveness of schooling in Cambodia.

NGO Education Partnership (NEP) is a membership organization whose 100 members are committed to helping Cambodia and the Royal Government of Cambodia (RGC) develop an education system, which ensures "that all Cambodian children and youth have equal opportunity for access to basic education, both formal and informal, without discrimination on grounds of race, skin color, gender, languages, religion, political affiliations of parents, place of birth or social status⁶⁷". NEP supports this goal through research, advocacy and campaigns, capacity building work with education NGOs, and ongoing dialogue with government and development partners to improve both formal and non-formal education at both national and sub-national levels.

In order to support the government's commitment to the global objective of Education For All, which ensures full access and Quality Education For All Children of Cambodia, NEP proposes the following course of actions:

2. Joint Monitoring Indicators

The JMI for the Education sector, agreed by RGC and DPs during the 3rd CDCF in June 2010

⁶⁷ Extract of NSDP updated 2009-2013 Section 6. 525

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 increased from 82.8% in school year (SY) 2008-09 to 85% n 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

Monitored Progress on Actions Needed/Analysis of Performance

2.1 Deploy newly trained teachers to under-staffed schools and in remote areas.

Although 95% of newly trained teachers have been deployed to under-staffed schools and in remote areas, teacher shortage is still a big issue for education. A teachers' decision to choose where to teach does not respond to the request from local schools. There are still not enough teachers in remote areas, while there are more than needed-teachers in the urban areas. As a result, some schools have only one teacher who plays the role of a school director, a teacher and a librarian.

The recruitment of 5,000 teachers annually and their deployment, as described above, cannot solve teacher shortage because this amount of this recruitment is necessarily simply to replace the retired teachers.

MoEYS and DP should also ensure that teachers at all levels receive a living salary so that they do not need to take up a second job. This should be the major priority of MoEYS. Not only do salaries need to improve but a financial management system for improving the disbursement of teachers' salaries must be implemented to avoid corruption and late payment.

The Teacher Development Action Plan (2010-14) acknowledges that upgrading teachers' academic qualifications is essential for improving their skills. The proposals in the Action Plan provide an unprecedented opportunity for MoEYS to maintain teacher equity in Cambodia if they are implemented well. For that to happen, improved management and deployment of teachers must be based on the projections and concrete requirements of the schools. MoEYS can reduce the acute shortage of teachers in remote and disadvantaged areas by providing training opportunities for young people from those areas and deploying them back to their home towns.

Recommendations

- Regarding newly trained teachers deployment, we recommended that policy on local teacher recruitment be expanded.
- The Ministry of Education, Youth and Sport and Development Partners should increase the number of teachers to be recruited, especially in remote areas.
- Reallocate education staff funding to allow for fair salaries for teachers to help reduce informal school fees and encourage them to stay where they are sent.
- The MoEYS takes action to enforce teacher deploying, to ensure that no school is over-staffed and/or under-staffed, as this will also help reduce unnecessary budget spending.
- Improving a financial management system for improving the disbursement of teachers' salaries

2.2 Revise grade promotion regulation and ensuring implementation of the regulations in education programs supported by development partners.

Revised grade promotion regulation has been issued and implemented⁶⁸. In the revised regulations, those who score below average are given chances to be tested at the end of the same school year and at the beginning of the next school year. As a result, student promotion rate in primary education increased to 84.2% in school year (2009-2010). It showed significant increase progress, increasing by 1.4% from 82.8% in SY 2008-2009. The promotion rate is expected to be increased 85% in 2010-2011 (the figure will be available in March 2012).

Recommendations

The revised grade promotion regulation is important to reduce repetition and drop-out rate. However, quality education is still a major concern, especially in grades 1, 2 and 3. As such, we would like to recommend the following:

- The data of students who sat for exams at the end of the same school year and early in the next school year should be available, so that we can study, in detail, the trend of education quality.
- Enforce the policy implementation, especially the promotion rate and reduction of informal school fee, as this is the main barrier for access, quality and students' retention.
- Though the survival rate from grade 1 to grade 6 has gradually increased from year to year, the figure is still a concern. More action should be done to raise it beyond 61.2% (59.33% SY 2008-2009 to 61.2% 2009-2010)⁶⁹. However, quality education must be taken into account. Students may be strong in one subject but not in another. So, taking the average score from academic subjects is not enough to determine passing or failing. Other factors, therefore, should be taken into consideration in the assessment of student performance. This may include the examination of student portfolios, the score of project work based on students' interests, etc.

⁶⁸ Prakas #1258 issued by Minister of MoEYS, 27 March 2009

⁶⁹ EMIS 2010/2011

3. Key actions / strategies from the NSDP Update 2009-2013

Section	Message
6.517	Ensuring equal access to education services
6.517	Improve quality and effectiveness of education services
6.517	Enhancing institutional development and capacity building of education officers for decentralization

The Royal Government of Cambodia has made some significant progress in ensuring right-age entry at six years old to primary schools through:

6.517 Ensuring equal access to education services (page 56, Para 203)

School building: The number of primary, lower secondary and upper secondary schools increased from 8,628 in SY 2005/2006 to 9,834 in SY 2008/2009. Primary schools increased from 6,277 to 6,565. In order to improve accessibility to education services for the poor children in remote areas, 547 primary schools have been built in the remote areas in 2008/2009.

However, even with this improvement, the number of incomplete schools is relatively high: 1,185 throughout the country. In addition, 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.

Recommendations

- Continue current efforts to build new schools and provide incentives for teachers to teach in remote areas
- Accelerate the process of school construction/ repairing to reduce the number of incomplete and disadvantaged schools in the near future
- Strengthen transparent and accountable school management, in order to attract more community engagement.

Number of teaching staff (page 57/58, Para 203, 205): in response to the increase of schools, MoEYS should increase the number of teaching staff from 78,606 in 2005/2006 to 81,350 in 2008/2009, mainly at secondary levels. The number of primary teachers decreased from 50,378 to 45,511 in the same period, due to the decrease of students.

The delivery of quality education requires well-trained and motivated teachers, with substantial resources. Teacher shortage⁷⁰ and demotivation⁷¹ of public school teachers due to low salary and limited management capacity of school directors are still big challenges for improved accessibility and quality education. (For teacher shortage, please also see the JMI above.) As the enrolment rate increases, attention should be paid to the quality of education, in which the quantity and quality of teachers (teaching and learning methods) should be the first priority.*

⁷⁰ Summary report for Education Congress March 2010

⁷¹ Valuing Teachers (NEP and VSO, 2008)

Recommendations

- Enforce the implementation of teacher recruitment at local levels and reallocate teachers in schools that have more than needed-teachers
- Reallocate education staff funding to allow for fair salaries and building houses for teachers who are assigned to teach far away from their homes.
- Build capacity of school directors to improve school management and increase teachers' motivation and community engagement.

Reducing parental cost barriers and retain students in schools (page 56, Para 203): school operational budgets were increased, a Prakas to eliminate informal school fees was issued, and scholarships were provided to poor students, especially girls and the disabled. *However, even with these efforts, many children are still not fully benefiting, due to economic status, minority, disability, low perception of the value of education of some parents, and so on. The Government's intention and commitment toward the elimination of unofficial payments in schools is commendable; however, the practice is still prevalent and needs to be urgently addressed to ensure equitable access to education for all the children, especially the poor.*

Recommendations

- Reallocate education staff funding to allow for fair salaries for teachers to help reduce informal school fees and encourage them to stay where they are sent
- Increase scholarship budget for poor children, and those who live in rural and remote areas
- Building dormitories for girls should be spread throughout the country and in particular for poor and marginalized children, not only for higher education but also secondary education and in very remote places where child labor and migration is high.

6.517.2 Improve quality and efficiency of the education services

Expanding the initiative of Child Friendly School (CFS) – (pages 57/58/59, Paras 203/205): MoEYS has endorsed the CFS policy, its master plan and policies on education for children and children with disability. MoEYS renewed its school curriculum by issuing guidelines on the implementation of the new curriculum for basic education, including curriculum standards and action plans for guiding teachers on the new curriculum policy. Guidelines on preparing school subjects and guidelines for students to select elective subjects to study in upper secondary schools were also introduced. The MoEYS is developing a framework for supplying core textbooks for the new curriculum.

Although significant progress has been made, the quality and effectiveness of the education service cannot be guaranteed if the textbooks and supplementary reading materials are not adequate and distributed to the students on time. Next, loss of teaching and learning time due to lack of classrooms and poor attendance of some teachers is not strengthened. Then, the lack of a professional career path for teachers is not solved. Later, improving standardized tests to assess student-learning outcomes is not employed.

Recommendations

- Textbooks produced must be in good quality and quantity with timely distribution to the students and teachers. In addition to this, a **mechanism** to monitor textbooks distribution should be in place and followed.
- In addition to textbooks, different additional reading materials should also be considered to ensure that students have different options for reading and improve their reading abilities.
- Strengthen mechanisms to support CFS like DTMT, with a focus on management, such as planning, reporting and monitoring of CFS.
- Accelerate school construction, especially incomplete ones to ensure that we have enough classes for the students. Moreover, salary of teachers shall be increased to a level that they can live on, so that we can motivate them to pay attention to their work. In addition, professional development for the teacher should also be considered.
- Ensure that (Local) Life Skills Education is part of the curriculum and that schools have the resources (human and materials) to implement these activities to ensure a more relevant education program and preparation for participation in the labor market.
- The release of Program Based Budget (PB) should be made on a timely basis, so that the money can be used effectively.
- Employ/strengthen and improve standardized tests to evaluate student learning outcomes at least at 3, 6, 9 and 12.
- In order to achieve the above task, MoEYS should allocate more budgets in the current financial year.

6.517.3 Strengthening Institutional Development and Capacity Building for Decentralization (pages 58, 59 / Paras 203, 205)

MoEYS is engaged in strengthening the monitoring system as well as restructuring working procedures, developing legislative instruments and training education officers at all levels on technical skills. MoEYS efforts were on the finalization of and implementation of the Education Law and BMCs.

However, the above policy cannot be achieved if the capacity of school directors is not strengthened to implement decentralization, such as school-based management, classroom management, teaching and learning activities, student performance evaluation, and effective use of budget resources.

In addition, the implementation of decentralization also strongly depends on engagement of the community and commune council. However, some communities and commune councils failed to integrate school development plans into theirs⁷². Some communities and local authorities still consider education to be the responsibility of schools, teachers and MoEYS.

⁷² Summary report for Education Congress March 2010

MoEYS is in the process of developing a Teacher Policy to improve teacher's living conditions through financial and technical support from development partners and civil society. Ensure meaningful participation of teachers as major stakeholders in the development process of policy that affects them. The main reason that teachers did not feel involved was that most of school directors did not consult with them and did not declare the financial reports. Discrimination against individual teachers was also highlighted.

Recommendations

- Build capacity of school directors to improve school management, as it can increase teachers' motivation and community engagement.
- MoEYS promotes decentralization policy for education to communities and commune councils in order to improve their engagement (from school development to quality education)
- Community should be sensitized and made to participate in school affairs so as to value education and appreciate the work teachers do. In doing so, teachers' morale will be boosted and the quality of education improved. Emphasizing and mounting of mobilization of support for this worthy cause should be directed at areas that are still lagging behind.
- Ensure meaningful participation of teachers in teacher's policy development

4. Not in the JMIs / NSDP Update: Informal School Fees & Corruption

The practice of **informal school fees** to supplement teachers' low salaries places a heavy burden on family incomes, particularly for the very poor and other disadvantaged groups. As long as this practice continues, Cambodia will not realize a meaningful increase in enrolment and survival rates in all parts of the country.

The Royal Government of Cambodia has acknowledged the problem of informal school fees by ruling in Cambodia's Education Law that this practice is illegal. The Ministry of Education, Youth and Sport has committed to the abolishment of informal school fees by 2008 in its Education Strategic Plan (ESP).

Provide teachers with a fair income that reflects the cost of living and inflation so that they do not need to supplement their salaries through informal school fees. Encourage good collaboration of community to assist teachers in remote areas.

Finally, **teachers see corruption** as a major demotivating factor⁷³. This affects the quality of education given students and, in turn, influences survival rates.

Fairly enforce the Anti-Corruption Law passed by the National Assembly as a top priority.

⁷³ Valuing Teachers (NEP and VSO 2008)

Action on these recommendations is urgently needed to help the Royal Government of Cambodia and MoEYS reduce barriers to education for all. The impact on primary level enrolment and survival will be significant.

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Health

1. Background

MEDiCAM, established in 1989, is a membership organization for NGOs active in Cambodia's Health Sector and currently represents 123 health NGOs (see MEDiCAM Website). The words "MEDiCAM" or "Health NGOs" which are used interchangeably in this Position Paper only represent the voice and perspective of health NGOs that are under MEDiCAM's umbrella. This number, however, represents approximately 90% of all international and local NGOs working in Cambodia's Health Sector.

The MEDiCAM Position Paper has been developed with broad, transparent, and open consultations with its NGO members. The NGO regional meetings at provincial levels were the first place that grassroots NGOs met and discussed issues/challenges and recommendations in Cambodia's Health Sector. They then elected their representatives to raise their collective voices at the Annual General Assembly Meeting (AGM) of MEDiCAM. After hours of deliberation conducted during the AGM by Health NGOs at the national level⁷⁴, NGO representatives voted to prioritize issues/challenges and recommendations, which need to be addressed in the Position Paper.

In addition, MEDiCAM has invited NGO members to meet and discuss by thematic groups including Reproductive Maternal Newborn and Child Health (RMNCH), Communicable Diseases (CD), Non-Communicable Diseases (NCD), Health Service Delivery (HSD), Human Resource for Health (HRH), Health Care Financing (HCF), HIS, Health System Governance (HSG), and others.

Based on the exhaustive discussion from each thematic group, the MEDiCAM Executive Director consolidated the first draft of the Position Paper and submitted it to the MEDiCAM Steering Committee for review and comment. The Steering Committee held two meetings — on 6th May and again on 9th May 2011 to discuss the first draft. The comments from the Steering Committee have been put into the second draft, which has been sent to all the Steering Committee members for comments, and they met again on 25th August 2011 to finalize the paper.

MEDiCAM's 2011 Position Paper does not aim at advocating new priorities for the Health Strategic Plan 2008-2015 (HSP2) into which Health NGOs' comments have already been integrated. The purpose of the Position Paper, however, is to highlight key issues/challenges and recommendations in the implementation of HSP2 so that the Ministry of Health and the Royal Government of Cambodia will be able to be better positioned to achieve their Cambodian Millennium Development Goals (CMDGs) commitments, particularly CMDG 4, 5, and 6 by 2015. The Position Paper tends to look at this on a yearly basis.

2. Introduction

Health NGOs working actively in Cambodia's Health Sector would like to congratulate the remarkable achievements of the Ministry of Health under the leadership of the Royal Government of Cambodia, in partnership with International Community, including Health partners and NGOs. The main achievements include (1) Cambodia has ensured universal

⁷⁴ Please refer to AGM Report 2011

access for the provision of ARV treatments to PLHAs and the decline of HIV prevalence to 0.80% in 2011 - according to NCHADS data, (2) the remarkable achievements of TB intervention including 100% DOTS implementation at Health Center level, community DOTS in all the coverage of 839 Health Centers, Public Private Mix in DOTS implemented in 39 ODs in 11 provinces, the curative rate reached 92%, the detection rate reached 62%, and the co-morbidity TB/HIV implemented in all ODs in 2010, (3) the CDHS 2010 preliminary findings indicate a significant reduction in infant and under five mortality rate—45 per 1,000 live births, and 54 per 1,000 live births, respectively, (4) all important indicators related to maternal health have significantly improved, (5) malaria has now been put on track for an eradication plan to be achieved by 2025, (6) Tetanus and measles are also on the brink of elimination, (7) the Health Equity Fund has been helping people living under the poverty line to have greater access to free health care services, (8) SOA/SDGs are expanding to ensure the better functioning of operational health systems, (9) most importantly, strategic directions and policies such as HSP2, FTI, Core Child Survival Strategy, Nutrition Strategy, etc., are in place, and (10) there continues to be improved harmonization and alignment through mechanisms such as TWGH, Pro-TWGH, and AOP.

MEDiCAM and its members, however, would like to bring to the attention of policy makers and health partners, the continuing challenges and recommendations which should be addressed to continue achieving more sustainable results.

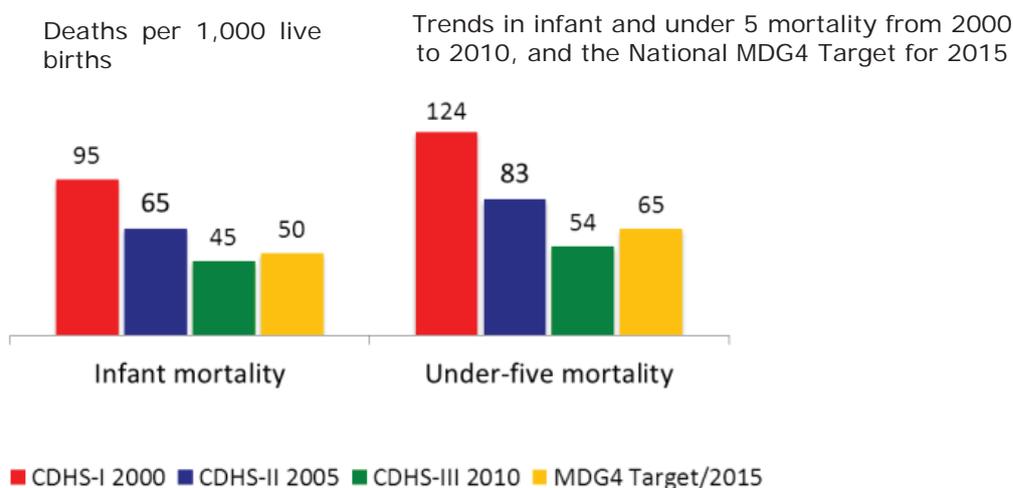
3. Key Issues and Recommendations

A. REPRODUCTIVE MATERNAL NEWBORN AND CHILD HEALTH (RMNCH)

The 32nd National Health Congress and the 9th Joint Annual Performance Review (JAPR) held 14th-15th March, 2011 has indicated a number of remarkable improvements in the areas of Reproductive Maternal Newborn and Child Health (RMNCH) such as increased delivery attended by skilled health providers (69.6%)⁷⁵, increased birth delivery at health facilities (52%), increased ANC2 visits by pregnant women (72%), and increased use of modern contraceptive methods among currently married women aged 15-49 years old (35%)⁷⁶. In addition, the preliminary findings of the 2010 Cambodia Demographic and Health Survey (CDHS) shows a substantial decline in childhood mortality of over 50 percent in the past ten years from 2000 to 2010, already reaching the Cambodia MDG4 target for 2015 (see figure 1)². Currently, the infant mortality rate (IMR) is 45 deaths per 1,000 live births, whereas the under-five mortality rate (U5MR) is 54 deaths per 1,000 live births. This remarkable reduction of childhood mortality highlights an accelerated political commitment, and increased financial investment both from the government, the Ministry of Health, and health development partners-- in addition to the dedicated efforts made by health staff at all levels of the health system to improve infant/ child health outcomes.

⁷⁵ Ministry of Health. The 32nd National Health Congress and the 9th Joint Annual Performance Review 2011.

⁷⁶ Ministry of Planning and Ministry of Health. Cambodia Demographic and Health Survey 2010, Preliminary Report.



However, whilst the 2015 National MDG4 target has been met, the childhood mortality rate remains unacceptably high in comparison with other countries in the region.

Key Issues of Reproductive Maternal Newborn and Child Health

1. Implementation of high-impact intervention priorities remains an uphill challenge

Despite the progress stated above, Health NGOs working actively in Reproductive Maternal, Newborn and Child Health have pointed out some high priority areas that should be addressed in order to continue to improve Reproductive Maternal, Newborn and Child Health service provision. These include (1) Emergency Obstetric and Newborn Care, (2) Safe Abortion, and (3) Neonatal Care and Nutrition. In addition, Health NGOs also agree with other important priorities that need to see improvement, including ANC/PNC, Family Planning, especially in the promotion of long term and permanent methods, Skilled Birth Attendance (SBA), PMTCT, C-IMCI, and Adolescent/youth Reproductive Health and Rights, and Sexuality, which have been highlighted in the Fast Tract Initiative and the Core Child Survival Strategy of the Ministry of Health. However, challenges remain on how to accelerate the implementation of these high-impact interventions to reduce the Maternal Mortality Ratio, U5 and infant Mortality Rates to meet MDG 4 & 5 by the 2015 deadline.

2. Common causes of maternal deaths

Pregnant women mostly die of complicated pregnancy (hemorrhage, eclampsia, prolonged and difficult labor), infection around birth delivery, improper post neonatal care, unsafe induced abortion or inadequate post-abortion care (see table 1)⁷⁷. These causes of maternal deaths are very common, especially in developing countries and are similar to the new global estimates of the causes of maternal deaths reported by the World Health Organization and UNICEF in 2010 in which hemorrhage and hypertension (eclampsia) are the leading causes of maternal death which accounted for 35% and 18%, of deaths

⁷⁷ Tung Rathavy. Maternal mortality in Cambodia. Handout distributed during the launch of maternal death surveillance and fast track initiative 2010.

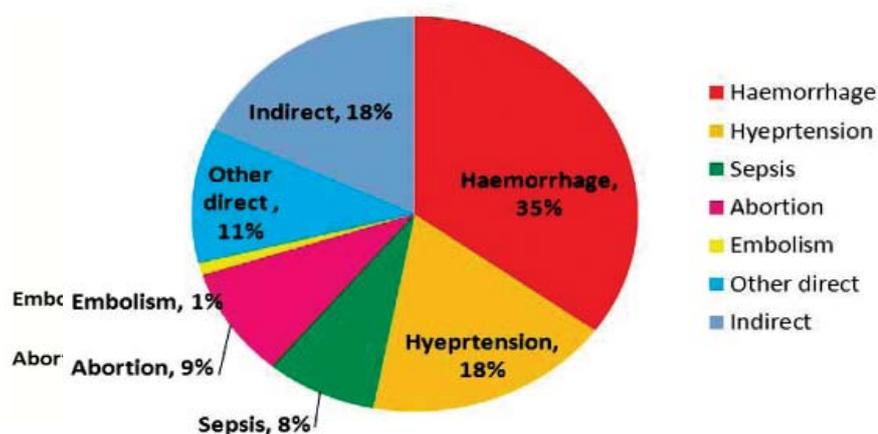
respectively; followed by sepsis (9%), abortions (8%) and direct and indirect causes (29%) (See figure below)⁷⁸.

Table 1: Main causes of maternal deaths (%)

	2005 (n=50)	2006 (n=55)	2007 (n=86)	2008 (n=101)	2009 (n=104)
Hemorrhage	54	47	47	59	49
Eclampsia	18	9	16	11	8
Infection	6	18	10	3	6
Abortion	6	7	8	3	4
Uterus rupture	4	4	1	5	6
Others	12	15	18	20	27

Source: National Maternal and Child Health Center. Maternal Death Audit 2005-2009.

Global estimate of causes of maternal deaths, 2007-2010



Source: The World Health Organization and the UNICEF. Countdown to 2015 Decade Report (2000–2010): Taking Stock of Maternal, Newborn and Child Survival 2010.

3. Real situation in the field of complicated and difficult pregnancy/delivery

When a pregnant woman is bleeding, she needs immediate emergency obstetric care services to save her life. In reality, reaching this service for a poor, rural woman is almost impossible. She lives far from public health facilities and referral systems do not function well in most parts of the country. When in this situation, most women die at home or die on their way to public health facilities. More sadly, it has been observed that several women also died when reaching hospitals as they were not immediately given the attention they need by health care providers due to their inability to pay (a big financial barrier for poor women) for emergency health care service, or the service is not available or because of technical errors of health providers, due to their limited skills/expertise.

4. Issues around Referral

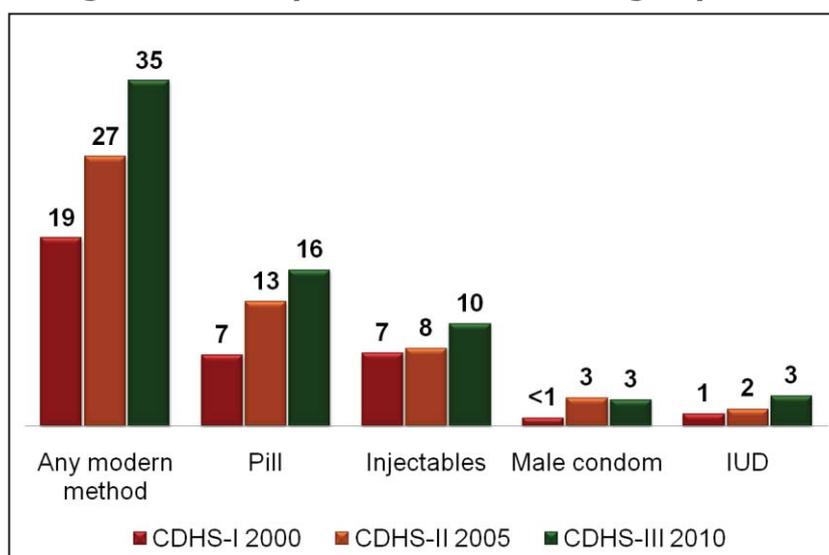
⁷⁸ The World Health Organization and the UNICEF. Countdown to 2015 decade report (2000–2010): taking stock of maternal, newborn and child survival 2010.

Referring pregnant women from Health Centers to Referral Hospitals for complicated cases sometimes gets delayed. Based on NGOs' observation in the field, this delay is mainly due to the limited skills of midwives at the Health Center level, the relationship between Health Center midwives and those at the Referral Hospital level, or incentive (\$15) to midwives at Health Center level which may keep them to try their best until it is sometimes too late to be referred. Some NGOs have already addressed these issues by upgrading their skills and also providing a hotline number at Referral Hospitals so that they can consult the problems with health providers at the Referral Hospital prior to referring. For the other issue of the relationship between Health Center and Referral Hospital midwives, NGOs have regularly assisted in conducting a Midwifery Coordination Alliance Team (MCAT) meeting (a mechanism developed and adopted by NMCH) to solve problems on the ground. In addition, they provided incentives to midwives who refer pregnant women, demonstrating danger signs, to Referral Hospitals in a timely manner.

5. Issues around abortion and family planning

Unsafe abortion continues to be a silent killer of many young women here in Cambodia. Despite the progress of improved Contraceptive Prevalence Rates, lack of long term and permanent family planning choices such as IUD, Implant, tubuligation, vasectomy, withonly the wide availability of birth control pills and condoms contributes to high failures and discontinuation.

Percentage of Currently Married Women using any modern method

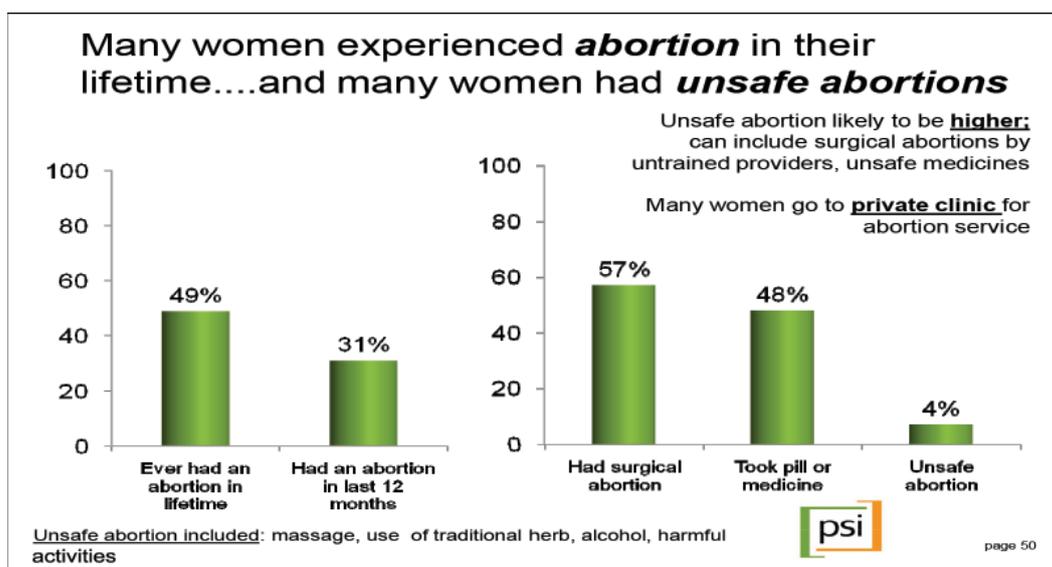


These groups of women and many other young girls face unwanted pregnancies and usually address them by induced abortion. PSI's studies indicated a similar figure, that 30%⁷⁹ of young entertainment workers reported to have undergone an induced abortion in the previous year due to an unwanted pregnancy. The scale of abortion seems to be rampant yet hidden; the response is limited; there is very limited knowledge of the abortion law, with a recent study conducted by PSI indicating that 80%⁸⁰ of those seeking safe abortion thought that they were doing something illegal. Unfortunately, ignorance on abortion is high and there remains a high number of practicing, unqualified and unsafe abortion providers.

⁷⁹ 2010 Behavioral Survey on Condom Use among Entertainment Workers with Sweethearts (PSI)

⁸⁰ The same study conducted by PSI

The coverage of licensed clinics with abortion-trained skilled providers is limited and expensive; only the Referral Hospital level has been trained in the use of medical abortion, despite this being a popular method of abortification in Cambodia and both registered medical abortion (Medabon) and illegal medical abortion products are widely available in pharmacies throughout the country. There is limited post-abortion family planning and the ignorance and social stigma attached to abortion has meant that many young girls and women have had to seek underground or discreet abortion services, which are usually harmful and do not provide proper post-abortion care.

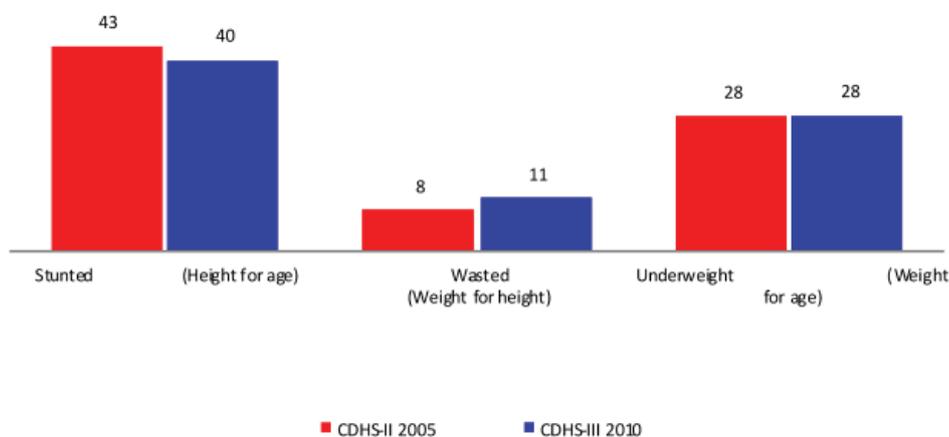


MEDiCAM and its members are seriously concerned that Family Planning commodities will face an enormous deficit and may result in a serious lack of availability since KfW plans to stop its support next year in 2012.

6. Newborn, Infants, and Child Health

Training for IMCI at the Health Center level has reached the peak of 100%. However, the important questions remain on its implementation. Neonatal Care and Nutrition remain the most important priorities. Preliminary results of CDHS 2010 indicated slow progress.

Nutrition is another major issue that needs to be urgently and properly addressed to improve infant and newborn health. Although Growth Monitoring and Promotion is the universally recognized basic method of identifying children with nutrition problems, it is rarely conducted at the Health Center level. The CDHS 2010 shows the high prevalence of malnutrition, which indicates the necessity of significant behavior change in childcare among both parents and health care providers.



Recommendations on Reproductive Maternal Newborn and Child Health

1. Emergency Obstetric and Newborn Care and Referral System

Saving women's lives requires a bigger investment for the establishment of effective referral systems, including 24-hour B/C-EmoNC service availability at all public health facilities, which need to be available without financial barrier or discrimination for the poor to access it whenever needed.

This is the state's responsibility, and it can be achieved. Experience in Tamil Nadu, India, where they contracted the private sector to provide fast transportation service for pregnant women who need emergency services, is a good example of how this can be achieved. Whenever pregnant women need transportation to access emergency obstetric services, they can call a toll-free number in order to get transportation or an ambulance to take them immediately to a hospital. When arriving at the facility, the emergency obstetric and newborn care service must be available, without financial constraint. The government should ensure the availability and accessibility of such services to all the women of Cambodia.

2. Referral of complicated/difficult pregnancy/delivery cases

On the issue of late referral of complicated/difficult pregnancy/delivery cases from Health Centers to Referral Hospitals, Health NGOs would like to call for the expansion and replication of (1) MCAT (Midwifery Coordination Alliance Team) meetings, (2) the provision of appropriate incentive support to midwives at the Health Centre level for appropriate and timely referral of complicated pregnancy/delivery cases to the Referral Hospital level, (3) the upgrading of skills of midwives at the Health Centre level, (4) the support of a hotline for free communication between Health Centers and Referral Hospitals for consultation prior to referral, and (5) building additional rooms within Health Centers for both waiting areas and post partum care, especially in areas where they are mostly needed.

3. Abortion

- Expansion of awareness-raising on the abortion law and making people understand that abortion is not illegal, so they can access safer places for induced abortion.
- Expansion and improvement of training on abortion skills to health care providers.
- Recognition that unsafe abortion is clearly the area that requires more studies, more interventions and more support if the RGC is to meet MDGs five, appeal for development partner support.
- Health NGOs would also like to jointly appeal to both development partners and the government for continued support for family planning commodities. Several studies have proved that IUD, implants, and other long-term birth spacing methods are cost-effective. Thus, these should be promoted for improving CPR in Cambodia.

4. Newborn, Child Health and Nutrition

- Preventive interventions for child and infant health, such as Community Integrated Management of Childhood Illness (CIMCI) and Baby Friendly Community Initiative (BFCI) are being introduced, but the implementation of such programs remains challenging. Therefore Health NGOs would like to call for more support for the implementation of the above-mentioned programs.
- Growth and Monitoring tools should be regularly used and reported on by health care providers at health facilities in order to consistently monitor the nutritional status of an infant/child. The current behavior/ practices of health providers related to this fundamental practice should be changed urgently to improve the quality of childcare.
- Health NGOs call for a multi-sectoral response to improve the nutritional status of newborns, children, and pregnant women. High-level political will and commitment is needed to mobilize relevant line ministries' responses to improve nutrition. Technical and financial support is also required from Development partners to assist the RGC to make this vision become a reality.
- Behavior change at the community level on appropriate home practice and health promotion is critically important, and should be intensified and scaled-up.
- The continuum of Maternal and Neonatal Care should be promoted since the health of mothers affects fetus and newborns. Improvements in neonatal care technology and skills are much needed and should be upgraded at all health facilities with guaranteed accessibility without financial barriers in order to reduce the current neonatal mortality rate.

B. COMMUNICABLE DISEASES

HIV/AIDS Response appears to be the most successful achievement in Cambodia in recent years—(1) reaching universal access for people living with HIV/AIDS to get ARVs and OIs treatment (over 90% of PLHAs have obtained ARV/OI treatment)⁸¹, and (2) prevalence of HIV among general population aged 15-49 is less than 1%. As a result, the United Nations has given Cambodia an honorable award in its successful response to fight against HIV/AIDS in Cambodia.

⁸¹ According to NCHADS Website report 2010

Key Issues of Communicable Diseases

1. Maintaining sustainable results and reaching PLHAs every where

Cambodia could be a victim of its own success with its previous HIV/AIDS response. This is mainly due to the fact that previous funding was very much targeted for quick results. This resulted in a situation whereby Cambodia's Health Care System and the Multi-Sectoral Response of the government are not well-equipped and financially capable of effectively responding by themselves. Concerning universal access, PLHAs in Mondulhiri continue to have to travel to the Stung Treng ARV Treatment site.

2. The Global Fund to Fight Against HIV/AIDS, TB, and Malaria (GFATM)

The GFATM's vision is to promote country ownership and to enable countries to drive their own GFATM's programs. The establishment of the Country Coordinating Mechanism (CCM) is a very good step for empowering countries to take the lead. However, the Local Funding Agent (LFA) role seems to contradict this vision when the LFA, a legal binding agency of the GFATM, conducts vigorous financial and technical program scrutiny on the implementation of the Grants in the country, and report its findings directly to the GFATM Secretariat. This is undertaken without informing or seeking any advice or comments from the CCM, a mechanism designed to represent a country and its key constituencies, and who understand better the social, political, cultural, and legal context of the country. The current role of the LFA seems to jeopardize country ownership and weaken the role of the CCM, especially when the LFA is playing its role in the scrutiny of technical program implementation, in complete isolation from CCM.

Other common issues include (1) complex and too frequent changes of formats for proposal development and reporting, and (2) too rigid policy, for example related to the procurement of medicines, which has made the fund unusable and has caused delays in project implementation.

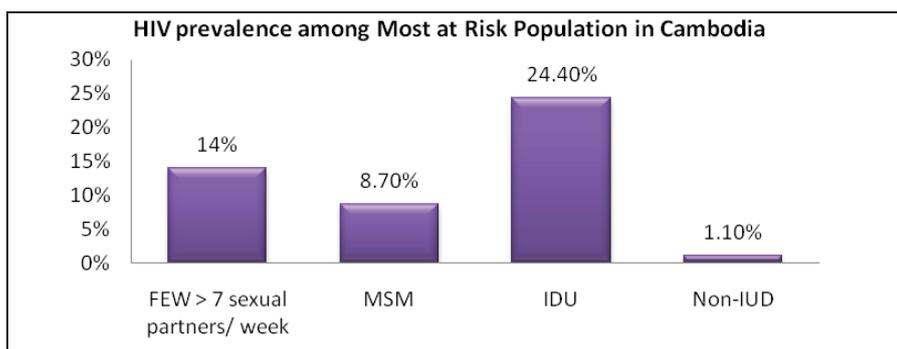
3. Charging PLHAs for other health services

Health NGOs working actively on HIV/AIDS have observed that some public health facilities charge PLHAs for consultations and crucial testing services such as liver function test, creatinine, x-rays and HIV viral load tests. Some PLHAs continue to have limited access to ARV/OI treatment services due to limited operating hours of HIV/AIDS clinics or facilities and their difficulties to reach the facilities because of transportation costs.

4. High Prevalence of Most At Risk Populations

Although the prevalence of HIV among the general population has very much declined, the prevalence among Most at Risk Populations (MARPs) remains very high—entertainment workers, brothel-based female sex workers (14%), MSM (8.7%), Drug Users (IDU: 24.4% and Non IDU: 1.1%),⁸². Currently, community-based prevention and care has not universally reached MARPs, which could possibly lead to the second wave of HIV/AIDS epidemics.

⁸² NCHADS HSS 2006 and 2005 STI Prevalence Survey



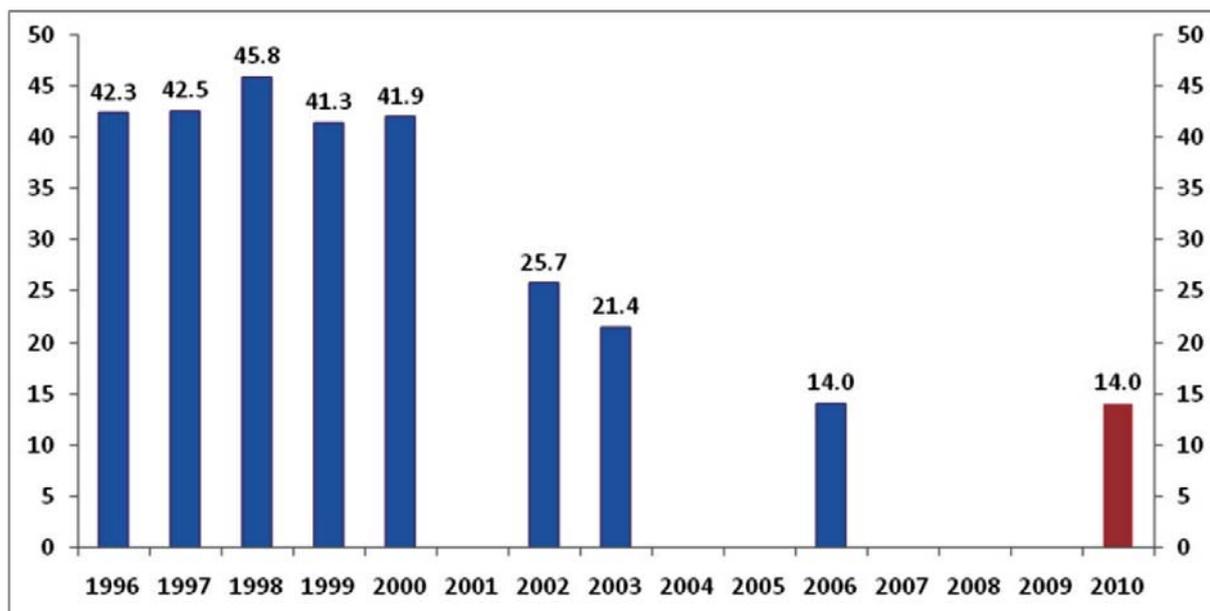
FEW: Female Entertainment Worker more than 7 sexual partner per week in 2010 (HSS 2010)

MSM: Men who have Sex with Men (Source: NCHADS, 2007)

IDU: Injection Drug User (Source: NCHADS, 2007)

Non-IDU: Non-Injection Drug User (Source: NCHADS, 2007)

HIV Prevalence among FEW with More than 7 Clients per Week in 2010, Compared to FSW



FSW: Female sex worker

FEW: Female entertainment worker

5. Social Support

Interventions on livelihoods for PLHAs are not sufficient to improve the quality of lives and afford long-term treatment costs.

6. Adherence

Maintaining high adherence is necessary in Cambodia because the country does not have access to third line medicines of ARV. Today 5%⁸³ of PLHAS under treatment are already

⁸³ NCHADS Website

under second line regiment and will not be offered any alternative in case of treatment failures.

7. Issues of TB, Malaria, and Dengue Fever

❖ TB

Cambodia remains one of the 22 high TB burdened countries. Although the estimated prevalence rate of all forms of TB has decreased from 1,225/100,000 population in 1990 to 693/100,000 in 2010 (MDG Target: 626/100,000) - which is a significant achievement-- the TB prevalence rate remains unacceptably high. Other data to have a better overview of TB burden in Cambodia include (1) estimated incidence rate of all forms of TB (495/100,000), (2) estimated incidence rate of smear positive TB (219/100,000), (3) estimated death rate of all forms of TB (89/100,000), and (4) HIV sero-prevalence among TB cases (6.4%)⁸⁴ Health NGOs working on TB in Cambodia highlighted the challenges that need to be addressed, including co-morbidity of HIV/AIDS and TB, MDR, TB in closed setting, and migrants. However, other bigger issues of combating TB are (1) the unregulated and anarchy of Private Sector where most people use medication - even without a prescription from a doctor - which is the main current/ future root of MDR, and (2) only 21.6 % of the entire population were accessing public health care services—meaning that the majority are at home or use the formal and informal private sector. This indicates that the challenges to be addressed to effectively fight against TB must go beyond the public health system.

❖ Malaria and Dengue

In 2010 the Malaria Incidence rate was 407 per 100,000 population, and 135 cases died

- Despite the decrease of malaria prevalence in the last 10 years, it remains a problem due to (1) the development of MDR, (2) migrant/mobile populations, (3) private sector issues (high access/ use, but unregulated, so more harm - including counterfeit medicines, etc.)
- Procurement of the latest efficient ACT (Artesunat Combination Therapy), through GFATM is hampered by the complexity of GFATM requirement—GFATM's stringent regulatory process.
- Dengue remains a major health problem in Cambodia, but funding to fight the disease remains limited.

Recommendations for Communicable Diseases

- Promoting country ownership will require that the GFATM leverage the role of CCM in the oversight of the grants implementation. This will require additional resources for the functioning of the CCM and the GFATM secretariat should have one official communication channel for the scrutiny of the country's grants implementation, and that should be the CCM. The LFA should continue do their work, but with emphasis on financial scrutiny and the Principle Recipients' (PRs) focus on technical programs. Both the LFA and the Principle Recipients should be working under the supervision of CCM to ensure country-level ownership and accountability.
- Cambodia continues to need more long-term support to maintain the success of its HIV/AIDS response. However, the financial support should be more targeted to build a strong health care system which will be capable of sustaining an effective response by itself.

⁸⁴ WHO report 2010

- Free services for all kinds of treatment and lab needs should be given to all PLHAs.
- Transportation costs should be provided to PLHAs to ensure the regular continuity of their treatment.
- HIV/AIDS treatment services should be available for PLHAs 24-hours a day.
- Prolonging lives of PLHAs is very necessary and crucial, but improving their livelihood and quality of life is equally important for their living.
- Create job opportunities for PLHAs and their families as productive members of society.
- The intensification of community-based prevention and care, especially among MARPs, is essential to keep the epidemic under control. Increased financial resource allocation in this area is needed to keep healthy populations healthy.
- Development of a comprehensive approach to ensure adherence to ARV treatment, taking into account non-health factors such as the economic and psychosocial status of patients.
- Free health services at all levels of public health facilities for both persons suspected of having TB and TB confirmed patients are essential.
- Support for the transportation for persons suspected of having TB and TB confirmed patients.
- Increased support for community-based prevention and care for TB, especially the most at-risk populations (urban and rural poor, prisoners, contact tracing, etc.)
- Strengthen collaboration among relevant stakeholders to address co-infection (TB-HIV), and TB in closed setting.
- More evidence is needed to improve the effective interventions for MDR and TB among migrants and mobile population.
- Multi-sectoral approach including non-health sectors is needed to address the issue of Malaria MDR and migrant/mobile population
- The GFATM should issue a waiver on procurement of the efficient ATC currently recommended by WHO and part of the Cambodia's national treatment guideline. Otherwise, Cambodia should seek a donor with less stringent regulations who is willing to support the efficient ATC in Cambodia.
- More funding is needed for the implementation of community-based intervention for dengue response.

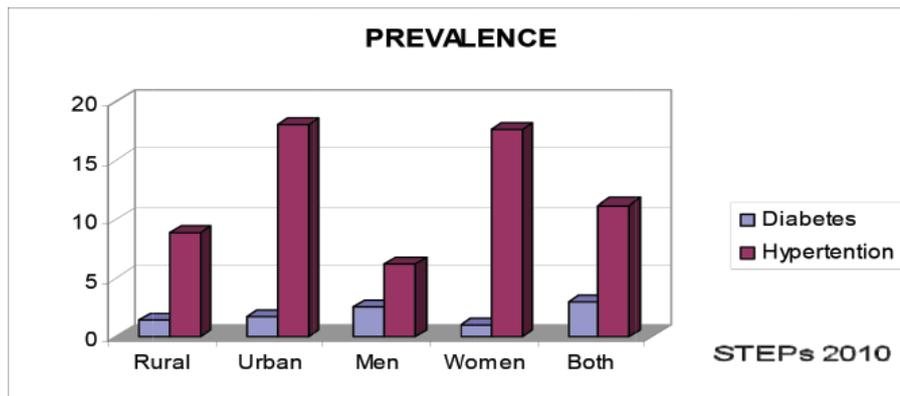
C. NON-COMMUNICABLE DISEASES

Key issues of NCDs in Cambodia

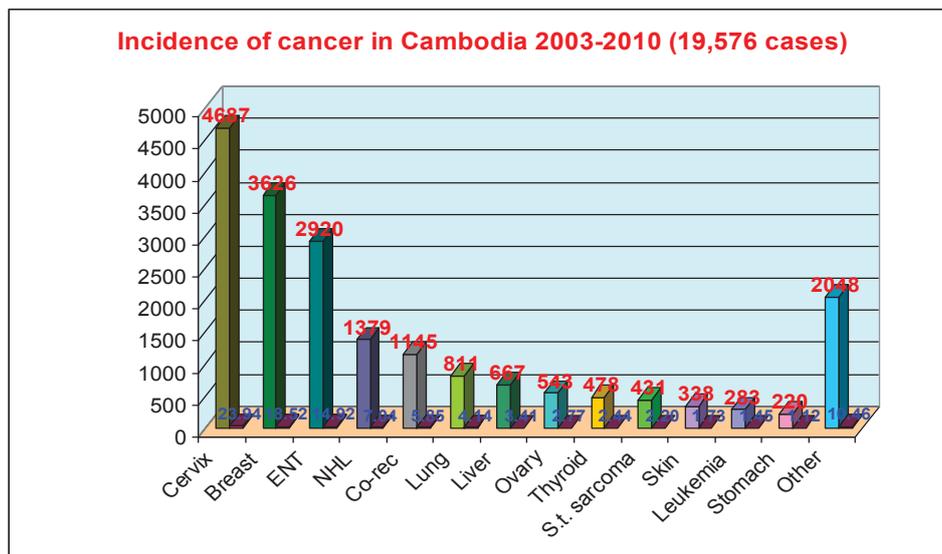
- NCDs are on the rise in Cambodia. WHO estimated that more than half (53%) of deaths in Cambodia are caused by NCDs including cardiovascular diseases, accounting for 24% of deaths (the main killer), with cancers accounting for 9% of deaths, and 5% of deaths due to injuries⁸⁵.
- According to the 2010 Ministry of Health (MoH)/WHO STEP Survey in Cambodia, 1.4% of adults have impaired blood glucose and 2.9% of them have raised blood glucose or diabetes. The prevalence of hypertension was 11.2%, of whom four-fifths were not receiving treatment. One-fifths of adults suffer from raised total cholesterol. Overweight, obesity, raised cholesterol and diabetes are more prevalent in women whilst hypertension is more common in men⁸⁶.

⁸⁵ Age-standardized deaths from WHO global Health Observatory:
<http://apps.who.int/ghodata/?vid=100001>

⁸⁶ MoH/WHO STEP Survey 2010



- The number of newly diagnosed cervical cancer cases is 33 per 100,000 women (cervix cancer: age over 25 years)⁸⁷. The Khmer-Soviet Friendship Hospital in Phnom Penh confirms that cervical cancer and breast cancer are the leading cancers presenting there.



- There is very little data available from within the country on the prevalence of mental health disorders, but it may be very high given the history of conflict and genocide within the country. The Khmer-Soviet Friendship Hospital reports around 200-300 outpatients per day come for consultation for mental health disorders. Anxiety disorder is the most common diagnosis⁸⁸. The number of mental health cases reported from public health facilities significantly increase from 19, 852 cases in 2009 to 52,299 in 2010⁸⁹.
- Patients with acute episodes of NCDs experience heavy out-of-pocket payments, although HEF covers basic treatment as in-patient. Most of the patients with chronic NCDs are left to seek treatment on their own or they simply forego care until they are in a critical health condition. Many end up impoverished after seeking treatment

⁸⁷ Health Sector Progress in 2010, MoH

⁸⁸ Addressing NCD and Injuries in Cambodia: An opportunity for intra and inter sectoral synergies, a world bank mission policy note, 30 May 2011

⁸⁹ Health Sector Progress in 2010, MoH

from private health care providers and/or traditional healers. Too many of those patients are diagnosed in an advanced stage when treatment is very costly and would stretch the individual's budget and the budget of any insurance schemes.

- User fees create a serious risk that the chronic patients become the main and inequitable sources of financing for an under-funded acute care system. Most of the HSSP focuses on improving access to public health care facilities instead of developing a comprehensive continuum-of-care model for NCDs that encompasses the communities and the private sector. As a result, chronic patients are often unnecessarily urged to go to clinics to obtain services of the public sector in a facility-based approach instead of focusing on patients' needs in a community-based approach.
- Health care providers are focused on treating diseases rather than health promotion/prevention activities. There is a dominance of the medical approach in response to chronic NCDs. Training and incentives are geared towards medical treatment instead of prevention. Health care providers are more trained to become specialists than general practitioners.
- Furthermore, most medical professionals are much better equipped with skills to deal with RMCH and infectious diseases, but lack the skills necessary for handling chronic diseases.
- NCD medicines are often not available in public health facilities.

Recommendations for NCDs

- Maximize the financial support for intensifying health promotion and prevention to fight against NCDs. This is an urgently needed intervention, which could prevent the rise of NCDs.
- NCD medicines are needed in public health facilities and they should be given free of charge to the poor.
- Shift tasks as much as possible from facility-based to community-based approaches including self-management by expert patients, lay health workers and nurses, and general practitioners, with a focus on low-cost technology and linking them to the facilities. Limit and decrease the need for people to travel in order to benefit from their continuum-of-care
- Health NGOs working in NCD feel that a continuum-of-care for NCD should be designed based on the following principles:
 - ✓ People-centeredness
 - ✓ Community-driven and owned
 - ✓ Multi-sector approach as much as possible
 - ✓ Develop cost-effective continuum-of-care that is kept affordable (linked to the level of average rural income per capita according to socio-economic surveys).
 - ✓ Subsidize the delivery of continuum-of-care for poor patients.
 - ✓ Development of proper indicators that capture the effectiveness of the continuum of care for NCD patients and not just the utilization of medical services.
 - ✓ The government takes responsibility and commits to provide stewardship to implement the principles above.

D. Overarching Issue of Health System

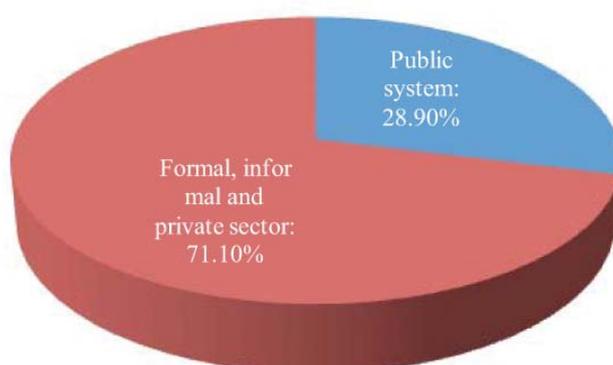
By definition, the Health System includes public and private services. The current internal and external supports and strategies are largely focused on the public health system, leaving the private sector uncontrolled and unregulated; considering the reality that most people seek care outside the public system, the strategy needs to change to incorporate

increased regulation, monitoring and improvements in the private sector. Improving efficiency of spending on health and improving the health of all citizens can only be fulfilled if the quality and accountability of the private sector can be addressed urgently.

Due to the barriers as mentioned below in the service delivery section, a lot of people use pharmacies and drug sellers as their first point of care-seeking behavior. For more severe illnesses, they seek treatment in small informal clinics. Both places can delay the provision of skilled/ appropriate care, aggravate sickness, and impoverish people.

To allow the private sector to grow in a more professional manner and to promote the use of a public system, all barriers including financial ones should be removed from the public system. Without such constraints, the people will increasingly use public health services and the demand in the community for unqualified private services will be reduced. With increased regulation the private sector can survive and flourish but they will have to operate in a more professional and competitive manner to ensure high comfort and quality, so that they can absorb those who are able to pay.

More emphasis on Public System but less on the Proliferation of Formal and Informal Private Sector (Source: CDHS 2010)



E. SERVICE DELIVERY

Service delivery is the end-product of a health system. Service delivery must be of good quality and accessible by all. It is, however, a challenge for any health care system to ensure better equity and efficiency. There is not one health care system that can fit all. A country must contextualize regional or global evidence into its own cultural, political, economical, and legal context. All elements of a health system affect the service delivery.

Key issues

▪ **Drug logistic management**

The efficient logistical supply of medicines, commodities, and medical equipment is one of the main backbones of health service delivery. Health NGOs continues to observe the inadequate and untimely supply of essential drugs, health commodities, and basic medical equipment in all health facilities, especially those in the more rural and remote areas of the country. It is clearly a significant issue of procurement, management, and distribution of essential drugs and health commodities. Some unneeded medicines become surplus and must be destroyed due to bad quality (e.g. overdue expiration dates of medicines), and some most-needed/ essential drugs are not available in a timely manner. Often some drugs

arrive at the facilities with a very close date of expiration - which is easily avoidable with improved management and systems.

This long-term issue has been raised several times. It needs to be looked at seriously and requires urgent measures to address it. The national budget for medicines increases every year but the public health facilities continues to suffer from shortages and the mismanagement of basic and essential medicines and supplies.

- **Access to Health Care Services**

The second big issue of service delivery is the limited access for people, especially the poor, the vulnerable, and the marginalized to get public health care services. CDHS 2005 indicated that only 21.6% of the entire population was able to access public health services.

The main issues for why people did not use the public service include (1) financial barriers, (2) inappropriate behaviors of health providers, (3) services, especially at health center level were not available 24hours-a-day, (4) additional informal payments requested and patients were asked to buy medicines, other commodities, or medical materials, (5) perceived limited quality of care, limited skill and shortages of adequate and modern equipment, (6) limited mutual understanding between users and providers, and (7) not-well functioning and costly referral systems.

Referral systems in several provincial and referral hospitals levels are still not functioning well. Even if some are functioning, the current cost for referring emergency patients is too expensive for the poor or even middle class population to afford it. The bigger problem is the referral system from community to public health facilities and also from the Health Centre level to the Referral Hospital level.

The financial barriers, one of the main constraints for accessing health care services, will be elaborated with specific recommendations in the health care financing section of this position paper.

- **Quality of Health Care Services**

The Ministry of Health has recently put more attention to improving the quality of healthcare services. Health NGOs have observed some improvements but it remains a big challenge to ensure a higher level of client satisfaction and trust. Despite some increase in utilization, as indicated in the 9th Joint Annual Performance Review on 14-15 March 2011, more poor people still use the private sector, and some of them even go outside Cambodia to seek more trusted health care services in Thailand, Vietnam, or Singapore. The prominent issues which could affect quality of care include limited capacity, poor compliance to protocols, poor enforcement of medical ethics and code of conduct, insufficient and irregular supervision at all levels, uncontrollable quality of care at the formal and informal private sectors, inactive participation from community and local authorities in improving the quality of health care services, amongst many others.

The Ministry of Health has very little control over the private health sector to ensure the quality of care available. The Royal Government of Cambodia, especially the Ministry of Health should look to strengthening the health care system beyond the shrinking emphasis on the public system—which currently leaves a large proportion of the health system, in the private sector, uncontrolled in regards to ensuring the quality of care available. Without such control of quality, the private sector could impoverish people and kill more lives—thereby weakening the public system.

NGOs also express concerns about the quality of training provided by private institutions. Most of private students are learning at weekends and the accreditation committee may not be functioning well enough to ensure quality training.

Recommendations

Drugs and Logistic Management

Health NGOs would like to call for stringent measures and a serious watch on (1) the use of the National Budget for essential drugs, commodities and medical equipment, (2) the transparent procurement of these products, and (3) the management and distribution of essential drugs, commodities, and medical equipment to ensure that they are effectively responding to the needs of health facilities.

Access

Significant dimensions that should be carefully looked at for ensuring better access to health care services include (1) improving health providers' behavior and skills, (2) improving the availability of health services, (3) addressing referral system and transportation costs, (4) removing financial barriers at the point of service delivery, (5) stop demands for informal payment and stop asking patients to buy everything such as medicines, health commodities, medical materials, etc., and (6) increasing the active participation of citizen and local authorities for better access to public health care services.

Referral System

Several NGOs have been working to support transportation costs for the poor so that they will be able to reach public health facilities when they need. This practice has also evidently demonstrated good increases of the poor, the vulnerable, and the marginalized to use the facilities. Within the current economic context of the country, this practice should be expanded and continued, especially for priority target groups such as pregnant women, infants, and children under 5 years of age. Community-based referral systems, which have been implemented by many NGOs, must be studied and the best practices on referral systems should be collected and collated for potential scaling-up. Ideally, each health facility must have at least one ambulance vehicle and it must be functioning without any constraints when needed to take emergency patients from the community to health facilities.

Quality of Care

To address the quality of health care services, long-term and short-term measures have been recommended in the previous MEDiCAM's position paper.

Long term

The long-term strategy is to tackle the problems of pre-service training quality, making sure that the medical professionals graduating from public or private schools are of high quality.

A well-functioning Accreditation Committee, Medical Council, combined with an effective monitoring and evaluation system are prerequisite for ensuring the availability of high quality health care services in both sectors.

Short term

- A comprehensive assessment of quality of care should be undertaken for both public and private sectors. Likewise, for quality control.
- The MoH should ensure the regular functioning of the monitoring and supervision system at all levels of care. An award and sanction system should be developed in order to make sure that mistakes are corrected and those who do well are rewarded.
- Community and local authorities should be empowered to monitor and supervise the quality of care provided by public health facilities. They must have an active say in the provision of health care services since they own the national budget, which is mainly from their VAT contribution.
- To be more effective, in-service training should not be a stand-alone component. Training must be an integrated part of a holistic package, focusing on results so that the acquired skills are used. It should be part of the overall supported implementation program. The skills cannot be used because the public system usually does not have sufficient budget to support the implementation. Moreover, in-service training should be well coordinated among NGOs, health partners, and the Ministry of Health.

F. HEALTH CARE FINANCING

Key Issues

- The National Budget for the health sector has increased every year. It is now \$181 million US dollars, accounting for over 60% of the entire health care cost (AOP 2011 of Ministry of Health). This national budget comes from the state revenues collected from a tax-based health financing system. The tax-based financing system in Cambodia is different from that of Thailand, Malaysia, or Sri Lanka due to the existence of user fees in the system.
- Prior to 1996, Cambodia's Public Health System was operating with the provision of free health care services at the point of delivery. Then user fees were introduced into the system after 1996, and it is reported to be the main barrier for people, especially the poor, to access public health care services. User fees collected in AOP 2010 and 2011 accounted for 2.8% and 5%, respectively. The National Budget currently (AOP 2011) accounts for over 60% of the overall operating cost of public health care system. However, the door for public system is narrow due to the user fee barrier—creating high demand in the community-- and this enables the growth of an anarchic informal private sector, which is killing and impoverishing the people. Currently, there are several financing schemes, including the Health Equity Fund (HEF), the Community Based Health Insurance (CBHI), Voucher schemes, and cash transfers to address the issues of financial barriers. Each scheme has pros and cons and sometimes they are contrasting rather than complementing each other. The efficiency and equity of these schemes requires more evidence and evaluation.
- The fragmented and quick-fixed health care financing mechanisms or approaches can do little to help, as at present they are not sustainable and efficient to ensure improved equity and quality of care.
- HEF, which has assisted more poor people in gaining access to publicly provided health care services and has provided additional resources to support the function of the public system, seems to have the greatest potential for scaling-up. However, there are over 50 HEF schemes implemented by NGOs with different benefit packages, provider payment methods, and quality control mechanisms. Should HEF be scaled-up nationwide, the Ministry of Health needs to develop regulated pricing

standards for publicly provided health care services and must also standardize these different benefits packages and provider payment methods. In addition they must also strengthen quality control mechanisms to ensure that users fully participate in the improvement of health care services. In this direction, CBHI, which has demonstrated uphill challenges in the expansion of membership premiums among the poor, should find its way in combination with HEF. However, HEF may have unnecessary cost burdens due to the frequency of pre and post identification of the poor and the role of a third party. People continue to complain that the selection process must be transparent to ensure that the real poor will get access to health care services and they feel that health providers continue to treat them as the poor even if the user fees are paid for them through a third party. Most frequent complaints were: HEF is for minor illness; they have to buy medicines; health providers do not provide adequate friendliness, caring, and attention to HEF Card holders; people are scared of using the card again when coming to the facility next time⁹⁰ because they were treated poorly previously. Furthermore, HEF only addresses those who live under the poverty line. But in reality, a lot of people living at, or even above, the poverty line cannot afford secondary and tertiary care.

Recommendations

- The increased national budget for health on a yearly basis by the Royal Government of Cambodia is an awarding opportunity. All we need to assist the Government is to increase transparency, accountability, and good governance in the execution of the National Budget by empowering local authorities, communities, and CSOs/NGOs to participate in the monitoring and accountability of public expenditure.
- Looking beyond the current pilot projects such as HEF, CBHI, or Voucher Schemes, it is very advisable for decision makers to understand evidence in other low income and middle income countries in the region such as Thailand, Malaysia, Sri Lanka, Hong Kong, where a combination of tax-based health financing and social health insurance has been implemented, which has resulted in improved equity, efficiency and quality services.
- If user fees are removed, the door to the public health system will be widely opened. All demands will fade down in the communities because people are now coming to use the public system. The private sector needs to try its best to survive in a competitive and professional manner so that it can provide high quality of care with comfort in order to be able to absorb money from the rich. This policy will allow the poor to use public system and the rich will use the private sector. Free health care services at the public health facilities may reduce the anarchic proliferation of the informal private sector because more people would now be using public services.
- Good Governance of the health care system for improving quality, accessibility, and equity can be achieved by facilitating the democratic engagement of stakeholders and users. The purchasing power of user fees, which is currently accounts for 5% of health expenditure, is very low to drive changes in the system. The National Budget (which is the tax-based), accounting for over 60% of the entire health care costs, should be held accountable by exercising democratic engagement.

G. HUMAN RESOURCES FOR HEALTH

The most significant issues of HRH are (1) limited capacity, (2) staff distribution and retention, (3) behaviors, (4) poor leadership and management, and (5) dual practice.

⁹⁰ MEDiCAM's consolidated report on Community Health Forums 2011, funded by EU, DFID, and GFATM

Key Issues

- Capacity Development or capacity building has been the main topic for Health NGOs and Health partners, for decades, to support the health system. The issue and recommendation has already been mentioned in the Service Delivery section of this Position Paper.
- Staff distribution and retention is very challenging for the Ministry of Health since public health providers are paid much lower than the market labor price. In such environment, highly qualified staffs tend to leave the system and look for well-paid jobs—resulting on internal and external brain drains.
- Leadership and management is a very important engine in HRH development. Medical professionals at all levels have been mostly trained on their technical skills, especially on medical practices, but not much on public health, leadership and management skills. Therefore, from a public health perspective, leadership and management seem to not been very well spelled out in the whole health care management and performance system. On the contrary, a more patronage-orientated system tends to be the norm or the culture, which could jeopardize the real commitment and dedication of many highly qualified professionals.
- Dual practice is omnipresent, currently jeopardizing the public system. It is a significant conflict of interest and is difficult to resolve because everyone ranging from nurses to doctors, managers and leaders are running their own private clinics. It is a huge dilemma at the moment. Some health staffs are working very hard to improve the public system for the better provision of health care services for people, especially for the poor, whilst others use the public system as their venue for gaining experience and credibility and also as a venue to get patients to their own private clinics or as a back-up when emergency to patients' lives.

Recommendations

- Recommendation on capacity building has been mentioned in the Health Service Delivery Section of this Position Paper.
- Health NGOs would like to recommend that the Royal Government of Cambodia develop a joint staff retention strategy. Currently, the status of Priority Operation Cost, known as POC, for supplementing staff salary is unclear and also not realistic. Cambodian policy makers and development partners need to work together more closely to develop a phasing-in and phasing-out long-term incentive strategy. Public administration reform will take a longer time and the recommended strategy should build into that reform. The need for a realistic incentive strategy for better staff retention and distribution cannot be ignored and requires urgent action.
- Medical professionals, especially those at the managerial and policy levels, require a broad understanding of public health expertise. Medical students who wish to be in managerial and policy positions should get further training on public health. Likewise, leadership, management skills and public health expertise should be a requirement for officials who are holding positions such as Hospitals Directors, OD Directors, PHD Directors, Department Directors of MoH, and policy level staff. Moving from a patronage system to a meritocratic one should be part of a well-articulated staff retention strategy—a motivation that reinforces the practice of the Buddhist Doctrine of “Doing Good shall come Good”, that most Cambodians believe.
- SOA/SDGs (Special Operation Agency/Service Delivery Grants) could be expanded, as they seem to be a better incentive strategy to support operational level. Improving the quality health care services cannot be done by only putting more emphasis on the public system but it is very critical to focus on the management of the entire health system—public and private sectors.

H. HEALTH INFORMATION SYSTEM

There has been a noticeably remarkable improvement in this area—moving from a manual HIS to a computerized and web-based application. This computerized system starts from Referral Hospital and OD levels up to the Provincial and National levels. The Health Center level, however, continues to fill HC1 manually and submits to OD for hosting into the web-based application.

Key Issues

- Nevertheless, Health NGOs have also observed some significant challenges that need to be addressed, which include (1) the quality of HIS data, (2) the non-inclusion of private sector data into the system, (3) timely and available reporting to all interested stakeholders, (4) data analysis and use (nice to know but not need to know), and (5) lack of capacity of data analysis, especially at the Health Center level.
- Quality of data: the accuracy of data remains a key question of concern. This can be both human error (limited skill, willingness, commitment, and dedication), and HIS itself—limited functioning data quality control mechanisms. Furthermore, HIS seems to have richness of indicators but not rationalized indicators for the need.
- Reporting data from HIS has not yet been publicly available in a timely manner to all interested stakeholders. The web-based application is still under construction and not yet made available to the public.
- Policy makers have already committed to including the private sector into HIS. However, the challenge is the implementation of that commitment. Currently, the Ministry of Health has included some NGOs and licensed private sector data into HIS. This inclusion requires better collaboration and cooperation from the private sector. It is a new challenging role for PHDs to ensure regular reporting with good quality data from the Private Sector.

Recommendations

- Improvement of data quality requires both political commitment and more serious and regular supervision and support from line managers or DPHI officials to ensure (1) the data is accurate (2) double checking/ verification of accuracy by provincial and national levels actors, especially from DPHI, (3) provision of some special incentive to staff who are responsible for recording and transferring data into web-based application, and (4) regular provision of feedback, training and coaching.
- Reporting data from HIS should be publicly available in a timely manner to all interested stakeholders. Making this data available to everyone would encourage the use of HIS data and it would also increase the openness and transparency, which will ultimately lead to enhancement of accuracy of information.
- Health NGOs recommend that all health indicators in the current HIS need to be streamlined and rationalized. It is better to collect only information that we need to know but not to collect all information that it is nice to know. This rationalization of data needed will make the HIS more effective and efficient and also reduce the workload of HIS staff working at the operational level.
- Building their capacity on data analysis and use, especially for those health planners at the operational level, will also contribute to improve data quality and proper planning. Data analysis will help to understand where they are now and what else needs to be done to meet their desired targets or outcomes.

I. HEALTH SYSTEM GOVERNANCE

Governance is the backbone of health care system strengthening. Increasing more resources to improve the public health system may be necessary but it is not sufficient to drive changes. The Ministry of Health has already put health system governance as one of the important crosscutting pillar strategies of the Health Strategic Plan 2008-2015. However, enhancing good governance will require active community participation in improving the operational health system.

Key issues

- Limited community participation in good governance—lack of capacity, systems or mechanisms, public information of health budget and disbursement, and dynamic catalysts to facilitate or bridge community with operational health information system.
- Limited understanding of communities on consumers' rights and providers' rights and duties.
- Increasing community participation is a key pillar of the Government's Health Strategic Plan. The Ministry of Health has set up Health Center Management Committees (HCMC), composed of Village Health Support Group Leaders, Commune Council vice Chief, and HC Chief and Midwife. This is supposed to be a community structure which is available for community participation in improving good governance of the public health system. However, this existing structure is not functioning well throughout the country, except in the areas where external support is given, mainly by NGOs. Moreover, the Community Participation Policy, which has been revised in 2008, has so far not yet been finalized, resulting in considerable confusion amongst different stakeholders.
- Community and local authorities seems to have less voice or involvement in the provision of secondary and tertiary care services—hospital levels, where there is no such mechanism like at Health Centre level (HCMC).
- The Ministry of Health is responsible for procuring millions of dollars for medicines, health communities, medical equipment, etc., every year, using the national budget. There seems to be limited to no involvement of civil society organizations and communities in this very important procurement of logistic supplies for the health system.

Recommendations

- Health NGOs would like to urgently request that the Ministry of Health endorse the revised Community Participation Policy as soon as possible to realize the greater community participation a stated in the Health Strategic Plan.
- Referral hospitals should establish a Referral Hospital Management Committee (RHMC) consisting of community representatives and local authorities such as Commune Council members. The community and the local authorities should own this. It is the place where users can make their voice on the quality and accessibility of health care services heard.
- Both HCMC and RHMC should be well functioning so that community and local authorities can participate in the AOP development process, understanding annual budget and quarterly disbursement by health facility, actively participating in improvement of access and quality of health care services. These two mechanisms should be owned and financially supported by the local authorities through D & D.

- Making continued dialogue and interaction between communities, local authorities, and operational health systems a culture will gradually contribute to improved good governance of the health system.
- Community Health Forums, an example of dialogue mechanisms, implemented by several grassroots NGOs in partnership with MEDiCAM, have proven successful in demanding better accessibility and quality of health care services, such as increased utilization of public system, improved behavior of health providers, better understanding of consumers' rights and providers' rights and duties, and increased use of their rights to claim for better health services⁹¹ - this mechanism should be considered for replication and expansion.
- Procurement should be more open and transparent and this should be monitored by the involvement of independent CSOs/NGOs.

J. Law on Associations and Non-Governmental Organizations

The development and contents of the new law to regulate Associations and Non-Governmental Organizations have been an issue of major concern to NGOs and development partners throughout 2011. MEDiCAM, along with CCC and NGO Forum has been actively engaged with the government, CSOs, NGOs, development partners and other stakeholders throughout this process to articulate the views and concerns of our members.

It is with sadness that we note that the level of active engagement and participation of CSOs/NGOs permitted in the development of the new law has not been satisfactory. To date, most of the comments and concerns expressed by CSOs/NGOs have not been adequately taken into consideration by those drafting the contents of the new law. The contents of the current third draft of the Law on Associations and Non-Governmental Organizations remains an issue of major concern among all CSOs/NGOs working in Cambodia. The key issues in the joint statements of CSOs/ NGOs that MEDiCAM would like to repeat in this paper are as follows:

- The registration process in its current form is complex; it needs to be simplified, and registration should be voluntary rather than compulsory.
- In the current draft there are absolutely no safeguards to ensure that either denials of registration or involuntary dissolutions are imposed objectively.
- The law does not include a time period for an appeals process for the denial of registration.
- Key terms in the law are left undefined, and many sections and terms used are vague - clarification is required if the new law is to be applied in a consistent and objective way.

CSOs/NGOs have played a significant and important role in the development and progress achieved in Cambodia over the past 20 years. It is important that they continue to play this important role. MEDiCAM and its members appeal to decision makers, and to the International Community to help ensure that the contents of the new law will provide an enabling environment for CSOs/NGOs and Cambodian citizens to fully, actively, and meaningfully participate in the sustainable and equitable growth and development of Cambodia in the future.

⁹¹ MEDiCAM's consolidated report on Community Health Forums 2011, funded by EU, DFID, and GFATM

K. Roles of NGOs/CSOs

To contribute to long term health system strengthening and improved health status of all people as well as to jointly address the challenges and implement the recommendations in this position paper, NGOs should continue to play, but should not be considered limited to, the following principal roles:

- **Advocacy:** active and meaningful participation in the development of country's priorities, policies, and strategies;
- **Watchdog:** active and meaningful participation in the joint monitoring and evaluation of the implementation of priorities, policies and strategies;
- **Provision of complementary health service deliveries and innovators:** Continue to fill the gaps where the public systems cannot reach and support the public systems so that they will take ultimate responsibility to serve their citizens; and
- **Raising awareness and behavior change to communities and be dynamic bridges and catalysts for communities** so that they will be able to participate actively and meaningfully in the promotion of good governance and social accountability.

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Labor Concern and Work Conditions in Cambodia

1. Overall Concept

In Cambodia, the numbers of labor forces have hugely changed in recent decades, however, the number of people who have entered the labor market has increased only a little bit, about 1.3% per annum from 1998 to 2008. Despite the reports from the Royal Government of Cambodia (RGC), which has released that the unemployment rate in Cambodia is low, most of the people are working in the informal economic sector, agricultural sector, and in the textile and garment industrial sector. These also have been increased in the last decade. The data of employment rate in these sectors has been slightly increased from year to year because of migration in Cambodia and abroad.

The Cambodian Labor Confederation (CLC) is an independent and democratic confederation with 63,880 members from the textile and garment sectors, tourism and services industry, food sector, informal economic sector, construction industry, agriculture sector, public sector and others. The CLC has the vision to guarantee all Cambodian citizens serve their life in a society with a democratic rule of law, respectful of human rights the equality of men and women, as well as a decent living standard, with dignity.

Recently, the CLC has investigated and viewed many issues concerning the labor sector in Cambodia. These problems include: low income; low social security; particularly of migrant workers and housemaids; the lack of job security; and decent wages, awful working conditions, and the limited implementation of rights to participate in trade unions or associations.

2. Overall Indicator

Labor issues and working conditions do not have any overall indicators.

3. The Policy/Activity/Key Strategies in the National Strategic Development Plan for 2009-2013

Area	Message
496	The freedom of trade union has been promoted. Work inspection and conflict resolution mechanism has been tightened to monitor labor law enforcement and ensure decent working conditions.
497	The Royal Government of the Fourth Legislature will continue to ensure healthy linkage between trade and working conditions.
499	To ensure good working conditions, proper safety, good hygienic conditions, fair and just terms of contract for workers at the workplace is an important endeavour to foster the implementation of labor policies and strategies.
499	Setting the minimum levels of monthly wages and holidays, reducing wage inequality between men and women, resolving disputes and differences peacefully
498	Adoption of a Law on Trade Unions and the legal framework on the Labour Court through comprehensive consultation with all related stakeholders
499	Foster the development of technical and vocational capacity of the citizens aiming at contributing to poverty reduction in particular to enhance the rights of amputees and gender equality in the technical and vocational education sector.

The freedom of trade unions has been promoted, while work inspections and conflict resolution mechanisms have been tightened for the purpose of monitoring labor law enforcement and ensuring decent working conditions.

The challenge of labor rights and trade union rights violations, including inference in trade union affairs and illegal firing of union leaders in Cambodia, are still a big concern. Forming trade unions in the public sector (for civil servants) and among teachers is still an issue⁹². In fact, in Cambodia, threats involving shootings, or general placement of pressure on workers, employees and, in particular, on union activists, remains prevalent. Particular instances of most representative status (MRS) and collective bargaining agreements (CBA) are not in accordance with national and international standards. These mechanisms have not yet been properly examined and inspected by the Ministry of Labor and Vocational Training. In addition, the Royal Government of Cambodia has not yet established any mechanisms to enforce employers to obey labor laws and other relevant national and international legal instruments, which have led to disputes, and which could eventually lead to the destruction of industrial relationships.

Recommendations

- Take action to implement serious punishment on those who commit acts of violence, including shooting, on workers.
- Execute a firm rule against employers who interfere, make trouble for and/or exploit employees.
- Examine the standards and the propriety of the most representative status (MRS) and collective bargaining agreements (CBA) in each enterprise or company.
- Execute a firmly enforced mechanism for ensuring employers obey the Cambodian Labor Law and other legal instruments that aim to avoid the violation of labor rights.

The Royal Government should continue to ensure a healthy link between trade and working conditions through: the effective implementation of labor standards, norms, the Labor Law, and international conventions; continuation of the ILO-supported "Better Factories" Project; facilitating overseas jobs for workers; and, capacity building through vocational training, in response to market demands.

In contrast, linking trade and working conditions will not work if the RGC continues to exercise a policy of understanding and relieving the law enforcement to the employers otherwise. Those who are working in certain sectors—including garments and textiles, construction, services—have been working far too much overtime. Nevertheless, in the garment and textile sector, the implementation in accordance with labor keystone of overtime works comprises only 11%, based on a report by the International Labor Organization (ILO). Employees are now faced with problems of worsening working conditions in factories, stemming from chemical substances and other electronic equipment that negatively impacts their health. In the garment and textile industry, nearly 2,000 workers fainted in 2011 and numerous occupational accidents occurred in the construction and other informal economic sectors. These incidences were never sufficiently examined and inspected by the labor inspectors of the MoLVT.

Immigration is not a new problem and, to-date, labor trafficking abroad has hugely increased. The exportation of the labor force has proceeded without any clear-cut mechanisms or policies to monitor or prevent these migrations. Moreover, a majority of

⁹² Decent Work Country Programme Cambodia (2011-2015) ILO (2012)

work is for low-skilled labor, such as housemaids, which is a popular line of work for those migrating to Malaysia, Thailand, and other countries in the region.

Recommendations

- Set up additional mechanisms and effectively implement a readily applicable mechanism to protect the rights and promote better working conditions for all workers in any sector.
- Reinforce law enforcement by urging investors to obey and follow the Cambodian Labor Law, and other national and international legal instruments.
- Set up a special group of inspectors skillful in making regular inspections of enterprises and institutes throughout Cambodia.
- Make an unambiguous Memorandum of Understanding (MoU), or Agreement, with contracted countries in demand of Cambodian workers. This should expressly ensure labor rights, such as respecting weekly working holidays, the right to assemble, right to participate, and right to organize trade unions or associations, in accordance with the International Convention of ILO.

Ensuring good working conditions, proper safety, good hygienic conditions, fair and just terms of contract for employees at the workplace, are all important endeavors to foster the implementation of labor policies and strategies.

Working conditions and job security are closely connected to employment contracts, and these cannot be safeguarded unless employers continue using the otherwise defected employment contract.

According to the Arbitral Award of the Arbitration Council, Number 10/03, Article 67 of the Cambodian Labor Law, stipulates, "The fixed duration contract shall automatically become an unfixed duration contract if the total length of contract (include the original contract, the period of substituted contract) is exceeding of two years period."

However, employers tend to object to this interpretation. Many employers continue to use fixed duration contracts that contrasts to the wanted-expression of the Cambodian Labor Law. In addition, nowadays, employers have been substituting the undetermined duration contract for those of fixed duration contract. These are making none-safeguarded-job and leading a serious impact on the industrial relation

Recommendations

- Set up an effective mechanism in order to urge employers to stop using short-term contracts, as this type of contract is the root of labor force exploitation and rights violations.
- Set up an effective tool to urge employers to stop using sub-leased contracts on products that are popularly used in the textile and garment sectors.
- Effectively implement the Inter-Ministries *Prakas* (declaration) on the Management of Sub-leased Contract on the Products.
- Set up effective special mechanisms to urge employers to obey and follow the Arbitral Awards of the Arbitration Council and the Cambodian Labor Law.

MoLVT has been working toward the improvement of labor standards through: setting a minimum monthly wage; holidays; reducing wage inequality between men and women;

and, resolving disputes and differences peacefully, without causing any disruptions to production or wage losses to workers/employees.

Actually, according to the Cambodian Labor Law, MoLVT has the right to set up a minimum wage for any sector, depending on recommendations suggested by the Labor Advisory Committee (LAC). LAC is a tripartite body that has the rights to recommend minimum wage levels; however, in this institution, there are many pro-government and pro-employer unions. Therefore, these representative unions are ready to accept any recommendation from the Government and employers. This leads to the establishment of unacceptable wage conditions, which are unsatisfactory to the needs of workers/employees. Thus far, the RGC has not yet set up a standard minimum wage for all sectors, beside the textile and garment sector. If the Government does not set up a standard minimum wage for all sectors, employees working in those areas may suffer from labor exploitation, overtime work without additional wages, and receiving a very low wage depending on the wage determined by employers.

Recommendations

- Re-establish an independent mechanism to examine the parties comprising the (LAC).
- Set up an acceptable standard minimum wage to guarantee living standards of employees and workers in all sectors.
- Reexamine the establishment of the previous minimum wage for the garment and textile sectors, to respond to recent changes in the actual economic situation.

Adoption of a Law on Trade Unions, and the legal framework on the Labor Court, through comprehensive consultation with all related stakeholders

The content of the drafts of the Law on Trade Union is not encouraging or promoting the practicing of rights and the development of democracy in Cambodia. In contrast, this content is strictly prohibiting, more and more so, trade union's rights, even though these institutions can be considered good partners in national economic development. The discussion on the draft of the Trade Union Law has not yet widely accepted input from trade unions. In fact, the rights of civil servants to form a trade union were not accepted by the Government, and on the other hand, the fine on union activists is still serious.

Moreover, the legal instrument on the establishment of the Labor Court is not yet concrete. Labor cases are processed by non-independent Civil Courts. Generally, employees have never held confidence with court decisions, and feel as if they never receive justice from these courts.

Recommendations

- Adopt the Law on Trade Union, which is in accordance with international standard legal instruments, and aims to guarantee the rights and freedom of employees, workers and civil servants to form trade unions.
- Establish an Independent Labor Court, as soon as possible, and the court shall be joined by three different parties (the employee, Government, and Employer parties).

Foster the development of citizens' technical and vocational capacities, especially those aiming to contribute to poverty reduction, and in particular to enhance the rights of amputees, as well as promote gender equality in the technical and vocational education sector.

As the government report released year by year, more skilled workers needed in Cambodia. Vocational training centers are not adequately available to Cambodian citizens, and in

addition, information about job markets is not yet widely published. This leads some of the Cambodian population to endure working in at low-wage companies or enterprises and in poor working conditions. This has an adverse impact, as employers do not respect the labor rights of their employees, and the rights of female workers are especially disregarded.

Recommendations

- Build more vocational training centers, in all cities and provinces, and train the Cambodian people without tuition fees, or by setting low tuition fees.
- Accelerate the publishing or broadcast of information related to job markets, through any type of media that ensures wide and effective dissemination.
- Ratify International Convention No 183, and set up a mechanism to ensure working rights and conditions for all female workers in every sector.

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Disability: Inclusive Development – mainstream and disability specific interventions

1. Overview

Importance of the issue: Poverty and disability

Disability and poverty reinforce and perpetuate one another. People with a disability are among the poorest of the poor, while people living in poverty are more at-risk than others of acquiring a disability. People with a disability have limited access to health care and education, have difficulty finding employment, face high levels of stigma and discrimination and are commonly denied their rights. These factors all contribute to economic vulnerability and social exclusion. In turn, poor households rarely have access to adequate food, shelter, hygiene and sanitation facilities, potable water and preventative health care services: the lack of access to such amenities are known to exacerbate poverty and increase the risks of disability.

As such, consideration of disability within development and equitable inclusion of persons with disabilities within development opportunities facilitating their opportunity for productive lives is increasingly significant in ensuring poverty reduction at the level of individuals, families, communities and nations. Concerned about the link between disability and poverty, the National Strategic Development Plan (NSDP), therefore, is a unique opportunity to reduce poverty within this part of the population.

Importance of the issue: Disability statistics and changing epidemiology

The recent (June 2011) WHO and World Bank World Report on Disability identified that disability prevalence rates have increased from the much-quoted estimate of 10.12% to 15.3% of the global population. This increased prevalence is evident in Cambodia, as CSES statistics under the National Institute of Statistics show evidence that the 4.7% prevalence rate from 2004 has increased to 8.1% in 2009.⁹³ This increase may be due to a variety of factors including improved surveying and identification processes, alongside increased significance of risk factors for sustaining impairment including ageing, environmental factors such as road safety, poverty, malnutrition and poor access to preventative, curative and rehabilitation health services. Increased prevalence of non-communicable diseases are currently estimated to account for 46% of all deaths in Cambodia. They represent a risk factor for increased prevalence of associated disability: i.e. persons with cardio vascular disease (CVD) are at risk of stroke, and those with diabetes are at risk of amputation. 40% of children under five are stunted (low height for age); stunting is linked to poor school performance, cognitive development delay and motor development delay.⁹⁴ Over the last five years, the number of road crashes has increased by 217% and the number of fatalities has almost doubled. Road crashes can lead to brain injury, spinal cord injury, fractures and amputations.⁹⁵ Risk factors for persons with disabilities to contract HIV are high and linked to lack of access to information, poor self-determination in negotiating safe sex, and vulnerability to sexual abuse. The prevalence amongst persons with disabilities is unknown.

⁹³ CSES, 2004 analyzed by Knowles, 2005. <http://www.nis.gov.kh/index.php/social-statistics/cses/cses-tables>

⁹⁴ MEDICAM position paper 2011; [http://www.thelancet.com/journals/lancet/article/PIIS0140-6736\(05\)66967-X/fulltext](http://www.thelancet.com/journals/lancet/article/PIIS0140-6736(05)66967-X/fulltext)

⁹⁵ <http://www.roadsafetycambodia.info/>

Process of data collection

There has not been a comprehensive survey of disability in Cambodia; this lack of evidence base renders advocacy challenging. This position paper draws together evidence from various small-scale surveys and research. Similarity of findings and recommendations in this triangulated approach give some validity to statements, however, the lack of a large scale and systematic data collection is challenging within the sector. The position paper was developed by a group of organizations of and working for people with disabilities: Cambodian Disabled Peoples Organization (CDPO), Action on Disability and Development (ADD), Aide ET Action International and Handicap International (HI).

Recommendation

- Reliable national study on the situation of persons with disabilities for effective planning, implementation and monitoring of inclusive and disability-specific development initiatives.

Sector Progress, challenges and recommendations, Policies development and implementation progress:

Since the Law on Protection and Promotion of the Rights of Persons with Disabilities (PPRPD) was adopted in July 2009 to provide legislative backup for the National Plan of Action for Persons with Disabilities including Landmine/ERW survivors 2008-11 (extended for one year), various Sub-Decrees and Prakas' have been established. These include: Prakas on establishment of Disability Rights Administration - Jan 2010; Sub-Decree on establishment and functioning of Disability Action Council (DAC) - Jun 2010; Sub-Decree on Organization and Functioning the Persons with Disabilities Foundation - Sep 2010; Sub-Degree on Employment Quota System for persons with disabilities - Oct 2010; Sub-Degree 137 policy on disability pension for poor persons with disabilities and the inter-ministerial Parkas (MoSVY and MoH) on the Classification of Disability - Nov 2011.

The National Plan of Action for Persons with Disabilities including Landmine/ERW survivors 2008-11 reflects development needs of persons with disabilities: Part 1 – Understanding the extent of the challenge; Part 2 – Emergency and continuing medical care; Part 3 – Physical rehabilitation; Part 4 – Psychological support and social reintegration; Part 5 – Economic reintegration; Part 6 – Laws and public policies.

The United Nations Convention on the Rights of Persons with Disabilities (UNCRPD), signed by the RGC in 2007, is currently under ratification process.

Challenges

Review of the National Plan of Action for Persons with Disabilities including Landmine/ERW survivors under the Disability Action Council (DAC) identified challenges:

- Lack of a functioning monitoring mechanism to track activities;
- Limited data on disability and service provision;
- Limited financial, human and technical resources; and,
- Limited coordination and collaboration between stakeholders.

Recommendations

- Systematic response to challenges identified with implementation of the National Plan of Action for Persons with Disabilities including Landmine/ERW survivors.
- Develop and implement strategies including plans, financial, technical and human resources to support realization of Prakas and Sub-Decrees.
- Ratify the UNCRPD and revise national legislation that is not in accord; monitor and collect statistics in line with UNCRPD and UNESCAP. Distinguish between causes of impairment/functional limitations and causes of disabling situations/barriers to participation.

2. Joint Monitoring Indicators (JMIs) and key actions/strategies from the NSDP Update 2009-2013 and Mid Term review

The invisibility of disability in the first draft of NSDP update (2009-2013) as well as its absence in the JMIs is a major obstacle to monitoring whether impacts and activities are benefiting people with disabilities. Addressing disability within the NSDP and having indicators within JMIs is a vital step to ensure that all citizens have access to the benefits of development and to support Cambodia to realize the Millennium Development Goals.

Recommendations:

- Coherent inclusion of disability in JMIs and strategies in accordance with Article 18 of the PRRPD: The concerned competent ministries and institutions shall facilitate persons with disabilities to participate in the social, economic and cultural development plans that may affect the interests of persons with disabilities. The concerned ministries and institutions shall include the needs of persons with disabilities into their development programs.
- Include persons with disabilities in monitoring of poverty reduction action and allocate sufficient disability-specific budgets and human resources in each ministry.
- Consider appointment of disability focal points/working groups at effective levels in ministries to support the National Disability Coordination Committee (NDCC) and provide input into JMI development.
- Consider an advisory disability technical working group (TWG) with the remit of supporting NDCC in a cross-sectoral approach.
- So far, there is no disability inclusion in goals, no disability indicators, no specific budget allocations for disability, no monitoring on progresses of disability in the NSDP and its Joint Monitoring Indicators (JMIs) even though the PRRPD and the National Plan of Action for Persons with Disabilities including Landmine/ERW Survivors (NPA) were already adopted in 2009 and the UNCRPD was signed by the Royal Government of Cambodia in 2007.

3. Important issues not covered by JMIs or NSDP Update

Six priority sectors were selected by the group: accessibility; DPOs, rights and participation; education; health and rehabilitation; employment and livelihood; and gender.

General issue (A): Accessibility, physical infrastructure and communication

Access is creating and maintaining environments in which people can participate in ways that are equitable, dignified, maximize independence, conserve energy and are safe and affordable. A barrier-free environment promoting accessibility is a key factor for social and economic inclusion of people with disabilities. Chapter five of the PRRPD: public accessibilities, articles 21-26, are dedicated to accessibility of public places including issues such as construction plans and constructions, transportation and driving licenses for persons with disabilities. This is reinforced by UNCRPD Article Nine: Accessibility Addressing Physical

Infrastructure and Communication and Article 21: Freedom of Expression and Access to Information.

Shortfalls: No systematic reflection of accessibility in national building codes or requirements, no guideline or requirements on access to information/communication media in national and local development initiatives.

Recommendations:

- Adopt and reinforce accessible building codes and accessible information mediums through all development sectors.
- Ensure that any projects under construction or programs supported are accessible as a pre-requisite for eligibility.
- Promote access to communication and information as a strategy: consider specific requirements for people with difficulties seeing and hearing.

Refer to: Handicap International, How to Build an Accessible Environment manuals available upon request from office@hicambodia.org, Tel: +855 (0) 23 212 897.

Specific issue (B): Disabled Persons Organizations (DPOs), rights and participation

The Cambodian Constitution states: "Every Khmer citizen shall be equal before the law, enjoying the same rights, freedom and fulfilling the same obligations regardless of race, color, sex, language, religious belief, political tendency, birth origin, social status, wealth or other status." Undoubtedly, 'Khmer citizen' here is truly including 'persons with disabilities'. DPOs are present in 23 provinces; civil society groups with the remit of raising awareness, lobbying and advocating amongst duty bearers, communities and people with disabilities on the rights and needs of people with disabilities.

Shortfalls: Access to physical, social, economic and cultural environment, to health and education and to information and communication, in enabling persons with disabilities to fully enjoy all human rights and fundamental freedom, should continue to be a development priority. The government has issued a number of legal frameworks in the forms of Prakas and sub-decrees, to support the implementation of the PPRPD, however, there has been inadequate consultation and/or involvement of persons with disabilities and their organizations in the development of relevant disability policy and lack of allocation of resources.

Recommendations:

- Actively consult and include persons with disabilities in the development, implementation and evaluation of all programs
- Allocation of financial, technical and human resources to support PPRPD.
- Increase awareness about disability law to persons with disabilities at grassroots and inter ministries as disability is a cross-cutting issue.

Specific issue (C): Education for children with disabilities

The National Education For All (EFA) plan includes children with disabilities; the Master Plan on Education for Children with Disability 2009-2011 (MoEYS) details a strategy to promote access to education. These plans promote implementation of legislation including PPRPD Chapter 6, Article 27; Convention on the Rights of the Child, Article 23; UNCRPD, Article 24.

Shortfalls: 35% of children with disabilities have never attended school.⁹⁶ MoEYS Education Monitoring and Information System (EMIS): of all children enrolled in Cambodian public schools, 0.82% (109,900) are children with a disability. This low percentage, considered

⁹⁶ CSES 2004/Knowles, 2005

against national disability prevalence rates, has been linked to teacher identification skills and constraints of definition of disability compounding upon enrolment and participation rates.⁹⁷ Barriers for participation include accessibility; mainstream teacher capacity, knowledge, relevant teaching methods, and materials to teach children with disabilities; lack of encouragement and support from parents and communities; discrimination and lack of attention from teachers; lack of relevant assistive devices; poor support from local authorities or commune councils to facilitate access to education for children with disabilities and limited access to scholarships for students with disabilities.⁹⁸

Recommendations

- Issue an inter-ministerial (Moseys, MoSVY) Sub-Decree on education for children with disabilities to ensure effective implementation of PRRPD Chapter 6: Education.
- Formulate, monitor and evaluate clear indicators in the Master Plan on Education for Children with Disability (Moseys).
- Ensure that all people who work in education, in particular school principals and teachers in remote areas are aware of the Master Plan on Education for Children with Disability (Moseys, MoI).
- Make appropriate assistive devices available to students with physical, sensory, mental and intellectual disability (Moseys, MoH, MoSVY).
- Address accessibility needs of students with different impairments such as visual or physical impairments and ensure provisions such as ramps, accessible toilets, and handrails
- Support specialized schools, in addition to mainstream, as a technical resource and to promote access to education for children with complex learning needs.
- Monitor the impact of pre-service training modules on inclusive education in competency based skills and attitudes of teachers; develop and implement a strategy for in service inclusive education training plan (Moseys).

Specific issue (D): Health and rehabilitation - Health care, Medical Rehabilitation, Physical Rehabilitation and Community Based Rehabilitation (CBR).

Chapter four of the PRRPD addresses physical and mental rehabilitation, health care and prevention reinforced by the UNCRPD Article 25: Health and Article 26: Habilitation and Rehabilitation. Prakas number 135 (2004) denotes free health care for all persons with disabilities and Prakas 2492 (Nov 2011): disability classification has been developed to promote access to services. Prakas 164 (2008) supports the establishment and functioning of provincial rehabilitation centers (PRCs). 11 PRCs deliver physiotherapy, prosthetic and orthotic and social services based on need without cost to over 20,000 people annually.

CBR is a strategy within general community development for the rehabilitation, equalization of opportunities and social inclusion of all children and adults with disabilities.⁹⁹ Cambodia has modified/adapted and adopted WHO CBR guidelines: National Community-Based Rehabilitation Guideline for Cambodia (2010), which focus on Health, Education, Empowerment, Livelihood and Social Inclusion. CBR activities at some level are implemented in 21 provinces and approximately 1,900 Self-Help Groups have been formed at the community level to promote psychosocial and economic well-being.

Shortfalls, Health: Prakas No.135 is poorly known amongst persons with disabilities and service providers; there is a low awareness among health staff and policy makers on the prevalence and the rights of people with disabilities and gaps in coordination between MoH

⁹⁷ CDPO Report on Current Situation of Education for Children with Disabilities (2010)

⁹⁸ Disability issues and recommendations from national workshop on "recognize our rights –fulfill our needs" August 18-19, 2009

⁹⁹ ILO, UNESCO, WHO 2004.

and MoSVY and related organizations.¹⁰⁰ The MoH Information System (HIS) does not disaggregate data about disability, the CPA at provincial/referral level, and MPA at health center level. Health equity funds (HEF) and community based health insurance schemes (CBHI) are gateway mechanisms into the health system that do not reflect access to disability-specific services and/or constraints/barriers in accessing mainstream services. CPA, MPA, HEF and CBHI are responsive to emergency and acute conditions; they do not reflect the long term and often costly impairment-related health needs many persons with disabilities experience.

Recommendations

- Address barriers for access to services for persons with disabilities, which include: Financial problems, quality of care, physical accessibility, knowledge (user and provider), socio-cultural barriers, and gaps in coordination between MoH and MoSVY and related organizations.
- Monitoring and service planning: disaggregated statistics within HIS; inclusive HEF and CBHI.
- Service delivery: implement Part 4 of National Plan of Action on Persons with Disabilities, including Landmine Survivors: inclusion of health services for persons with disabilities into 2006-15 health strategy, i.e., MoH MPA and CPA guidelines: reflect long term and impairment specific services, allocate budget, train and provide continuing professional development opportunities for staff, establish monitoring mechanisms.
- Implement disability classification system to promote implementation of Prakas 135.
- Promote access to Poor ID registration for persons with disabilities
- Pilot disability-inclusive and impairment-specific HEF and CBHI initiatives.
- Include persons with disabilities into community health promotion actions; ensure access to information about health actions and initiatives.

Shortfalls, Medical Rehabilitation: Policy and procedures articulate around internal referral only within the hospital, not to provincial rehabilitation centers (PRCs) and/or community based rehabilitation (CBR) services, leading to poor continuum of care and potential isolation, physical and psychological deterioration of people who have sustained impairments when they return home.

Recommendations

- Establish, implement and monitor in CPA and MPA care pathways for major diagnostic groups that addresses acute and long term support across different ministries, i.e. MoH, MoSVY.
- Identify and allocate financial, technical and human resources to support this continuum of service provision.

Shortfalls, Physical Rehabilitation: Variability and inequity of service provision: geographical spread, referral policies. Poor articulation between PRCs as secondary service centers with primary health care; poor CBR referral linkage and coverage leading to reduced scope for positive impact of rehabilitation when translated to the various constraints of the client's home environment; threat to service provision as the PRCs are involved in a handover process to MoSVY.

Recommendations:

- Development of a national rehabilitation strategy

¹⁰⁰ CBM Adapting health systems and services to be inclusive of Persons with Disabilities, 2011, P. Kleinitz et al; GIZ Health care for vulnerable groups in Cambodia, 2010, A, Platt; HIAccess to HIV and SV Protection among persons with disabilities, 2009, Dr. Tia Phalla.

- Coordination between MoSVY and MoH for effective referral pathways to and from the PRC, clearly defined for all major diagnostic groups - directly from the acute or sub-acute phases: CPA, MPA, PRC and CBR.
- Develop strategy for implementation and monitoring of standard working procedures.
- Enhanced recognition of social unit and social workers as part of the interdisciplinary team.
- Establish and monitor professional codes of conduct for rehabilitation professionals

Shortfalls, Community Based rehabilitation (CBR): No state budget allocation for CBR. No state regulation of service provision leads to inconsistency in quality and approach.

Recommendations:

- Regulation of service provision: develop competency-based training modules; accredit organizations who provide a minimum standard of intervention, respecting the philosophy and approach of CBR and facilitating their access to state and donor funding.
- Articulate CBR within the National Plan of Action for Persons with Disabilities including Landmine/ERW survivors, through disability classification systems promoting collaboration between stakeholders.
- Include CBR programs and PRRPD as part of commune level delivery strategies including allocation of budget e.g. the Commune Investment Program and Commune Development plan under the Decentralization and Delocalization program.
- Standardize disability disaggregated data collection and monitoring from community level.
- Include targets to support awareness-raising on disability issues and further expansion of the disability dimension within the 10 year National Program for Sub National Democratic Development
- Develop guidelines on inclusion of disability and awareness-raising on rights of persons with disabilities into actions of MoI and its administrative reform process and related capacity development.

Specific issue (E): Employment.

The PRRPD promotes employment under Article 33: Right to be Employed Without Discrimination, including Employment as Civil Servants, Workers, Employees, Apprentices or Interns and Article 38: Arrange a Reasonable Accommodation for Persons with Disability who Apply for Employment as Workers, Employees, Apprentices or Interns. The Sub-Decree on the Quota of Recruitment for Persons with Disabilities passed on August 30, 2010. It requires public and private sector employers to provide opportunities and accessibility for persons with disabilities in the workplace, including hiring and reporting requirements, along with incentives and penalties, for employers of a certain size.

Shortfalls: Poor access to education, vocational, business and technical skills training means people with disabilities are not competitive in the job market; people with disabilities report experiences of discrimination in the recruitment process in the private, governmental as well as the nongovernmental sector. People with disabilities experience unequal working conditions and benefits: people with disabilities earn about 65% less than people without disabilities.¹⁰¹

Recommendations:

- Disseminate (from grass roots to national level) and monitor the implementation of the PRRPD and sub-decree on the Quota for Recruitment of Persons with Disability, develop budget plan for implementation.

¹⁰¹ CSES, 2004

- Compile a list of private institutions/organizations with more than 50 and 100 employees to monitor implementation of the Quota
- Establish a minimum standard for employers regarding “reasonable accommodation” for persons with disability at the workplace.
- Disseminate job opportunities in a variety of media and channels to promote access.
- Include people with disabilities into target groups for vocational, technical and business skills training and monitor uptake.

Specific issue (F): Gender linked to livelihood, education, gender based and sexual violence.

NearyRattanak 3, MoWA National Plan includes proactive objectives for inclusion of disability, under area 1: Economic Empowerment. Proposed activities under the National Program –Sub National Democratic Development (NP-SNDD) 2010-2019 are devoted to increasing women’s, ethnic minorities’ and other vulnerable groups’ access to services and control over development resources directed at improving livelihoods. The UNCRPD, article 6 recognizes that women and girls with disabilities are subject to multiple discrimination and article 16 states address measures to protect persons with disabilities, both within and outside the home, from all forms of exploitation, violence and abuse, including their gender-based aspects.

Recommendations:

- Conduct a situational analysis of women and girls with disabilities using CEDAW, Neary Rattanak and UNCRPD as reference frameworks for a base in developing, implementing and monitoring strategies and actions.
- Make specific reference to women and girls with disabilities in the Law on Suppression of Human Trafficking and Sexual Exploitation and the Law on the Prevention of Domestic Violence and the Protection of Victims.
- Highlight protection of women with disabilities under the Labor law (MoSVY, MoWA, MoJ, MoLVT).
- Provide accessible information about domestic violence, sexual abuse and relevant services for girls and women, men and boys with disabilities and develop accessible pathways to support services.
- Promote and monitor access to community development, education, livelihood and health related services via sex and disability disaggregated data collection.

Shortfalls: Girls and women with disabilities due to limited access to education have fewer soft skills as well as work-related skills and knowledge than their peers without disabilities. Women and girls with disabilities are often exploited by their employers, especially if they have no husband or are widows and are without family support. Women and girls with disabilities are at an enhanced risk of, and have little access to information about domestic violence and sexual abuse; respective support services are generally not inclusive of or accessible to women and girls with disabilities. Women with disabilities tend to be underrepresented in local development initiatives; in a sample of 187 women with disabilities only 4% knew of the CIP compared to 15% of men with disabilities (n = 206) and 27% of family members (n = 175) ¹⁰².

¹⁰² Handicap International 2011, TIGA II project barrier assessment

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Child Rights

1. Overview

Since Cambodia ratified the UN Convention on the Rights of the Child (UNCRC) in 1992, national and international organizations, UN agencies, development partners, government and child and youth themselves have been working very actively to promote and protect Child Rights. Progress has been made by all of the above sectors and entities to improve children's rights in Cambodia. However, we have noted that there have been many areas that still have gaps to be filled. There are a number of potential mechanisms that should be established that do not currently exist, such as a national mechanism to provide an effective system for identification of violence, as well as reporting, referral, investigation, treatment, follow-up and judicial involvement.; an independent mechanism, such as an ombudsperson, through which children could seek redress for breaches of their rights; a national guideline and mechanism to support and encourage children's participation in society; and an information management system to monitor the implementation of children's rights, especially the legal implementation of national child-related policies. This system should also and to strengthen the existing child-related policies and increase resources for relevant governmental institutions working on children's rights.

NGO Coalition on the Rights of the Child (NGOCRC) is a national coalition of 53 national and international organizations in Cambodia whose major commonality is their commitments towards the Rights of the Child. Established in September 1994, NGOCRC endeavors to raise awareness of the Convention on the Rights of the Child (CRC) among children, their parents and all relevant institutions. It dedicates its efforts and resources to the efficient and effective implementation of the CRC by advocating for child rights. Specifically, it concentrates on the formulation and amendment of laws, policies and action plans pertaining to children. Government ministries such as the Ministry of Justice, Ministry of Social Affairs, Veterans and Youth Rehabilitation, and especially the Cambodian National Council for Children (CNCC), have called for cooperation from the NGOCRC in reviewing the country's periodic report on the UNCRC implementation, drafting the law on the Juvenile Justice, and selecting children's representatives to join the Inter-Country Child Adoption Authority and Asian Children Forum. NGOCRC also monitors the implementation of CRC in Cambodia and submits the Alternative Report on the implementation of CRC in Cambodia to the UN Committee. Conforming to its mission, NGOCRC has fulfilled its roles and duties to promote and protect child rights and child participation by cooperating with NGO members, networks, parents, IOs, children and youth and government agencies, especially the CNCC.

2. Joint Monitoring Indicators

There are no Joint Monitoring Indicators (JMIs) related to Child Rights due to the fact that NGOCRC did not join the TWGs to identify them, as we focused on cross cutting issues.

3. Birth Registration

Birth registration has improved throughout the country, with the support of Development Partners. As such, the Government follows the national regulation for birth registration. Charging a fee to parents who are 30 days late in registering could create a real barrier for poor families to register the births of their children.

Children of irregular immigrants are currently not eligible for birth registration. Although allowing them to register their newborn children would present difficult legal problems, not allowing them to register would lead to children being born in Cambodia without any legal status.

Recommendations

- Commune offices responsible for remote villages should take measures to allow for registration sites close to those villages and fines for late registration in these areas should be waived. Similarly, the Government should ensure that registration remains free of charge and that no fines are levied against migrant workers who have returned from abroad.
- Registration of all children born in Cambodia should be legalized and enforced, regardless of the legal status of the parents.

4. Child Participation

There is a limited, or sometimes even lack of participation of children in virtually all of the areas that concern them. We noted that local commune authorities have opened some spaces for young people and including children in the participatory process of community development, but this is not occurring nationwide. The participation of children and young people has not been officially recognized, due to the lack of national guidelines on child participation, which could influence the decisions of local authorities to involve children to their work. This reflects the general situation and impression of children in Cambodian society, which seems to reject the notion that children can play an active role and take responsibilities in their family and community lives. This severely limits the opportunities for children to understand and develop their roles later in life.

There are few to no Government policies or supportive mechanisms designed to promote child participation.

Recommendations

- Government agencies, NGOs and other groups in society should be more proactive in involving children in their activities.
- The Government should take steps to develop national guidelines and a budget for child participation in Cambodia. NGOs operating in the country should enable and promote more child participation in the process of programming and planning, in particular in areas concerned with child issues.

5. The Right not to be subjected to torture or other cruel, inhuman and degrading treatment or punishment

Violence is pervasive and deep-rooted in society, creating the environment in which children grow up. There is still a lack of awareness of the immediate psychological and future attitudinal effects of violence against children. Although NGOs work hard to assist victims, they cannot even begin to help all the victims or address all of the issues, because of a severe lack of resources. Although this should really be a Government prioritized task, because of a lack of adequate budget to address the problem nationwide, Government agencies are fully dependent on civil society organizations and foreign sponsors.

Recommendations

- The Government should continue efforts to make child protection a priority in national programs and in its budget. Efforts should also be stepped up to make parents, teachers and others in society aware of the negative effects of physical disciplinary measures on children and should emphasize non-violent measures to discipline unruly children in school and at home.
- Repeal article 1045 of the Civil Code and provisions of the Prevention of Domestic Violence and Protection of the Victims authorizing corporal punishment of children.
- The Government should establish databases on child victims of violence to monitor the situation and take proper action when required.
- Although the new Domestic Violence Law prohibits violence against members of the family, it implicitly sanctions corporal punishment of children for disciplinary purposes. The law should either be amended or the Government should clarify the law to the extent that any corporal punishment that exceeds universally accepted correctional measures against children is prohibited.

6. Alternative Care

The role of the State in providing alternative care to children in difficult circumstances is not defined and does not seem to be part of any political agenda in the foreseeable future. Despite the development of minimum standards, the lack of an adequate Government budget to care for all children without parents or in difficult circumstances will continue to result in unsafe and unhealthy conditions in state-run centers. Furthermore, the practice of Government agencies to place children in institutions, instead of searching for alternative solutions, will likely go unchanged if additional funds are not made available.

Recommendations

- The emphasis on childcare should be on promoting alternative solutions if the family environment is not conducive for the proper development of the child. Parental skills should be promoted in order to enhance the family environment, and institutional care should be a last and short-term resort.
- The Government should take a lead in the development of alternative care solutions and consequently allocate an adequate budget to its child welfare agencies so to fulfill this role and monitor civil society initiatives.

7. Adoption

Follow up mechanism in terms of inter-country child adoption is still concerning. The inter-country child adoption law is still not widely disseminated or understood.

Recommendations

- The ban on foreign child adoption is restrictive, but does not prevent the actual adoption of Cambodian children by foreigners. The introduction and implementation of the new Law on Inter-country Adoption is necessary to properly regulate the inter-country adoption practices and avoid a backlash of cases.
- Conduct more awareness-raising on the law on inter-country child adoption.
- Government should establish follow-up mechanisms.

8. Child Mortality

There is an acute lack of modern equipment, and inadequate medicines, often of poor quality and out of date, are still widely used. Beside those services provided by NGOs, there are no free medical services for street children and impoverished children. Public healthcare services are frequently inaccessible to those in remote areas. Furthermore, there are not enough qualified doctors, a problem particularly evidenced in rural areas. There is also insufficient health education in rural areas.

Demand for trained birth attendants and midwives is growing, as awareness of the risks linked to the use of traditional birth attendants increase, but at the same time, this demand is met by a shortage of professionals, especially in rural areas.

Severe malnutrition is a major cause of child mortality, and food shortage over prolonged periods is the main reason for poverty, so assisting these families in obtaining sufficient food is a fundamental and required task. An additional reason for moderate malnutrition, which causes growth problems and makes children vulnerable to diseases, results more from a misunderstanding about proper nutrition for young children than from lack of food.

Recommendations

- The Government should improve its budget payment system to avoid delays in disbursements to provincial healthcare departments so that efficient interventions can be planned in a timely manner.
- Severe malnutrition is a major aggravating factor for high under-five morbidity and mortality rates. The basic cause of long-term food insecurity should be addressed by targeting needy households with young children and by assisting them in finding an income or, if this is not feasible, in accessing cash transfers.
- The Government should take more appropriate action than is currently taken to inspect and control the quality of medicines and to avoid the distribution of expired medicines. The RGC should also take measures to improve adherence to universal medical ethics to provide professional care and treatment to any child in need, regardless of status or ability to pay, for example in cases of homeless and beggar children.

9. Juvenile Justice

A large number of concerns are noted by international agencies and NGOs, such as the lack of provision of information to parents upon arrest of the child, the long periods of pre-trial detention, the poor access to legal assistance, the lack of separate sentencing laws, and the lack of a juvenile justice system or non-custodial sentencing provisions. Detention with adults was still occurring in some prisons despite the procedures in place and occurred in nearly all provincial prisons. However, more recent visits by UNICEF staff to some prisons found that children were separated from adults. It is not known how reliable this data is, as prison visits need to be announced in advance. A general lack of enough food causes health problems; there is little or no access to education.

Recommendations

- A Juvenile Justice Law is finalized but is still waiting for adoption. It is urgent that children in the judicial system are not treated the same as adults. Monitoring mechanisms for compliance with the new system should be developed, including an independent complaint mechanism or an ombudsman for children.
- The Government should take steps to ensure that all court and prison officials have an understanding of all existing national and international laws related to juvenile justice, and have undergone adequate training for their implementation.

- The Government needs to protect juveniles in prisons from harm and assault by adults.

10. Child Labor

The Government is allocated with insufficient resources to address the problem of child labor countrywide, therefore relies almost exclusively on donor funding.

Poor families migrate to cities and send their teenage children to get jobs at all costs, thus putting their children in danger of becoming trafficked, abused and exploited. Although the RGC addresses to some extent the problem of trafficking, there is no law applied to bring parents responsible for the exploitation of their children to court.

Recommendations

- While vocational training may remove a child from a hazardous labor situation, it must also lead to the child earning sufficient income if it is to be sustainable and effective. Market analyses should guide the provision of vocational training for (self) employment and more concerted cooperation between the Government, employers and civil society organizations should be encouraged.
- Re-enrolment in the public school system for children who have been out of education for a while, without sufficient preparation, can result in a premature drop-out. Education must, of course, be part of the solution but must also be viewed in conjunction with the realities of the working child. Therefore, a national system of mandatory education would facilitate the reduction of child labor, if properly enforced.

11. Drugs

There are concerns on the future spread of HIV/AIDS among most-at-risk groups, mainly through unsafe sexual practices under the influence of amphetamine type stimulants (ATS), which are widely known for their sexually stimulating properties. Also, increased usage of intra-venous drugs will lead to higher infection rates. It seems that links are also developing between drug use, gang behavior and crime. An additional concern is the spread of HIV/AIDS among drug users in rural areas.

The lack of adequate facilities for treating drug addiction is a big concern. It is evident that the few NGO and Government-run rehabilitation centers do not have the capacity or the funds to adequately treat drug and substance abuse addiction. The RGC supports Military Police camps, where apprehended drug addicts are placed for treatment through the application of forced treatment regimes. It is generally known that such regimes have high relapse rates and the issue of violations of the human rights of the patient should also not be ignored.

Recommendations

- Law enforcement of the import, production and sale of drugs needs to be improved and prioritized, while drug substances like glue need to be subject to regulation, to avoid the ease of access which young children currently have.
- Capacity should be built among service providers on counseling, detoxification and follow-up support. Community-based treatment initiatives such as rehabilitation centers should be encouraged instead of relying on institutional treatments only. Minimum standards should be developed and applied for treatment of child drug addicts in all treatment centers, while financial support should be allocated to treat child drug addicts properly. Drug treatment should be under the civil institution.

12. Sexual Abuse and Exploitation of Children

The Government is responsive to pressure from the USA when threatened with economic penalties, but the political will to eliminate all forms of child exploitation, and in particular commercial sexual exploitation, still seems limited. The Government is not able to contribute significant finances to address the problem adequately. Partly due to this lack of resources, Government agencies lack capacity and/or motivation to take the lead in the fight against sexual abuse and exploitation of children.

One of the main reasons for so few prosecutions of rape cases is the practice of out-of-court compensation, a practice often encouraged by law enforcers. Victims' families, and also local officials, are not often aware that compensation should not prohibit or replace criminal prosecution.

Recommendations

- The lack of comprehensive child protection legislation in Cambodia and guidelines for interventions should be addressed urgently.
- Additional sincere efforts should be made by the Government to take a lead in addressing the problem, which could be demonstrated by allocating adequate budgets to the Government agencies and Ministerial Departments in charge of such tasks.
- The Government should establish an independent monitoring body to assure minimum standards of care and establish mechanisms for complaints.
- Capacity building in the areas of social work and therapy should be prioritized, whereby the generally low education levels of social workers should be taken into account.

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National Development Plan

Working Together toward Achieving Country Ownership over National Development Plan

1. Introduction

Cambodia's development plans evolved from the National Plan for Rehabilitation and Reconstruction of Cambodia (1993-1995) to Socio-Economic Development Plan (SEDP) I (1996-2000), SEDP II (2001-2005), Interim Poverty Reduction Strategy Paper (2000), National Poverty Reduction Strategy (NPRS) 2003-2005 to National Strategic Development Plan (NSDP) 2006-2010 and, most recently, NSDP Update 2009-2013. The NGO Forum on Cambodia (NGO Forum), through its development policy project, in cooperation with NGOs across sectors in Cambodia, has actively engaged in the preparation process and monitoring of the implementation of the NPRS and NSDP, led by the Royal Government of Cambodia (RGC) since 2000.

As a member of the Technical Working Group on Planning and Poverty Reduction (TWG-PPR), the NGO Forum, in cooperation with two umbrella NGOs-- including CCC and MEDiCAM-- has coordinated eighteen sector NGOs to provide comments and inputs in the formulation of the NSDP Update 2009-2013 in 2009 and 2010. In 2011, the Ministry of Planning (MoP) led the preparation of the Mid Term Review (MTR) of the NSDP Update 2009-2013, using the existing mechanism, through the Technical Working Group. It established working groups in each responsible line ministry/agency of the RGC. The NGO Forum then coordinated sector NGOs in engaging in this process likewise using the existing MoP mechanism. As a result, there were only seven sector NGOs who participated in the process and provided their comments on the draft MTR of the NSDP Update¹⁰³. The seven sector NGO comments include 1-Access to Information, 2-Extractive Industry Revenue Management, 3- Fishery, 4-Partnership in Development, 5-Public Financial Management, 6-Land Reform, and 7- Forestry.

NGOs appreciate the opportunity given by the RGC to engage in the formulation of NSDP Update 2009-2013 and its MTR, and wishes to reaffirm our commitment to constructively engaging with the RGC in its efforts to achieve critical development objectives set in the NSDP Update and Rectangular Strategy. To contribute to the efforts of the RGC in poverty reduction, NGOs have worked responsibly and independently through their active engagement, complementary support and contribution, and monitoring reports from the grassroot level to the formulation and implementation of the above plan and strategies. With the social and economic conscience, our social and economic conscience also urges us to not only express our appreciation of RGC's achievements but also our concerns that the real actions do not seem to match or fall off track with the stated policy objectives, outlined in the Joint Monitoring Indicators (JMIs) and NSDP Update 2009-2013. For this reason, NGOs would like to highlight a number of issues which arose during the preparation of the MTR of NSDP Update.

¹⁰³ During the formulation of the NSDP Update 2009-2013 in 2009 and 2010, eighteen sector NGOs provided a total of 375 comments and inputs on the draft NSDP Update and there were only 65 comments that were accepted or incorporated into the final draft NSDP Update, as assessed by the NGO Forum in 2011. The compiled comments and rapid assessment on the incorporation of the NGO Comments could be found from this link:
<http://www.ngoforum.org.kh/eng/enpublications.php?docs=dppdoc>

2. Joint Monitoring Indicators¹⁰⁴

Coordinating Institution: TWG-PPR/MoP				
Implementing Institution: MoP				
Immediate Outcome	Output	Output Indicator	Activities: milestone actions	Associated aid effectiveness actions
1. Improved MOP and line ministries and agencies capacity to monitor the implementation of NSDP Update 2009-2013, including the preparation of the MTR in 2011, following the participatory approach used in NSDP preparation.	1. MPSP 2009-2013 2. NSDP MTR 2011	1. Aligned available resources of DPs and the Government to implement the MPSP in 2010-2011 confirmed by June 2010 2. NSDP MTR finalized by end Sept. 2011	1. MOP and DPs review and adopt MPSP 2009-2013 by May 2010. 2. MOP and DPs, review and adopt an AOP for the last six months of 2010 by June 2010, and for 2011 by mid Dec 2010. 3. Prepare and implement a capacity development plan for MOP by June 2011. 4. M&E sub-group of the TWG-PPR to complete work on the update of NSDP indicators by June 2011. 5. Develop and finalize MTR by Sept 2011 supported by the monthly meetings of the TWG-PPR M&E sub-group during the MTR preparation period.	1. Finalize and endorse Partnerships Principles in order to prepare a PBA for MOP by June 2010 2. Update PBA roadmap to support rollout of PBA for MOP.
2. Strengthened institutional arrangements for harmonization of planning, public investment expenditures and development cooperation financing processes	3. Situation analysis report 4. Action Plan to achieve strengthened institutional arrangements for harmonization of planning, public investment expenditures and development cooperation financing processes	3. Situation analysis report finalized by Dec 2010 and action plan for strengthened institutional arrangement and harmonization of planning, public investment expenditure and development cooperation financing finalized by Dec 2011	Under the guidance of the RGC's Task Force for Managing the Process of Harmonizing Planning, Public Investment Expenditure, and Cooperation Financing: 6. Carryout situation analysis that will develop recommendations to harmonize the planning (MOP), public investment expenditures (MEF), and development cooperation financing (CRDB/CDC) processes by Dec 2010 7. finalize an action plan along with appropriate monitoring indicators to implement the recommendations by June 2011.	

¹⁰⁴ A full list of all the Joint Monitoring Indicators, endorsed at the 3rd CDCF meeting in June 2010 can be obtained via http://www.cdc-crdb.gov.kh/cdc/third_cdcf/session4/jmis_en.htm

2.1 The preparation of the MTR in 2011, following the participatory approach used in NSDP preparation

NGOs congratulate the Royal Government of Cambodia (RGC) on the completion of the MTR 2011 of NSDP Update 2009-2013, although it is slightly behind schedule as stated in the JMI above. NGOs believe that the policy announcements outlined in the NSDP Update, following meaningful consultation with civil society organizations, such as religious groups, community-based organizations (CBOs), and community representatives, as well as Members of Parliament and relevant stakeholders such as development partners and private sector partners, could have the potential to contribute to a significant change in the lives of the poor and vulnerable during the five-year time span. The achievement of NSDP targets and the realization of a well-functioning monitoring and evaluation mechanism require the prime leadership of the RGC, along with contribution from relevant stakeholders such as development partners, private sector partners and civil society organizations.

The above commitment was also stated in the NSDP Update, page 119, paragraph 387 "...The Royal Government considers civil society organizations (CSOs) as an important development partner in the national development processes. The Royal Government will continue to encourage civil society organizations that have been legally established and operate based on good governance principles to engage in the process of socio-economic development of the country, and in the promotion of democracy and human rights and encourage their responsible participation in monitoring the implementation of national development strategies and policies." Furthermore, paragraph 389 also emphasizes that "the Royal Government appreciates the active participation in the national development processes of civil society organizations that are genuinely willing to contribute in both financial and operational resources. The government considers the resources and expertise brought in by CSOs as an important input in the policy processes to reach the desirable development results. The Royal Government will continue to ensure rigorous participation of CSOs in the dialogue mechanisms."

Based on paragraph 588, on page 192 of NSDP Update and JMIs above, the MoP has committed to begin the preparation of a comprehensive MTR of NSDP Update in April and get it completed by September 2011. On 20 October 2011, the MoP released the first draft MTR of NSDP Update to lead development partners in the TWG-PPR for further distribution to development partners and NGOs across TWGs. All comments are set to be provided to and followed up with responsible line ministries and agencies of the RGC, via the TWG process. NGOs appreciated the opportunity to comment on the draft MTR of NSDP Update that was sent for adoption by the Council of Ministers in early 2012 by MoP. Based on our observation, the draft MTR of NSDP Update has been generally improved compared to previous MTR (2008) of NSDP 2006-2010. For instance, the amount of information presented is more informative and additional monitoring indicators, with gradual timelines, were added in this report.

The use of the TWG for the preparation process of the MTR has not been very useful or made easy for meaningful and effective NGO participation, as observed similarly to the formulation of NSDP Update. This is due to the fact that very few TWGs (i.e. TWG-PPR, TWG-Partnership & Harmonization) held their meetings with a dedicated agenda for the discussion on the preparation of the MTR as reported by sector NGOs. Additionally, the timeline for providing comments and/or holding any consultation was short-- less than two weeks. This short period limited the opportunity for wider participation of civil society organizations working in different sectors and located in different areas at the sub-national level. Among the seven sectors NGO comments submitted to relevant line ministries, none have received a response.

Moreover, NGOs noticed that the NSDP Update 2009-2013, which was submitted for adoption by the National Assembly, gives a legal emphasis for the legislature to hold the RGC accountable for the implementation of the NSDP Update. NGOs believe that it is more informative and accountable for the RGC to report to the National Assembly or submit the MTR for adoption by the National Assembly. This would at least keep the Members of Parliament and the general public more widely aware and informed of the progress made so far by RGC in the implementation and realization of the targets set in the NSDP Update. We believe that the RGC objective of updating the NSDP Update timeline, to be in accordance with the RGC's fourth legislature mandate, signifies its strong commitment to be able to assess its development achievements during its legislative mandate and to be accountable to the legislature and constituencies.

To ensure national ownership over the national development process, NGOs would like to call on the RGC to realize its commitment established in the NSDP Update and consider the following recommendations for preparation of future reports on the implementation of the national development plan and formulation of new development plan:

2.2 Recommendations

- For the future preparation of the Annual Progress Report (APR) of NSDP and national development plan, we would like to request that the preparation process be extended further than the TWG process, to allow wider participation by civil society organizations and other interested groups. The draft documents relating to the national development plan should be made readily and widely available with sufficient time for comment (i.e. at least one month).
- Beside NGOs, other relevant civil society actors (such as community-based organization), academic institutions, religious institutions, labor organizations and research institutes) and the National Assembly should be openly invited to proactively and responsibly participate in the process.
- The National Assembly who approved the NSDP Update should be able to monitor the progress against the implementation of the plan through the inclusion of additional measurable and timely assessable monitoring indicators set on a yearly basis. The MTR should be reported to or adopted by the National Assembly.
- Balancing the input, output, outcome and impact indicators should be further improved in the future national development plan. This would allow the above stakeholders, especially the National Assembly who adopted the NSDP, to be able to better track the short-term and medium-term changes in the development efforts of the RGC against the targets set in the plan.
- In addition, NGOs believe that it would be more useful for the Ministry of Planning to consider including a policy matrix in the future national development plan to explicitly present, in a concentrated format, the progress of the policy implementation at the national level. This is because the current NSDP Update contains a significant number of policy commitments in several sectors and areas that deserve to be reported upon regularly in an easier format. This would help ensure that the Members of Parliament, the general public and other stakeholders are able to quickly see and assess the progress made on a sectoral basis and a national basis, and which line ministry or agency of the RGC should be held accountable for their performance.

2.3 Strengthened institutional arrangements for harmonization of planning, public investment expenditures and development cooperation financing processes

NGOs applaud the RGC's commitment toward the harmonization of planning, public investment expenditures and development cooperation financing. The latest report by MoP, in the last TWG meeting in 2011, revealed that the RGC line ministries and agencies including Ministry of Planning (MoP), Ministry of Economy and Finance (MEF), and Cambodia Rehabilitation and Development Board of the Council for the Development of Cambodia (CRDB/CDC) have been actively working to finalize the situational analysis report of this integration effort or get it endorsed by the four central agencies including: MEF, MoP, CRDB and Supreme National Economic Councils. To contribute to this effort, NGOs highlighted a number of issues relating to the lack of consistency of the (format) aid information reported in the ODA database and public investment program and the national budget, which deserves the attention of the RGC as well some useful recommendations toward addressing them. *For more information on this issue, please see the sectoral position paper on "Aid Information Transparency and Development Result".*

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The NGO Forum on Cambodia

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វេទិកាសេដ្ឋកិច្ចសហប្រតិបត្តិការ ឆ្លើយតប
The NGO Forum on Cambodia

ធ្វើការរួមគ្នាដើម្បីការវិវឌ្ឍវិជ្ជមាន
Working Together for Positive Change



គណៈកម្មាធិការ
 សហប្រតិបត្តិការដើម្បីកម្ពុជា
 Cooperation Committee
 for Cambodia
 Comité de Coopération
 Pour le Cambodge

MEDiCAM is the primary networking agency that seeks to link all stakeholders in the health sector by coordinating and representing voices of civil society organizations, promoting evidence-based policy development and program designs, building capacity of its NGO members, strengthening social accountability and sharing relevant health information. MEDiCAM, a membership non-profit organization for NGOs actively working in Cambodia's health sector, was established in 1989, whilst Cambodia was still under economic embargo from the West. A group of international health NGOs set up this network for communicating and sharing health information with their government counterparts. It is one of the biggest umbrella organizations in the country with 130 NGOs under its coordination.

MEDiCAM

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The NGO Forum on Cambodia (NGOF) is a unique membership organization of local and international non-governmental organizations (NGOs) grounded in their experience of humanitarian and development assistance to Cambodia and exists to advocate on multiple issues. Established in the early 1980s, the NGOF conducted its first campaign on removing the aid embargo imposed on Cambodia and followed it by campaigning to ban landmines. Currently, the NGO Forum has 90 full member organizations and approximately 300 network member organizations. The NGOF's mission is to coordinate and equip members, networks of NGOs, and other civil society organizations to actively engage in policy dialogue, debate, and advocacy with and for the poor and the vulnerable in Cambodia.

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The Cooperation Committee for Cambodia (CCC) is a membership organization of more than 150 local and international NGOs. Since 1990, CCC has worked to strengthen the cooperation, professionalism, accountability, governance and development effectiveness of civil society organizations (CSOs) in Cambodia. CCC is committed to a vision for a strong and capable civil society, cooperating and responsive to Cambodia's development challenges. Member organizations united under the umbrella of CCC enjoy unlimited access to a wide selection of benefits and full range of CCC resources including networking and information exchange, sharing voices, and participating in organizational development and peer learning.

Cooperation Committee for Cambodia

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