

# Civil Society and Uncivilised Politics

## Trends and Roles of the Cambodian Civil Society and Possibilities for Sida Support



Cop: Late paycheck is a violation of my rights.  
Clerk: So ... you know about right violations after all?!

### The Eighth Report of the Sida Advisory Team (SAT) on Democratic Governance in Cambodia

SPM Consultants

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## Acronyms and Abbreviations

ADB	Asian Development Bank
ADHOC	Cambodian Human Rights and Development Association
CB	Capacity Building
CBO	Community Based Organisation
CAR	Council for Administrative Reform
CARERE	Cambodia Area Rehabilitation and Regeneration Project
CC	Commune Council
CDRI	Cambodia Development Resource Institute
CEPA	Culture and Environment Preservation Association
CLEC	Community Legal Education Center
COHCHR	Cambodian Office of the High Commissioner for Human Rights
COMFREL	Committee for Free and Fair Elections in Cambodia
CoM	Council of Ministers
CPP	Cambodia People's Party
CSD	Centre for Social Development
CSO	Civil Society Organisations
DANIDA	Danish International Development Agency
DC-CAM	Documentation Centre of Cambodia
DCS	Development Cooperation Section (Sida)
D&D	Decentralisation and Deconcentration
DESA	Division for Democratic Governance (Sida)
DFID	Department for International Development (UK)
DoLA	Department of Local Administration
EU	European Union
EWMI	East West Management Institute
FACT	Fisheries Action Coalition Team
FS	Forum Syd
HR/D	Human Rights/Democracy
IBRD	International Bank of Reconstruction and Development (World Bank)
ILO	International Labour Organisation
LICADHO	Cambodian League for the Defence and Promotion of Human Rights
M&E	Monitoring and Evaluation
MDF	Multi-Donor Facility
MoEF	Ministry of Economy and Finance
MoI	Ministry of Interior
MoJ	Ministry of Justice
NEC	National Election Committee
NGO	Non-Governmental Organisation
NRM	Natural Resources Management
OD	Organisational Development
ODI	Overseas Development Institute
OHCHR	Office of the High Commissioner for Human Rights
PAG	Permanent Advisory Group (Seila/CARERE)
PAT	Permanent Advisory Team (Seila/PLG)
PLG	Partnership for Local Governance – Seila support project
RGC	Royal Government of Cambodia
SAT	Sida Advisory Team
SEKA	Department for Cooperation with NGOs and Humanitarian Assistance/Sida
Sida	Swedish International Development Co-operation Agency
SRP	Sam Rainsy Party
TA	Technical Assistance
TAF	The Asia Foundation
ToR	Terms of Reference
UNDP	United Nations Development Programme
UNHCHR	United Nations High Commissioner for Human Rights
UNTAC	United Nations Transitional Authority in Cambodia
USAID	United States Agency for International Development

## **EXECUTIVE SUMMARY**

The Sida Advisory Team on Democratic Governance (SAT) was asked by Sida to 1) assess the present status of the Cambodian civil society and its role for democracy and human rights, 2) review Sida's current support to democracy and human rights through civil society in Cambodia, with emphasis on Sida's support to Forum Syd and Diakonia, and 3) to outline options for a Swedish future strategy to promote democracy and human rights through civil society in Cambodia.

The SAT 8 Mission visited Cambodia from November 21 to December 9, 2005 and consisted of Dr. Jan Rudengren (team leader), Mr. Pär Sköld, Mr Henrik Alfram and Mr Chan Nara. Dr. Joakim Öjendal also contributed to the study, but was not present in Cambodia.

### **Trends in civil society and democracy**

In the first part of the report we describe the deteriorating political situation and the shrinking democratic space. The ruling elite has continued to consolidate its power at the same time as the Government has become less concerned with upholding a democratic façade. Civil society organisations (CSOs) seen as threats to established interests have been targeted. This is what we, in the title of the report, refer to as "uncivilised politics".

We note that better elections, in a technical sense, have not lead to a better functioning and a more mature democracy.

Two trends may be seen. On the one hand, there is growing awareness of people's rights, growing people's participation in decision making – particularly as a result of the decentralisation process – and an increasing number of communities organising themselves. On the other hand there is an ongoing consolidation of power of the economic and political elites. Thus, there is an obvious risk for conflicts and violence. Conflicts seem particularly likely in those parts of the country where the livelihood of the population to a growing extent is being threatened by land grabbing and short-sighted exploitation of natural resources.

The international community has generally been slow in reacting to the seriousness of the deteriorating political situation and its effects on civil society.

### **Forum Syd and Diakonia**

The bulk of Swedish support to Cambodian CSOs is provided through the two Swedish umbrella organisations Forum Syd and Diakonia. A recent evaluation, a specific study on support to CBOs, and our findings, all point in the direction that Forum Syd and Diakonia have indeed contributed to the promotion of democracy and human rights in Cambodia. Considering the political development during 2004 and 2005, it may be argued that the relevance of Forum Syd's and Diakonia's objectives have in no way decreased. On the other hand it may be argued that prospects for achieving some of the objectives are now more limited due to political constraints.

In previous reports we have argued that one way of increasing effectiveness and impact is by giving more attention to organisations that are democratically organ-

ised, preferably so called mutual-benefit organisations. We have observed a gradually increased attention to locally based, pro-poor CSOs, combined with support for linking these with more established human rights NGOs. Forum Syd and Diakonia may need to phase out some of their more traditional Phnom Penh based NGOs in order to release more resources for supporting smaller organisations and initiatives, and supporting processes that foster a “CBO-friendly” environment.

We find the advisory programme of Forum Syd and Diakonia useful, for Sweden and for the advisers, as well as for the Cambodian CSOs. However, many partners would probably have preferred to receive funds to buy the services they need locally or in the region. Comparing the way that advisers work today with the advisory programme a few years back, we see progress. Joint resource advisers and increased linkages with Swedish CSOs, are two examples.

Our overall finding is that the cooperation between Sida, Forum Syd and Diakonia is working well. Nevertheless, the process of developing a new cooperation strategy with Cambodia should be used for considering ways of working more efficiently. In the report we briefly discuss a few possible alternatives to the present arrangement.

### **Challenges in CSO support**

In a separate chapter we present an overview of some general problems in today’s support to democracy and human rights through Cambodian CSOs. Some are more, and some less, relevant for Swedish cooperation. The problems mentioned are as follows: 1) Belief in the transition paradigm; 2) Fear of politisation and conflicts; 3) Insufficient responses to breaches of international human rights norms; 4) Lack of support to CSOs by means of including them as partners in development cooperation with the government; 5) Too much focus on Phnom Penh based elite oriented NGOs with no constituencies; 6) Risk of weakening mutual-benefit organisations by too much financial support; 7) Lack of cooperation and harmonisation among donors; 8) Too much short-term, project based and donor directed support, and 9) Too little Cambodian ownership of, and influence over, international support to CSOs.

### **Strategic Options**

To conclude we note that Sweden, during 2006, will draft a new development cooperation strategy for Cambodia. This will have to depart from the view that Cambodia is a country showing non-transition and non-progress into real democratic governance. Support to Cambodian civil society organisations will continue to be important in order to promote democracy and human rights. The strategy should be open for additional types of support to CSOs. The media/information sector and national mutual-benefit organisations like labour unions, may turn out to be strategic.

However, taking the limited administrative capacity of Sida’s Phnom Penh office into account we have refrained from listing a lot of new organisations, projects and initiatives with which Sida should enter into cooperation, or to which financial support should be given. Rather, we would like to emphasise the need for putting more time and effort into mainstreaming civil society support within exist-

ing programmes. Furthermore, we would like to stress the importance of donor harmonisation in the area of support to civil society.

Donors have a great responsibility for fostering an enabling environment which will allow the civil society to develop. Thus, the international community, including governmental, inter-governmental and non-governmental organisations, must respond quickly and clearly when RGC moves to limit the space for civil society. Conditions/benchmarks on human rights and democracy should be included in agreements on development programmes. Furthermore, core values such as transparency, access to information, freedoms of assembly, association and expression should be stressed further in all cooperation and agreements.

We believe donors can and should do more to include different civil society actors in their discussions and agreements with governmental authorities. By being included as partners in the discussions and activities, donors can strengthen actors like unions, associations, NGOs and opposition parties. This may also stimulate interaction between governmental authorities and CSOs on different levels.

More emphasis should be put on reaching out to primary target groups, linking organisations on different levels, in different parts of the country, and with different focus, promoting and strengthening mutual-benefit organisations, facilitating interaction and the spread of information among different stakeholders, and fostering regional contacts and experiences. Donors must be aware of the risk that large funds may weaken or corrupt fragile CSOs.

In the support of CSOs, a greater Cambodian ownership of the provision of grants and other forms of assistance should be considered. Financial grants could for instance be channelled through a Cambodian foundation, dominated by Cambodians.

The SAT recommends that Sida, in close cooperation with DFID and Danida, starts to plan a programme on social accountability that will complement the Danida/DFID funded NREM/MDF which is in its final planning stage.

## 1. BACKGROUND

### 1.1. *The Sida Advisory Team-SAT*

In February 2001, SPM Consultants was awarded a contract by Sida to provide a *Sida Advisory Team* (SAT) in relation to Sida's work on Democratic Governance in Cambodia. The second phase of the SAT started in mid 2002 and the team currently consists of three core team members: Dr. Jan Rudengren, SPM Consultants, Stockholm (team leader), Mr. Pär Sköld, Pnyx, Göteborg, and Dr. Joakim Öjendal, Padrigu, University of Göteborg. A local consultant - Mr. Long Panhavuth - is also a member of the SAT. In addition, specialists in specific required areas have been associated with the team on a short term basis<sup>1</sup>.

The role of the SAT has been to serve as a technical advisor to Sida/DESA (Division for Democratic Governance) and the Development Cooperation Section (DCS) in Phnom Penh – to strengthen the quality of Sida's monitoring of the project portfolio, the partner dialogues and strategy development in the area of Sida/ DESA's democratic governance programme in Cambodia. The SAT has a general set of terms of reference, which encompasses the following main areas:

- Sida's support to strengthening of civil society's role (relevance, impact and sustainability) in the realisation of human rights and democratisation;
- Sida's possibilities to help developing and strengthening government functions and institutions (legislative and executive) to promote enhanced democratic governance at all levels;
- Sida's possibilities to help reforming and enhancing the judicial system of Cambodia.

Since its start, the SAT has done eight missions all consisting of two main tasks: monitoring and a special study (except for SAT 4). The focus of the studies have varied over the years as follows:

- SAT 1 - Legal and judicial situation, June 2001
- SAT 2 - Democratic governance and decentralisation reform, December 2001
- SAT 3 - Legal and judicial reform, May 2002
- SAT 4 - Appraisal of the ADB-CCSP, August 2002
- SAT 5 - Civil society and democracy; March 2003
- SAT 6 - Decentralisation and deconcentration reform process, December 2003
- SAT 7 - Technical review of Sida/DESA support to governance and decentralisation, November 2004.
- SAT 8 – Civil Society and Democracy, November 2005

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<sup>1</sup> Mr. Lennart Gustafsson and Mr. Henrik Alffram complemented the core team on decentralisation and legal and judicial reform matters, amongst other areas.

In addition to these missions, the SAT was also involved in a meta-evaluation of the 2001 evaluation of Forum Syd's and Diakonia's partners, and conducted an assessment of the Cambodian legal and judicial reform programme in 2003.

The SAT operated in parallel and built on the experience of the PAG to Seila/CARERE and later to the PAT for Seila/PLG. However, there were no formal connections, except that two persons were part of both teams and therefore the two assignments gave important cross fertilisation.

There was no ready-made concept of how an advisory team should function. Therefore the working modality and methods of the SAT were established over time, and drawn on previous experiences. In our working relationship we always emphasised the independence of the SAT, which was sometimes hard as we often were considered as an extended arm of Sida. As trust between the SAT and the partners grew, we felt freer to express our views as the partners knew that we did not have a second agenda to pursue. Thus, it may be the case that the role of a SAT was not only to monitor and identify problem areas, but also to serve as a sounding board, a catalyst for new ideas and strategies. Sometimes, these were controversial for the partners, but they always had the privilege not to consider them. As a result the SAT perhaps provided more of strategic inputs than reporting on the progress of DESA's Democratic Governance portfolio. This was certainly the case regarding Forum Syd and Diakonia operations, as these organisations had their own workable monitoring systems.

At this point the SAT members want to take the opportunity to thank all people we have had the pleasure to meet and work with during our assignment. Especially the Cambodian NGOs, CDRI and COHCHR and DC-Cam staff that we had many good and fruitful discussions with. We also want to thank Sida for its support to the SAT and its open dialogues.

## **1.2. The Assignment – the 8<sup>th</sup> Mission**

In total the SAT 8 Mission comprised three different components:

1. Review of the DC-Cam
2. Mid-term review of the CDRI
3. SAT 8 Mission proper.

Assignment 1 and 2 are reported separately. This report only concerns assignment 3 and is referred to as SAT 8.

Focus and scope of the current SAT 8 Mission was extensively discussed and covered a wide range of topics and tasks. It was decided to mainly follow-up the SAT 5 report on the civil society and democratic governance in Cambodia. The mission should work on three main areas: current situation and trends in the Cambodian civil society, channels for Sida support to democratic governance and based on these two develop strategic options for future support in this area. The scope of the SAT 8 assignment was as follows:

- A. Assess the present status of the Cambodian civil society and its role for democracy and human rights, comparing with the findings presented in the



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SAT 2003 report, highlighting and explaining (to the extent possible) the differences and noting the trends and possible implications.

- B. Review Sida's current support to democracy and human rights through civil society in Cambodia, with emphasis on Sida's (DESA's and SEKA's) support to Forum Syd and Diakonia. This task includes, but is not limited to, a review of the 2005 evaluation of Forum Syd's and Diakonia's democracy programmes. Sida shall be presented with an informed opinion on a) the continued relevance of the current support based on the rights, needs and demands of primary and intermediary target groups and b) the effectiveness in which the programmes are scoped, managed and monitored in relation to stated objectives and c) the feasibility of the current support given the ability of the channelling organisations to manage internal and external risk factors.
- C. Based on the findings in A) and B) above, the SAT shall outline potential options for a Swedish future support strategy to democracy and human rights through civil society in Cambodia. This shall include the opportunities for and possible risks with further harmonisation of donor support.
- D. Furthermore, the SAT shall act as facilitator during a Sida workshop to be held in Phnom Penh at the end of the mission. Some preliminary conclusions of the SAT mission will be presented to, and discussed among, relevant stakeholders, including Sida, Forum Syd and Diakonia.

The full Terms of Reference are attached as Appendix 1.

The SAT 8 Mission visited Cambodia from November 21 to December 9, 2005 and consisted of Dr. Jan Rudengren (team leader), Mr. Pär Sköld, Mr Henrik Alffram and Mr Chan Nara. Dr. Joakim Öjendal also supported the work of the SAT, but was not part of the team that visited Cambodia. The whole team was in Cambodia during the period November 28 to December 6.

Extensive discussions were held with representatives of international and Cambodian human rights and natural resources management NGOs, other Cambodian civil society organisations, political parties, Forum Syd, Diakonia, COHCHR, and donor agencies<sup>2</sup>. The mission also had discussions with individual experts and researchers. A list of the people met is attached as Appendix 2.

Before leaving Cambodia the SAT facilitated a workshop on civil society and democracy in Cambodia, which was attended by Sida, Sida partners, other donors and some INGOs. In early January 2006 the SAT also conducted a seminar on trends in the Cambodian development with a focus on Democracy and Decentralisation and Deconcentration reform at Sida HQ for representatives of various Sida departments (DESA, SEKA, Asien, Natur and INEC)

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<sup>2</sup> The SAT was not successful to arrange meetings with MoI and CPP. With the former we had a confirmed meeting that unfortunately was cancelled at the last minute. Despite various attempts, the team did not manage to get a meeting with any representative of the CPP.

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### **1.3. Structure of the report**

The report starts in Section 2 with a discussion of the situation and trends regarding the civil society in Cambodia analysed by broad categories. In the same section an assessment of the civil society is made followed by a discussion of its future role. Section 3 deals with Sida's partners in the support of civil society and democracy. Based on these two analytical sections, critical issues regarding civil society and democracy are raised in Section 4. The report ends with a discussion of strategic options and special recommendations for Sida.

## **2. SITUATION AND TRENDS REGARDING CIVIL SOCIETY IN CAMBODIA**

### **2.1. Political development**

The Constitution of 1993 stipulates that “Cambodia adopts a policy of liberal democracy and pluralism”<sup>3</sup> and that “Khmer citizens shall have the rights to establish associations and political parties.”<sup>4</sup> While there have been three parliamentary elections and one for the election of Commune Councils since the signing of the Paris Peace Agreements in 1991, the leadership of Cambodia's executive government has not fundamentally changed since 1979. While a large number of parties have contested all of these elections, the main actors in the political arena since 1998 have been CPP, FUNCINPEC and SRP. CPP and its predecessor party have been in de facto control of Cambodia during this entire period, since 1979.

In the parliamentary elections held in 2003, CPP won a clear majority of the seats in the Assembly with 47% of the vote and gained 59% of the Assembly seats, but failed to obtain the two-thirds majority necessary to establish a government on its own.<sup>5</sup> The SRP and FUNCINPEC won 22% and 21% of the votes respectively.

Even though the 2003 elections were marked by violence and intimidation by local officials and members of the security forces, often committed with impunity, and were not contested on the basis of a fully transparent electoral process administered by neutral state institutions, the technical conduct of elections has gradually improved over the years.<sup>6</sup> At the same time, better elections have not led to a better functioning and more mature democracy. The 2003 elections were followed by a year-long political deadlock and a new government was not established until mid-July 2004, after Hun Sen of CPP and Prince Ranariddh of FUNCINPEC reached an agreement for the establishment of the same coalition government as existed between 1998 and 2003. There has since been little evidence to suggest that FUNCINPEC has an independent political agenda. In combination with the fact that FUNCINPEC's popular support has decreased in every election since 1993, there are reasons to question whether the party will

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<sup>3</sup> Constitution, Article 51

<sup>4</sup> Constitution, Article 42

<sup>5</sup> The formula used to allocate seats in the National Assembly heavily favors parties with a comparatively large share of the total vote.

<sup>6</sup> Special Representative of the Secretary-General for Human Rights in Cambodia (2003),

play any significant role in the future of Cambodian politics, besides as a support to CPP.

The existence of a multi-party political arena has also come under threat as a result of Government initiated actions against the sole parliamentary opposition party, the SRP. Since its creation in 1995, the party has been gaining in popularity on the basis of a pro-democracy, anti-corruption and anti-Vietnamese stance, and has become regarded as the main threat to CPP's dominant position in Cambodian politics. While political violence and harassment for several years have affected its grass roots activists, the past year has seen actions that have been targeting the party leadership and thwarting its role in the parliamentary process.

Days after the creation of a new government in July 2004, the Prime Minister claimed that the SRP was in the process of establishing a secret army and military intelligence officials started to 'round up' alleged recruits. In February 2005, the parliamentary immunity of SRP deputy Cheam Channy, the alleged leader of the secret army, was lifted. He was subsequently convicted and sentenced to seven years' imprisonment.<sup>7</sup> At the same time as the immunity of Cheam Channy was lifted, party leader Sam Rainsy and Member of Parliament Chea Poch had their immunities removed. Both men, who were charged with defaming FUNCINPEC leader Prince Ranariddh, immediately left the country. In December, Sam Rainsy was sentenced in absentia to 18 months imprisonment and a fine of USD 14,000.

Since the creation of a new government, the SRP has also been denied participation in the working committees of the National Assembly. As a response to this and the lifting of immunities, it chose to boycott Assembly sessions for significant periods of time. With its leader in exile, and its role in Parliament hindered, the political space in which SRP operates has been seriously limited, arguably making it more a part of civil society than of the formal political structures<sup>8</sup>

## **2.2. Developments by categories**

Sida defines civil society as "*An arena separate from the state, the market and the individual household, in which people organise themselves and act together to promote their common interests.*"<sup>9</sup> Civil society is thus made up of formal and informal groups of various kinds, which may be operating under quite different circumstances. In cooperating with civil society organisations, Sida "*aspires to promote the development of a vibrant and democratic civil society in which people have the opportunity to act together in order to influence the development of society and/or improve their living conditions.*"<sup>10</sup> For the purpose

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<sup>7</sup> The UN Working Group on Arbitrary Detention has concluded that the conviction of Cheam Channy is in violation of the International Covenant on Civil and Political Rights.

<sup>8</sup> The National Assembly has not been able to effectively play the role given to it in article 121 of the Constitution, which provides that members of the Government are collectively and individually accountable to the parliament for overall policy and the conduct of government officials.

<sup>9</sup> Sida (2004f)

<sup>10</sup> Sida (2004f)

of this report, which deals with civil society and democratic governance, we have divided CSOs into media organisations, mutual benefit organisations and public benefit organisations.<sup>11</sup> We present below some of the main developments over the past few years in these respective categories of civil society.

Civil society organisations in general, and NGOs in particular, came to develop a relatively influential role in Cambodian society rather quickly, following the signing of the Paris Peace Agreements in 1991, due to the availability of donor funding and the weakness of Government institutions in the early 1990s. While we argue in this report that the vast majority of CSOs have been facing a shrinking democratic space in which to operate since the SAT 5 study in early 2003, we also point out that attempts to exercise a level of control over civil society and undermine its development are not new phenomena. Civil society has been subjected at various times to violence<sup>12</sup>, restrictive laws and regulations<sup>13</sup>, government initiated legal actions and arbitrary implementation of laws<sup>14</sup>, and other undue interference<sup>15</sup>. Historically, the principal targets of these actions have been the political parties confronting CPP's dominant position in Cambodian politics. However, representatives of other groups seen as a threat to established interests — such as labour unions, student associations, networks for environmental protection, human rights organisations, parts of the Buddhist clergy and media representatives — have also been targeted, and various mechanisms of control have been applied in response to a rise in the relative influence of these groups.

### 2.2.1. *Media organisations*

The international media interest in Cambodia that accompanied the Paris Accords, the protection for the local media that UNTAC's presence provided, and the success of UNTAC's own broadcasting unit (Radio UNTAC), had a catalysing effect on the domestic media. Yet, while the Cambodian press has been considered to be amongst the freest in Southeast Asia over the past decade, a strong, professional and independent media able to serve as a watchdog over state institutions has never developed.

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<sup>11</sup> There are varying opinions as to whether the media should be regarded as being part of civil society. Sida is of the view that this has to be assessed on the basis of the overall context.

<sup>12</sup> The number of political activists killed since the Paris Agreements in attacks classified as political by the UN are in the hundreds. Media personnel and several trade union activists have been murdered during the same period. Violent attacks on monks and human rights workers have also been recorded.

<sup>13</sup> The Law on the Press, for instance, contrary to the spirit of the Constitution and international norms, prohibits "*humiliation of national institutions*" and opens up the possibility of suspending publication and imprisoning journalists for publishing or reproducing information which "*may affect national security and political stability*", but fails to provide any definition of these terms.

<sup>14</sup> Some human rights workers were arrested already during UNTAC for carrying out "political activities". Starting in 1994, the Government has frequently filed criminal defamation complaints against journalists.

<sup>15</sup> Already in January 1993, the head of the UNTAC operation, Yasushi Akashi, wrote to Hun Sen expressing deep concern over reports alleging the harassment and obstruction of the activities of local indigenous human rights associations in several provinces. Senior government officials have since supported the creation of yellow unions, interfered in the affairs of the Bar Association, and provided financial support to sympathetic press associations.

The vast majority of all media outlets are dependent on funding from political patrons, and bribes are regularly sought and paid for running stories or for not writing them:

*“Media firms may be owned by CPP-affiliated companies, ‘bought’ by placement of significant advertising or controlled by subjecting managers and editors to varied threats. A ‘retail’ alternative for media control is through direct payment to journalists. Individuals are paid for covering public events or conveying Government propaganda, or for not writing certain stories.”<sup>16</sup>*

Journalists have not been able to organise themselves to effectively protect their professional interests. Today there are several professional bodies for journalists, but none has been able to effectively promote a situation in which the media regulates itself in accordance with its own ethical standards and is able to operate without undue outside interference.

The electronic broadcast media form by far the most important media outlets in the country, while the printed press has a small readership largely confined to the country’s major cities. All television stations are today controlled by the state or by CPP-interests. With a few important exceptions, radio is also under the control of the ruling party. While the main newspapers have generally taken a pro-CPP stance, the political opposition has had much better access to the printed media than to radio or television during much of the post UNTAC period. The situation has, however, changed in recent years. While there were previously four pro-SRP newspapers, there is now only one paper that supports the party - Moneseka Khmer. Around the time of the National Assembly elections in 2003, two newspapers previously linked to the SRP, Udomkate Khmer and Samleng Yuvachuon Khmer, shifted their support to FUNCINPEC and the owners of these papers have since obtained senior government positions.

Over the years, the development of an independent media has also been hindered by violence, Government-initiated civil litigation and politically-influenced prosecutions. At least eight media persons have been killed since 1994. The latest such killing, which occurred before the formation of the new Government, was the October 2003 murder of journalist Chour Chetharith, who worked for the FUNCINPEC-aligned Ta Prohm radio station. The Ministry of Information has frequently filed defamation charges against journalists. From the beginning of 2003 until mid-2004 at least eight criminal defamation complaints were lodged by the Government or government officials against media representatives. Several more such complaints have been filed since then. In October 2005, radio station owner Mom Sonando was arrested after having broadcast a radio programme in which views critical of a border agreement with Vietnam were expressed. His arrest was followed by the arrest on 31 December of Kem Sokha, the head of the Cambodian Center for Human Rights (CCHR) and the host of a radio show called Voice of Democracy, for organising a rally on international human rights day in which anti-Government senti-

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<sup>16</sup> Calavan (2004)

ments were expressed<sup>17</sup>. As both Mom Sonando and Kem Sokha are amongst Cambodia's most popular and well known media figures, their arrests have obviously had a seriously chilling effect on the over all climate in which the media is operating. Other journalists have chosen to leave the country and self-censorship has been widely reported during recent months.

### 2.2.2. *Mutual benefit organisations*

Mutual benefit organisations are formed by individuals who, as members, strive to derive benefits. Thus, the general purpose of these organisations is to serve their members. Two examples of specific significance in the Cambodian context are trade unions and local community-based organisations.

#### **Trade unions**

The existence of trade unions independent of the government is a relatively new phenomenon in Cambodia. Not until the second half of the 1990s, in connection with the rapid growth of the garment industry, did a labour movement start to develop. Supported by the Khmer Nation Party, the predecessor to the SRP, garment factory workers organised a series of strikes and demonstrations for better pay and improved conditions in early 1997. In response, government and CPP officials encouraged the creation of other unions.

Over the years, the number of unions and federations has increased. By the end of 2004 there were 675 registered factory unions, 18 national labour federations and one confederation. A majority of the federations reportedly have ties to the Government or to CPP-affiliated government officials, although two major federations are independent.<sup>18</sup> An ILO survey from mid-2004 estimated the total union membership to be 337,000<sup>19</sup>, a significant increase from 39,000 in 1998. The vast majority of members were women.<sup>20</sup>

It is clear that the development of a strong independent labour movement which is engaged in issues of social justice, and with some cooperation with the political opposition and able to mobilise large numbers of people has been of concern to some. The response has been various: the creation of so-called yellow unions established at factories to promote the interests of employers or the government, the authorities deny union members the right to hold meetings and demonstrate, the use of excessive force by law enforcement authorities against striking or demonstrating workers and the unwillingness on the part of the Government to act against employers who continue to discriminate against union members and thwart unions.<sup>21</sup>

During the past two years, at the same time as labour standards have largely improved, the nascent union movement has come under increased pressure as a

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<sup>17</sup> After this report was completed - mid January - four of the arrested persons (Kem Sokha, Pa Nguon Teang, Mom Sonando and Rong Chhun) were released from prison. However, the charges against the four men have reportedly not been dropped.

<sup>18</sup> U.S. Department of State (2005)

<sup>19</sup> The number of financial members was however found to be considerably lower.

<sup>20</sup> ILO (2004)

<sup>21</sup> ICFTU (2005)

result of targeted violence and legal actions against some of its senior representatives. In 2004, two union leaders belonging to the Free Trade Union of Workers of the Kingdom of Cambodia (FTUWKC) were murdered and several others were physically abused or threatened. In late 2005, the head of the Cambodian Independent Teachers' Association was arrested after having criticized the border agreement between Cambodia and Vietnam. Several other union leaders, including the new head of FTUWKC, had criminal charges brought against them and went into exile. As a result, the future of a union movement independent of the Government seems uncertain at the time of writing.

### **Community based organisations**

An overall relaxation of political repression in the rural areas since the 1980s in general, and following the commune elections in 2002 in particular, has spurred an intensive growth in functional community based organisations (such as parents' committees, funeral committees, fishing cooperatives, etc.). Many of these organisations are not political, but nevertheless offer an organisational opportunity outside the previous political monopoly of the dominant party. It is likely, if it continues undisturbed, that it will increase social capital and strengthen a long-term potential for political alternatives.<sup>22</sup> Although this process is in its infancy, it may constitute a grounded process of which we have seen very few in Cambodia both historically and in more modern times. In addition, where livelihoods are under threat and where resource grabbing goes on, more rights focussed CBOs are emerging and there are an increasing number of serious conflicts over natural resources between such organisations and more powerful business interests.<sup>23</sup>

The ability of CBOs to defend the interests of their members seem to have developed as a result of improved contacts between communities facing similar problems, closer cooperation with national NGOs, and an increased donor interest in the work of these groups. In some cases, elected commune councillors have also started to take a keen interest in the concerns raised by these organisations.

#### *2.2.3. Public benefit organisations*

Public benefit organisations are organisations formed by an individual or a group of individuals to benefit other groups of people, often with support from third parties. The people who govern or are members of the organisation are not the targets of the organisation. Thus, those whose interests are served do not, as with mutual-benefit organisations, set the mandate of the organisation. In the Cambodian context, the most common public benefit organisations are NGOs. They collect resources from donors in order to provide services to or advocate on behalf of those whose interests they are mandated to protect, often the most vulnerable in the society.

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<sup>22</sup> cf Öjendal and Kim (2006); Kim (2006)

<sup>23</sup> Eight villagers protesting against a land concession in Pursat were, for instance, injured when a grenade was hurled at them in November 2004. In Banteay Meanchey, five people were killed and dozens injured in March 2005 when law enforcement officials enforcing a court order opened fire on villagers.

The NGO sector started to develop following the Paris Peace Agreements and the arrival of UNTAC in early 1992. During the transitional period, five human rights groups were established, as well as over a dozen other organisations representing the interests of various groups, such as ethnic minorities, women and students. Since then, the NGO sector has continued to grow rapidly and there are today over 1,520 NGOs and associations registered with the Ministry of Interior.

NGOs have also been seriously affected by the deteriorating political climate since the 2003 elections. As mentioned above, Kem Sokha, the President of CCHR was arrested on 31 December 2005 for an allegedly offensive banner being displayed at a rally on international human rights day. Yeng Virak, the head of the Cambodian Legal Education Center was on the same day arrested on the same grounds, but has since been released from custody. On 4 January 2006, Kem Sokha's deputy at CCHR was also arrested for defamation. While the NGOs dealing with human rights and democracy issues have traditionally had a rocky relationship with the authorities, it is clear that a much wider segment of the NGO community has been affected by the recent arrests as well as by restrictive government policies and actions. During the past year, there are numerous reports of NGOs being denied authorisation to carry out their regular activities, hold meetings or conduct workshops.<sup>24</sup>

On a formal level, the NGO sector has largely been unregulated and there is currently no law governing NGOs and associations. In practice most NGOs have to register with the Ministry of Interior; a process which requires approval from provincial, district and commune authorities and which at best can be described as cumbersome and corrupt.<sup>25</sup>

At the time of the SAT mission, the World Bank was engaged in a discussion with NGOs on whether or not to provide technical assistance to the Government in the development of a law on NGOs and associations. Many NGOs are of the view that the Government is determined to have a law prepared in the near future and that international assistance is important to ensure that an enabling rather than restrictive law is prepared. The passage of a law on NGOs and associations has, however, been on the agenda for more than a decade. It is a matter for question why there is renewed interest in this law at a time where the tolerance for many NGOs and their activities is decreasing rather than increasing.

### **2.3. Assessing civil society**

During its fifth mission in early 2003, SAT used a Civil Society Index developed by CIVICUS<sup>26</sup> to obtain a picture of the overall state of civil society. Four dimensions of civil society, each of which were made up of several com-

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<sup>24</sup> LICADHO (2005)

<sup>25</sup> A bribe of between USD 250 and 500, depending on whether ministry officials assist with obtaining the necessary authorisations from the local authorities or not, is reportedly required.

<sup>26</sup> See [www.civicus.org](http://www.civicus.org). Sida has since presented a methodology for an analysis of civil society which is based on CIVICUS "Civil Society Index" and which contains the same four dimensions of civil society.



ponents, were assessed on the basis of interviews and desk studies. They were as follows:

**A. Environment**

(1) Political context, (2) Basic freedoms & rights, (3) Socio-economic context, (4) Socio-cultural context, (5) Legal environment, (6) State-civil society relations, (7) Private sector-civil society relations

**B. Structure**

(1) Extent of citizen participation, (2) Depth of citizen participation, (3) Diversity within civil society, (4) Level of organisation, (5) Inter-relations, (6) Resources

**C. Values**

(1) Democracy, (2) Transparency, (3) Tolerance, (4) Non-violence, (5) Gender equity, (6) Poverty eradication, (7) Environmental protection

**D. Impact**

(1) Influencing public policy (2) Holding state and private corporations accountable, (3) Responding to social interests, (4) Empowering citizens, (5) Meeting societal needs

In order to illustrate how we assess the health of civil society in Cambodia as a whole, we have followed CIVICUS' Civil Society Index and scored the four dimensions (environment, structure, values and impact) on a scale of 0 to 3. The final result may be illustrated graphically in the form of a Civil Society Diamond, as in Figure 2.1 below.

**Environment**

SAT concluded in 2003 that the Government's attitude towards CSOs had generally been sceptical, but that these organisations nevertheless had for the most part been allowed to operate. However, the absence of the rule of law, increasing violations of trade union rights, limitations on freedom of expression and access to information, the limited professionalism of the media, as well as the general socio-economic situation — characterised by such factors as high levels of poverty, low literacy rates and gender inequalities — formed inhibiting factors for the development of a strong civil society. SAT also found a tendency by the ruling elite to control opposition and be less tolerant towards critical voices, even though it was believed that this could possibly be a short term phenomena explained by the upcoming election in July 2003.<sup>27</sup> Using the Civil Society Index, the Cambodian environment was given a score of 1.

Since the last SAT study, the ruling elite has continued to consolidate its power at the same time as the Government has become less concerned with upholding a democratic façade, which was evident already in the unconstitutional process through which the Government was formed. Since then, the Government has made use of state institutions to undermine the political opposition, decided NOT to allow the Commune Councils (CCs) to select village chiefs as pro-

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<sup>27</sup> SAT (2003), p. 17-18

vided for in the Law on Commune Administration and imposed more restrictive practices regarding freedoms of association, assembly and expression. Most significant for the future of CSOs in Cambodia are, however, the above mentioned prosecutions of trade union representatives, politicians, leading NGO workers and media representatives. It is thus hardly an exaggeration to say that the environment in which CSOs are working has significantly deteriorated, despite indications of improvements in the general socio-economic situation.

### **Structure**

Despite the many CSOs that had emerged since the Paris Peace Agreements, civil society was found to be structurally weak in the 2003 study. Most CSOs were public-benefit NGOs, with their origin, structure and objectives strongly connected with international funding. The organisations had low levels of voluntary participation and little popular support, an absence of democratic structures, low levels of sustainability and limited outreach, especially in the field of democratic governance. The number of mutual benefit organisations, such as community-based organisations, labour unions and professional associations, was growing. Many of these were less dependent on outside support, and were therefore not showing the same weaknesses. Cooperation between CSOs was regarded as quite limited. Using the Civil Society Index, the structure of the civil society in Cambodia was given a score of 1.

Today, most organisations still suffer from undemocratic structures, are hampered by low levels of public participation and operate without any clearly defined constituencies, including those working on democracy and human rights issues.<sup>28</sup> Encouraging the introduction of more democratic structures in older and larger organisations with established ways of operating has proven difficult. The hierarchical structures in these organisations are so deeply entrenched that any far reaching changes are unlikely to occur in the near future. However, some mutual benefit organisations set up in recent years appear to have been established along more democratic lines.

At the same time, the increasingly restricted space in which civil society organisations have to operate appears to have given rise to a number of new developments. There is increasing cooperation between those NGOs engaged in the fields of human rights and democracy on the one hand and those organisations and associations working, at the national or local level, on other issues, in particular land and natural resource issues. The establishment of broad-based coalitions involving a wide range on CSOs has also been seen. There is also a rapidly emerging consensus among international donors and many of the larger Cambodian NGOs of the value of providing technical and financial support to mutual benefit associations and to communities organising themselves in order to defend their rights and interests. Overall, SAT's conclusion is that civil society has become somewhat stronger structurally over the past few years.

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<sup>28</sup> Sida's Policy for Civil Society states that higher demands should generally be placed on organisations whose primary objective it is to promote democracy, human rights and participation.

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**Values**

SAT formed the impression in 2003 that the internal structure of most CSOs reproduced the hierarchical tendencies of the wider society, rather than contributing to fostering democratic culture and social capital by serving as “schools of democracy”. Most public benefit organisations represented the values and interests of international donors and the leaders of the organisations, and not necessarily the values and interests of the Cambodians they were intending to serve. SAT concluded that the level of civicness and democracy within civil society as a whole was not as strong as it ought to be in order for it to function as an important force for democratisation by fostering a democratic culture. Using the Civil Society Index, the values of civil society were given a score of 1.

Little has changed. While most CSOs continue to advocate such values as democracy, transparency, accountability, participation, non-discrimination and non-violence, only some of these values inform their internal operations. As mentioned above, many CSOs do not have a membership base with influence over the organisation, and to which their leaders are ultimately responsible. Most NGOs remain accountable principally to their international donors rather than to the people they are established to serve or advocate on behalf of.<sup>29</sup> A worrying trend is that several international donors, but not Sida, are increasingly utilising CSOs to implement specific projects designed and developed by the donors themselves, thereby running the risk of undermining the development of organisations that represent segments of the population in a meaningful way and sets their own agendas.

**Impact**

The 2003 study concluded that, despite its many weaknesses, civil society had to be regarded as a force for development. In the social and economic arenas, the implementing NGOs had contributed to the well being of individual Cambodians. CSOs were also found to have had an impact on the political arena by informing people of their rights, contributing to increasing public expectations of elected officials and public servants, and by serving the international community with information that donors and others could use in discussions with the Government. The fact that CSOs had an impact should not be interpreted as a sign of a strong civil society. The impact was rather a reflection of the strong presence of the international community and the weak public institutions. Using the Civil Society Index, the impact of the civil society in Cambodia was given a score of 2.

When assessing the impact of civil society in promoting and safeguarding human rights and democracy, it must be taken into consideration that the Paris Peace Agreements in 1991 introduced a range of novel and radical concepts to the political system, including multiparty elections and freedoms of associa-

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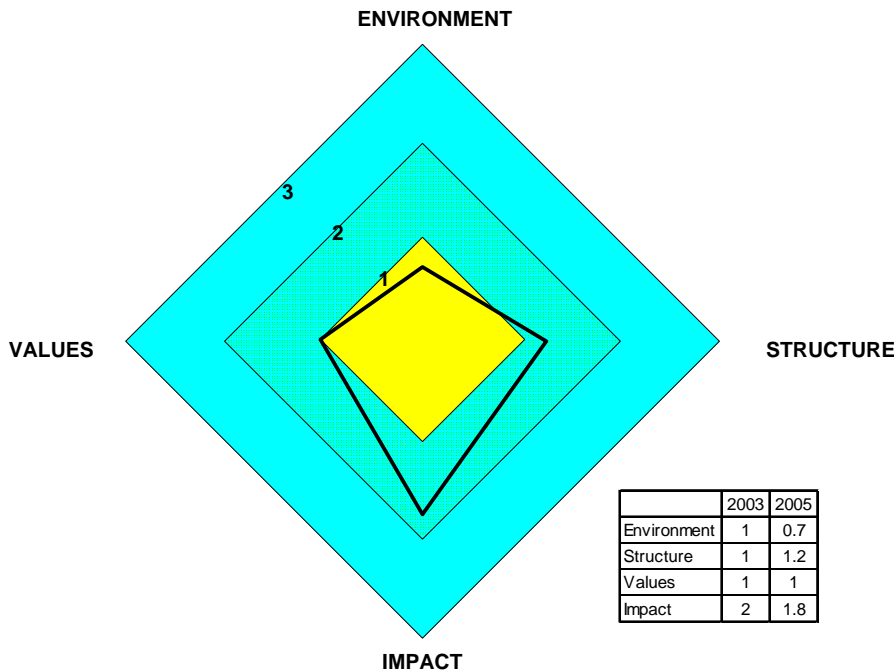
<sup>29</sup> It should in this context also be noted that USAID and the organisations through which its support is channelled, such as EWMI, PACT and The Asia Foundation, are fairly dominant in the human rights and democracy fields. A more diversified funding structure, as well as a higher degree of core funding, would give the NGOs some more latitude in setting their own agenda.

tion, assembly and expression. Even though there are serious problems with the adherence to many of these concepts today, it can be argued that civil society in general, and the media and NGOs working in the field of human rights and democracy in particular, have played an essential role in ensuring that these concepts were not disregarded following the 1993 election and that they at least to some degree are respected today.

It is the view of the SAT that civil society is continuing to have an impact even though the democratic process as such has, in many ways, derailed. CSOs have continued to improve people’s lives by delivering essential services and have occasionally succeeded in assisting people to defend their rights, where the interests they are up against are not too powerful. In the absence of an independent judiciary and other state institutions that can address breaches of human rights norms and other injustices, CSOs continue to exercise an important watchdog role by exposing such acts. They are good at making their voices heard, play an important role in public debate and usually have good access to media (not only the media outlets critical of the Government). Despite a harsher environment, CSOs have in most fields managed to maintain a dialogue with government interlocutors.

It can of course be argued that the increased tension between the Government and many CSOs is an indication of a growing impact of the work carried out by these organisations. Nevertheless, SAT’s assessment is that the deterioration of the environment in which CSOs are operating has led to a somewhat decreased overall impact of civil society.

**Figure 2.1: Civil Society Diamond, 2005**



*This so called Civil Society Diamond illustrates the health of the Cambodian civil society, seen as a whole. Looking at the four dimensions, impact shows the best state of health and environment the worst*

### 2.3.1. Conclusion

Thus, we find that the Cambodian civil society scores quite badly when it comes to its structure and values and the environment in which it operates. Despite these constraints civil society can show some significant impact of its activities. However, as shown by the figures in the box, the health of civil society has somewhat deteriorated since our 2003 estimate, which at that time was already problematic.

## 2.4. Issues insufficiently covered by NGOs

Whilst the number of registered NGOs in Cambodia has grown rapidly over the past 15 years, it goes without saying that this has little correlation with the strength of civil society as a whole, or the strength and influence of the NGO community. Many Cambodian NGOs barely exist other than on paper, others are poorly managed, under-resourced and have little, if any, impact on the issues they are set up to deal with. As found in other countries<sup>30</sup>, it is at the national level often the well staffed and well resourced NGOs that have managed to make a difference.<sup>31</sup> Despite the high number of NGOs, there are also a number of crucial areas in the field of human rights and democracy where little attention has been paid, the work done has been particularly ineffective, or there is a need for complementary approaches. Some of these areas are briefly discussed below.

**Racial tolerance:** Over the years, very little work has been done on racial discrimination and on the promotion of tolerance. Sadly, xenophobia is well spread in the NGO community itself and the fact that human rights is not only for the Khmer people, but also for the country's ethnic minorities, is poorly internalised even amongst human rights workers.<sup>32</sup> Cambodia's ethnic Vietnamese community has traditionally been particularly vulnerable to ethnic hatred and a future change of Government could radically worsen the situation for this minority.

**Anti-corruption:** Despite the understanding that corruption is endemic in Cambodia, and the fact that acts of corruption, more or less without exception, do not lead to any sanctions against those involved, there is no national organisation that investigates and exposes corrupt acts and practices and sustains public pressure for prosecutions in individual cases.<sup>33</sup>

**Access to information:** For the general public, as well as for members of parliament, journalists and others, it is often virtually impossible to access information held by public authorities. While NGOs have already done work re-

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<sup>30</sup> Robinson (2005)

<sup>31</sup> Amongst mutual benefit organisations, the situation is radically different and there are numerous examples of how very small amounts of money have substantially assisted them in carrying out their activities in a more effective way.

<sup>32</sup> One human rights organisation started in 1999 a special project on the rights of the ethnic Vietnamese community. Despite being flooded with request for assistance, the project was closed down following heavy criticism in both opposition affiliated and pro-government media, as well as from the organisation's own staff.

<sup>33</sup> It should be noted that there are organisations, such as CSD, that are doing other important forms of anti-corruption work.

garding the introduction of freedom of information legislation, much more advocacy work is needed with regard to access to public information, and to link it effectively to the anti-corruption agenda.

The establishment of so called Commune Information Centres is widely regarded as having been a successful way of promoting the spread of information in general. About 20 such centres are currently operated by NGOs. In a country where the flow of information is severely restricted outside the major urban centres, and considering the importance of well informed citizens for the functioning of a democracy, the establishment of more such centres would be desirable.

**Court monitoring:** While at least one small court monitoring project has been running over the last few years, the existence of a larger scale project operating on a nation wide basis is important. Apart from the direct value in monitoring trials and hearings, the gathering and spread of information about the functioning of the judiciary could contribute to raising the demand for reform. Detailed data about the functioning of the judiciary would also be essential for the development of programmes under the Government's current legal and judicial reform agenda.

**Transitional justice:** Apart from the Cambodian Documentation Center, which has a fairly narrow mandate, there exist no other Cambodian specialists NGO working on transitional justice issues. While other organisations have organised a few successful public forums in which the atrocities committed during the Khmer Rouge regime have been discussed, very little attention has on the whole been given to non-judicial mechanisms to address the past and to complement the planned trials against senior Khmer Rouge leaders and those most responsible for the crimes committed between 1975 and 1979. With limited Government interest in any sustained, wide-ranging, truth-telling or non-judicial accountability mechanisms, this is an area where NGOs could make an impact.

**Juvenile justice:** The need for a proper juvenile justice system has long been discussed and considerable work has in the past been done on the issue. Today, scant attention is paid to juvenile justice even though it is a fairly uncontroversial area in which there is good potential for advocacy to be effective and close cooperation between NGOs and the Government possible.

**Women's and children's rights issues:** Cambodia has had a large number of NGOs working exclusively on women's rights, as well as other NGOs having programmes addressing gender issues. Apart from those organisations working in the areas of domestic violence and trafficking in women, the majority are weak and there appears to be a need for a strong generalist women's rights organisation. There are also several issues concerning the rights of the child that needs to be addressed further.

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## **2.5. The future of civil society and democratic governance**

### *2.5.1. Two development lines*

During its fifth mission in early 2003, the SAT noted that two concurrent trends concerning the Government and civil society could be seen. On the one hand, there was growing awareness of people's rights, growing people's participation in decision making and an increasing number of communities organising themselves. On the other hand there was an ongoing consolidation of power of the economic and political elites. It appears clear that these two developments have continued, although they seem to have occurred at a rate considerably higher than most observers and actors had expected.

As in many other countries that have undergone a dramatic shift from a state controlled economy to a largely unregulated market economy, it is becoming increasingly clear that Cambodia is facing a situation of state capture in which an elite is able to use the state and its institutions to further its own personal interests and amass unprecedented wealth and power.<sup>34</sup> It is likely that this development will continue and that those who effectively control the bureaucracy, the security forces and the judiciary will continue to increasingly strengthen their links to and influence over Cambodia's business sector.<sup>35</sup>

As this elite is benefiting from the current state of affairs they are likely to resist any major reform efforts in the governance sector, especially as long as public, and to some extent international, pressure remains weak. Most donors have realised the importance of a vibrant civil society for the proper functioning of state institutions. However, the elite appears to be increasingly perceiving civil society as a threat to its political and economic interests, and is thus likely to continue and perhaps intensify its efforts to assert a level of control over the latter.

At the same time, more broad-based civil society coalitions have developed around certain issues and cooperation is increasing between NGOs. Particularly significant is perhaps that the community based organisations working to ensure the livelihoods of its members are becoming more active and their numbers rising.

It can be expected that these community based organisations will continue to develop their capacity to defend their interests through the development of networks between communities facing similar problems, closer cooperation with larger NGOs which can advocate on their behalf and provide legal and other knowledge required, and an increased interest among international donors to provide support to these groups.

While this on the one hand will lead to a significantly stronger civil society that can better protect the rights and interests of ordinary people and serve as watchdog over government institutions, there is an increasing risk of serious

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<sup>34</sup> McCargo (2005) argues that CPP and FUNCINPEC are "*effectively postideological: the pursuit of wealth and power forms the main concern of each.*"

<sup>35</sup> Heder (2005)

conflict. In the short term, it seems inevitable that a stronger civil society which demands accountability, transparency, rule of law and reform of state institutions will be a threat to those with vested interests in maintaining the current state of affairs. Conflicts seem particularly likely in those parts of the country where the livelihood of the population to a growing extent is being threatened by land grabbing and short-sighted exploitation of natural resources.

### 2.5.2. *The democratic facade*

The past 18 months has seen a more blatant disregard for international human rights norms, fundamental democratic principles, and Cambodia's own constitutional provisions and laws, with the Government and ruling elite showing rapidly decreasing concern with upholding the democratic façade.

In his December 2004 report to the United Nations Commission on Human Rights, the Special Representative of the UN Secretary-General for human rights in Cambodia, Peter Leuprecht, said that there were "*reasons to be concerned about the future of the democratic and pluralistic political system in Cambodia.*"<sup>36</sup> Since then, several leading civil society activists have, as mentioned above, been prosecuted or left the country. The Government has also continued to impose serious restrictions on public demonstrations and have introduced new policies which limit freedom of assembly and expression.

It is worth noting that the judiciary has been given a more prominent role in dealing with regime critics. It has been used to undermine freedoms of assembly and expression and to send a chilling message to opposition sympathisers and those critical of the Government's actions and policies. To this end, the use of criminal defamation has been particularly common and damaging. Through the use of the courts the Government has publicly distanced itself from the crackdown on civil society, stating that the judiciary is an independent power. It is widely accepted that the courts in practice are seriously corrupt and under the strict control of the executive branch of government.<sup>37</sup> As the judiciary in many parts of the region has become an increasingly important tool for exercising control over civil society, it is possible that this trend will continue even in Cambodia.

The international community has generally been slow<sup>38</sup> in reacting to the seriousness of the deteriorating political situation and its effects on civil society, and it appears as if individual donors operate on the basis of country strategies that were either never grounded in Cambodia's political realities, or that are

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<sup>36</sup> SRS (2004)

<sup>37</sup> In 2003 the Government adopted a legal and judicial reform programme and on the operational level some steps in the right direction have been made. Work on the preparation of a number of laws essential to the functioning of the judiciary has continued and schools for training of judges, prosecutors, lawyers and court clerks have been established. There are, however, powerful vested interests in maintaining status quo. It is therefore unlikely that ongoing legal and judicial reform efforts will yield any significant results unless there is a dramatically increased pressure from below.

<sup>38</sup> A notable exception is the swift and strong reactions to the recent arrests of NGO leaders mentioned above.



now hopelessly outdated.<sup>39</sup> While it is unavoidable that there are different views amongst donor agencies on how to best handle the situation, the importance of developing a common strategy to effectively contribute to reversing the past years' negative trend cannot be overestimated.

### 2.5.3. *Opportunities and strategies for change*

Despite the many negative developments outlined above, there are a number of specific opportunities for change and factors that might serve as catalysts towards a stronger, more vibrant and influential civil society. Of particular importance for its long term future is the reported reduction in poverty and the positive trend regarding certain key socio-economic indicators, such as higher enrolment of boys and girls in school and improved literacy rates.

Since 1994, households under the poverty line (USD 0.5/day) have decreased from 39% to 28% in 2004. In rural areas the reduction over the ten years was from 43% to 34%. While this is a positive trend it is still vulnerable as the majority of the households are clustered around the poverty line, implying that a small change on the ground would have a significant impact on poverty reduction statistics. With an annual economic growth rate over the last 10 years of some 6%, greater poverty reduction would have been expected. Other post-conflict countries like Uganda and Mozambique that have had slower growth have shown greater poverty reduction. Moreover, the income distribution in Cambodia has become much more unequal with the poorest 10% registering a growth of 7.5% over the last ten years, while the richest 10% have increased their income 45 times.

The most significant reform process of importance for civil society is perhaps the decentralisation process. The hope is that this process will provide the foundation for increased popular participation in, and influence over, official decision making and distribution of public resources. Elected Commune Councils (CC) were established in 2002 and in some parts of the country these councils have come to engage in a dialogue with civil society and have thus become a channel through which the electorates can make their voices heard, raise their concerns, and perhaps to some extent influence service delivery. Most importantly, as it seems, commune elections and the associated liberalisation of politics in many rural areas have provided a platform for low level organisational work, as well as for an increased plurality, reduced fear, and (some) increased general trust.

While this constitutes substantial progress, it remains to be seen if this process will be allowed to continue.<sup>40</sup> A well developed local government structure made up of commune councils primarily concerned with responding to their

<sup>39</sup> An example is Sweden's current country strategy for Cambodia, which states that "The political climate manifests real progress towards a consolidation of democracy and its institutions."

<sup>40</sup> Proponents of radical elite theory suggest that local government "provide a useful façade, which absorbs political energies in non-threatening ways while masking the effective centralisation of power in a tightly coordinated executive-military machine linked to big business." (Siddiqui (2005))

electorates might start challenging existing power structures and thereby the interests of the elite. There is an obvious awareness of this and the Government has been reluctant to give the councils some of the powers granted to them under the Law on Commune Administration. Of concern in this regard is also the Ministry of Interior guideline issued in June 2005, which declares that no commune councillors, or other local officials, are allowed to go on “missions” or attend workshops and other training activities organised by NGOs without the prior approval of the provincial governor.<sup>41</sup> While the Ministry has reportedly claimed that the regulation was issued in order to ensure that the councillors have sufficient time to focus on their official duties, the reality is that it undermines the autonomy of elected representatives.

As the commune councils do not have the resources to deliver much of the goods that the population is asking for, another risk with the decentralisation process is that the population, as in many other parts of the world, will find the elected officials increasingly irrelevant, stop seeing the relevance in voting and in the long run start losing confidence in the democratic system as a whole.

Nevertheless, the upcoming commune elections in 2007 and the National Assembly elections in 2008 constitute important opportunities to ensure that the future of a pluralistic society and the Constitutional requirement of a multiparty state are upheld. However, if these elections are to be considered free and fair a neutral political environment in which the political opposition is allowed to operate on the same conditions as any other party must be urgently put in place. The role of the international donor community will in this regard be particularly important as it can be expected that it, as in all previous elections, will carry a significant part of the election costs.

### **3. SIDA'S SUPPORT TO DEMOCRACY AND HUMAN RIGHTS THROUGH CIVIL SOCIETY**

According to Sweden's new policy for global development<sup>42</sup>, the goal of Sweden's development cooperation is “*to contribute to an environment supportive of poor people's own efforts to improve their quality of life.*” In the government's directions for Swedish development cooperation it is stated that “*Development cooperation will promote and be characterized by respect for human rights, democracy and good governance, gender equality, the sustainable use of natural resources and protection of the environment, economic growth and social development and social security.*”

#### **3.1. CSO support and Swedish objectives**

Sida's present development cooperation with Cambodia is guided by a country strategy covering the five-year period 2002 – 2006. According to the strategy, the cooperation has two specific objectives:

- *To promote opportunities for poor men, women and children in rural areas to influence and improve their living conditions, and;*

<sup>41</sup> Ministry of Interior, Guideline no. 010, dated 24 June 2005

<sup>42</sup> Proposition 2002/03:122

- *To promote conditions conducive to good governance, with an emphasis on the development of democracy and respect for human rights.*

Sweden has chosen to channel most development assistance to Cambodia via UN agencies and other multilateral organisations. However, some assistance is directed through civil society organisations, especially local and international NGOs. The bulk of the present Swedish support of this type is provided through the two Swedish umbrella organisations Forum Syd and Diakonia. Together, they have entered into long-term cooperation with currently 24 Cambodian CSOs. Additional CSOs supported by Sweden are the Cambodia Development Resource Institute (CDRI) and the Documentation Center of Cambodia (DC-Cam).

The two objectives above are interlinked and mutually reinforcing. It may be stated that the Swedish cooperation with CSOs focus on promoting the second objective. However, some parts of the support are more aimed at the first objective than the second. The so called SEKA-partners of Diakonia may be mentioned.<sup>43</sup> Many of CDRI's activities could also be regarded to be aimed at the first objective rather than the second.

Interestingly, we note a development over the years where the links between the two objectives are strengthened within Sida's CSO programme. This development may be seen in the activities of many of Forum Syd's and Diakonia's partners. To generalise, it may be said that the Phnom Penh based human rights NGOs now more actively than before link up with rural based civil society organisations and thereby manage to promote the first objective to a higher extent. Many rural based organisations focusing on the first objective, on the other hand, have developed their awareness of human rights and their capacity to link up with CSOs more specialised in human rights issues.

In the case of DC-Cam, its activities are largely aimed at the second objective, and this is in full accordance with its mandate and abilities. In the case of CDRI we believe that more could be done to foster a rights-based approach, and thus contribute more to the fostering of human rights.<sup>44</sup>

### **3.2. Diakonia, Forum Syd and poverty**

In the seventh report of the SAT<sup>45</sup> we discussed the relevance of Diakonia's and Forum Syd's programmes from a poverty reduction perspective. We departed from the Swedish Government Report stating:

*"Poverty is not simply a question of a lack of material resources. It also involves a lack of rights, knowledge and influence over one's own life."*<sup>46</sup>

<sup>43</sup> This refers to those partners which are supported with funds allocated by Sida/SEKA, i.e. PNKS, KFD, CSDA, CRWRC, CAAFW, AFSC, NGO Forum and NGO Network.

<sup>44</sup> An analysis of DC-Cam and CDRI has not been part of this SAT 8 mission. Separate reports on these organisations can be provided by Sida.

<sup>45</sup> SPM Consultants (2004).

<sup>46</sup> Government Report 1996/97:169.

Looking at the three basic dimensions of poverty: *security, capacity and opportunities*<sup>47</sup>, we concluded that Sida/DESA's support to civil society in Cambodia (through Diakonia and Forum Syd) was mainly aimed at fostering the *opportunity* dimension of poverty. To some extent, the *security* dimension of poverty was also tackled (e.g. land issues). The CSOs that formed part of the Sida/DESA programme were somewhat less focused on the *capacity* dimension of poverty, even if some of the training and awareness building activities of the CSOs definitely contribute to fostering capacity.

For this present study we have also included the eight partners of Diakonia, which form part of Diakonia's SEKA-programme. These partners basically work with integrated rural development, aiming at improving people's access to social and economic resources, in the provinces of Banteay Meanchey, Prey Veng and Koh Kong. The direct beneficiaries of these programmes are the poor, the vulnerable and the marginalised. Thus, looking at the full Forum Syd and Diakonia programmes in Cambodia, the *capacity* dimension of poverty is more in focus than when just the DESA programme is taken into consideration.

A few of the new partners of Forum Syd, introduced in 2004, (like the Fisheries Action Coalition Team – FACT, and Culture and Environment Preservation Association – CEPA) work with all three aspects of poverty. A significant characteristic is that they work directly with local associations of the rural poor. They aim at training and empowering people, so that people may secure and increase their income and defend their rights, together with others.

As during previous years, Forum Syd and Diakonia have been working actively to increase gender awareness within their programmes and among their partners. In October 2004, a so called resource adviser, specialised in gender issues, started to work with Forum Syd's and Diakonia's partners. The adviser is jointly employed by both organisations. Gender equality is one of the areas where the added value of Forum Syd and Diakonia can be noted. As poverty affects women and men differently it is crucial that there is an awareness of the gender dimensions of poverty among the partner organisations.

As shown in the evaluation of Forum Syd's and Diakonia's Cambodian partners (further discussed below in Section 3.2.1), and as argued in our previous reports<sup>48</sup>, Diakonia and Forum Syd have contributed to the promotion of democracy and human rights in Cambodia. Thereby we believe that they and their partners have contributed to poverty reduction.

This said, there are naturally ways in which efficiency may be increased. The low degree of voluntary participation within many human rights NGOs, combined with a lack of democratic structures and a heavy urban concentration, is thought to weaken the pro-poor focus of many current partner organisations.

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<sup>47</sup> Security may be against unforeseen events like sickness, accidents, injustice, violence etc. People may improve their capacity by developing their own resources in the form of income, health, knowledge, etc. Their opportunities for taking control of their lives are often determined by social conditions, for example regarding civil liberties and human rights, participation in decision-making processes, and economic policy. Government Report 1996/97:169.

<sup>48</sup> SPM Consultants (2003a, 2003b and 2004).

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As stated in earlier SAT reports, we believe in a continued focus on locally based, pro-poor mutual benefit organisations, including support to link these up with the more established human rights NGOs.

We encourage Forum Syd and Diakonia to make use of this multidimensional concept of poverty when describing effects on poverty of their respective development cooperation programmes.

### 3.2.1. *The 2005 Evaluation of Forum Syd and Diakonia*

During the period April-October 2005, an evaluation of Forum Syd's and Diakonia's programmes in Cambodia was carried out by the consultancy firm Crossroads to Development. The evaluation aimed at assessing "*the results and impact of the HR/D programme through the opinions and perceptions of the programmes' primary target groups*" and to "*draw out lessons, conclusions and recommendations to Diakonia, Forum Syd and partner organisations on programme focus and directions to be considered for the period 2007-09.*"

We have not been asked to do a meta-evaluation of the evaluation, but were requested to provide some overall comments on the evaluation and its findings and recommendations. The evaluators have been looking at the objectives of Forum Syd and Diakonia (for the 2004-2006 Cambodia Programmes), and the extent to which they have been achieved. In Appendix 3, we present a brief overview of their assessment.

Concerning the overall findings, nothing of great surprise is revealed in the evaluation. The evaluators conclude by stating that Forum Syd and Diakonia have "created some impetus for the furtherance of Cambodia's democracy."

Their general impression of the activities of Forum Syd and Diakonia must be regarded as positive. We basically subscribe to this positive view. However, the evaluators sometimes seem to have a bit exaggerated expectations on what Forum Syd and Diakonia could do, in addition to their present programmes. The two organisations are recommended to expand the number of partners, the number of thematic areas covered, the geographic areas in which they are active, and the number of different vulnerable groups focused on in the programmes. Furthermore, the evaluators would like to raise the ambitions of Forum Syd and Diakonia and have them aiming at building an organised, unified and sustained popular movement, to "counter despotic tendencies of the current rulers."<sup>49</sup> Forum Syd and Diakonia are given a central role in formulating a "People's Agenda", developing the strategy, training the leaders, etc.

Even if this vision and the end result may sound attractive, we do not believe that this is the role that Forum Syd and Diakonia ought to have. Nor do we believe that Forum Syd and Diakonia would have the capacities to play such central and active roles with any success. Rather, we would like to see Forum Syd and Diakonia continue developing in the direction we have seen the last few years.

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<sup>49</sup> Quote from the evaluation.

Even if there are no major news in the evaluation, it is still a valuable document. Its main advantage is the great focus on primary data from the primary target groups. Through extensive field work, the evaluators have captured the “opinions and perceptions” of the people who should be in the centre of development cooperation – the poor, vulnerable and marginalised men and women.

The methods used in the evaluation, we regard as appropriate. Thus, findings described can be regarded as reliable. To generalise, the evaluators found reasons to believe that the activities supported by the donors really had the effect donors were hoping for. Despite the daunting challenges.

Some of the shortcomings mentioned by the evaluators, valid for both Forum Syd and Diakonia, are the following:

- Partners often lack proper strategic planning and follow-up activities. This is a well know problem, highlighted also in earlier evaluations. However, there seems to be an increasing awareness of the problems and some improvement is being made.
- Sustainability is a problem. The evaluators recommend that “Partners need to consider more deliberately the phase out schemes for their respective projects.”<sup>50</sup>
- The gender mainstreaming approach of many partners needs to be further strengthened. Gains in the area of gender equity “tend to be local, short-term and have touched mostly only the surface”
- CSOs must increase their cooperation and act in a more coherent way.

An important problem with the evaluation is its length and the style in which it is written. It is difficult to grasp and fully understand. Some of the information appears contradictory. Some factual mistakes here and there somewhat decrease the trustworthiness. A much shorter report, written in a more reader-friendly language and lay-out, would have increased the usefulness of the evaluation a lot. Unfortunately we believe that very few staff members within Forum Syd’s and Diakonia’s partner organisations will be able to read the evaluation and find it useful.

### 3.2.2. *Working with CBOs*

In the above discussed evaluation of Forum Syd’s and Diakonia’s programmes, the evaluators are generally very supportive of the partners’ increased cooperation with CBOs. They believe that “such an approach could very well be the path to sustaining the impact of partners’ efforts in the field.”

In our earlier reports the SAT has recommended a gradually increased cooperation with, and support to, CBOs. This has also been the policy of Forum Syd as well as of Diakonia. Compared with the preceding programme phase, both or-

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<sup>50</sup> We would, however, like to note that very few if any of the CSOs in developed countries are sustainable and totally financed by membership fees.

organisations now give more attention to organisations that are organised and run in accordance with basic democratic principles, that are more rural focused, and that directly or indirectly connect with CBOs. However, it must be noted that Diakonia, through the SEKA-programme, has worked with this type of organisations for many years.

When Forum Syd was planning the 2004-2006 programme, special budget lines for direct CBO work were included. Forum Syd planned a study to be carried out in 2004, followed by direct support activities in 2005 and 2006. A special CBO Fund amounting to SEK 120 000 per year was planned to be used from 2005 onwards. Furthermore, a full time local programme officer for the CBO activities was budgeted for from 2005 onwards. Sida approved of these plans.

The CBO-study (“Forum Syd Study on Local Associations<sup>51</sup>”) was delayed, and was not completed until September 2005. This contributed to a certain delay in allocating further resources to CBO support. Forum Syd decided not to start a specific CBO fund as planned, but to use the existing Other Activity Fund for support also to CBOs. Forum Syd is presently looking over the guidelines for this fund to see if improvements can be made.

The “Forum Syd Study on Local Associations” contributes to the discussion on CBOs and how Forum Syd best can support this type of organisations. The study focuses on two questions:

- 1) What do current partnerships between Forum Syd partners and CBOs look like and how do they work for democratic development?
- 2) How can Forum Syd partners increase opportunities to work for democratic development by forming or strengthening partnerships with CBOs?

It is concluded that relatively few of Forum Syd’s partners actively cooperate with and support CBOs today. It is also noted that Forum Syd’s partners have their own weaknesses, like low sustainability, dependency on foreign donors, lack of voluntary participation and lack of democratic structures. The study concludes that, in order for the partners to be “*in an ideal position to develop effective and efficient partnerships with local associations*”, they first ought to develop their own organisations. Thus, the study recommends Forum Syd to “*proceed very slowly*” when asking their partners to increase cooperation with CBOs.

One of the problems when supporting CBOs is the relatively low degree of active involvement of local people in planning, implementation and follow-up. This is noted in both the evaluation and the CBO-study. If empowerment and sustainability is to be strengthened, more bottom-up approaches must be used. Even if this is the responsibility of the Cambodian actors, Forum Syd and Diakonia will have a role to play in keeping this issue in focus and providing capacity building support, when appropriate. It should be held in mind that

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<sup>51</sup> The concept “local association” is here given the same meaning as Community Based Organisation – CBO.

Phnom Penh based NGOs may very well have their own incentives for preserving a relation of dependency with the CBOs.

The evaluation as well as the CBO-study gives special attention to Forum Syd's activities in the area of sustainable livelihood. The inclusion of this new objective<sup>52</sup> has provided increased possibilities of linking up with, and supporting, CBOs in areas which are very much in line with the overall objective of Swedish development cooperation. We fully subscribe to this conclusion and encourage Forum Syd – as well as Diakonia - to continue working in this field and using the possibilities provided to stimulate cooperation between NGOs and CBOs in different areas and on different levels.

We do not think that that the difficulties pointed out in the CBO-study should result in Forum Syd or Diakonia giving up their plans for increasing cooperation with CBOs. Rather, the possibilities and the positive experiences should be emphasised and used to further stimulate the linking up with CBOs.

Forum Syd and Diakonia do not necessarily have to give up old partnerships in order to increase support to CBOs (even if this is an alternative that ought to be seriously considered).<sup>53</sup> We believe that much can be done by mainstreaming the linking up with CBOs in present activities, thus fostering interaction between CSOs on different levels and with different specialities. This could be combined with an activated use of the CBO fund.<sup>54</sup> As further described below, we recommend that the fund is used to stimulate communication, exchange of experience and interaction between different CBOs, as well as between CBOs and other types of relevant CSOs. Access to information for members and potential members of CBOs, could be seen as a core value which should guide the use of the fund. Furthermore, we recommend that the ownership of the fund is delegated to Cambodian actors.

### 3.2.3. *The role and function of the Forum Syd (and Diakonia) Advisers*

Since its foundation, the recruitment of advisers to work with local CSOs in the developing world has been one of the core tasks of Forum Syd. Over the years, many Swedes have been working as advisers in Cambodia through the SEKA programme. Most advisers have been working with organisations which were also supported by DESA's grants programme, either through Forum Syd or through Diakonia. Thus, there has all along been many links between the SEKA and the DESA programmes, and between Forum Syd and Diakonia, even if these links have not always been efficiently taken advantage of.

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<sup>52</sup> This new objective which was included in 2004, reads: "To promote and protect the rights of rural communities to natural resources for their sustainable livelihood, and their right to participate in the governance of these resources".

<sup>53</sup> Working with CBOs is time consuming and in order to do this effectively, Forum Syd and Diakonia may need to phase out some old time partners. As is also mentioned below, some of the present partners are rather strong and are thus quite capable of attracting support from other sources. Phasing out some partnerships may result in a more focussed portfolio. We prefer not to point out potential candidates for the phasing out scheme, but trust that Forum Syd and Diakonia, in discussions with partners, will find the most appropriate solutions.

<sup>54</sup> Or of a more CBO focussed use of the Other Activities Fund, if that model is preferred for administrative or other reasons.



The advisers are supposed to transfer knowledge and experience to the local CSO, act as links between Swedish and local CSOs, and to foster the spread of information and awareness about Cambodia in Sweden. In practice this has not always worked out. Some advisers have been young without much relevant experience, which has limited their ability to contribute efficiently to the work of the Cambodian CSOs. Others have been stationed within organisations which have requested an adviser but without much thinking about how this resource best could be used. Vague or misleading job descriptions have been common. In practice, many have served as “gap-fillers” without leaving much knowledge and experience behind. Few advisers have served to establish long-term links between Swedish and Cambodian CSOs. A major reason is that advisers have often been recruited on other – very legitimate – grounds than their abilities to link up Swedish with Cambodian CSOs. The salaries and other conditions related to the employment have not been attractive enough to recruit the most appropriate candidates, or have them stay on. In reality many advisers have left their positions before serving a full term.

Despite these problems, we do think that the advisory programme has been useful, for Sweden and the advisers, as well as for the Cambodian CSOs.<sup>55</sup> However, many partners would probably have preferred to receive funds to buy the services they need locally or in the region.

Comparing the way that advisers work today with the advisory programme a few years back, we see clear progress. Some of the positive developments are the following:

**Resource advisers:** Previously all advisers were stationed with one specific CSO. There were certainly some advantages with this system. It gave the advisers a good chance to get acquainted with the organisations and the colleagues – and time to build up trust and confidence. It provided opportunities for establishing firm relations between Swedish and Cambodian CSOs. It also – at least in theory -facilitated the work of the adviser by giving him/her a firm base, a superior guiding the work, and colleagues.

However, we see clear advantages with the present system of resource advisers. Interviews with representatives of Cambodian CSOs confirm this. The fact that they work more on expressed demand from the Cambodian CSOs, we believe is beneficial for efficiency and sustainability. The fact that they work with many organisations give ample possibilities for comparing, sharing, benchmarking and for organising joint activities.

Furthermore, as resource advisers are all working with capacity building and internal processes within the CSOs, we think it is an advantage that they step back and are not always present. This gives some space for processes to start

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<sup>55</sup> It should be noted that this is an assessment which is not based in any thorough investigation specific for Cambodia. We have reached the conclusion through the study of general findings on Forum Syd advisers (see Sida 2004g and 2005b) and through interviews with present and former advisers, with other Forum Syd and Diakonia staff, and with NGOs who are, or have been, hosting advisers.

and develop - space that might otherwise not have been given. As advisers serving many organisations, the risk is also smaller that they will end up as “gap-fillers”.

But working as an adviser on demand, and serving many different organisations with varying interest in your services, can be more difficult than the more stationary role. It requires special skills. Working with issues that are not always regarded as the most crucial by the CSOs – like gender issues – can be extra challenging.

The fact that the resource advisers are stationed in Phnom Penh naturally contributes to an urban bias of the programme. This is unfortunate, but somewhat difficult to overcome if the advantages of the set-up are to be preserved. However, even if they are stationed in Phnom Penh, the advisers also work with partner organisations based in other provinces. As Forum Syd and Diakonia continue to develop more and more contacts with CBOs, the work of the advisers is expected to follow – thus expanding the outreach of their work.

Our impression is that Forum Syd and Diakonia have chosen relevant themes for their resource advisers and that they have succeeded in their recruitment of advisers.<sup>56</sup>

**Joint resource advisers:** Recruiting advisers has proven to be a suitable area for joint action between Forum Syd and Diakonia. Despite some initial scepticism from Diakonia – for very valid reasons – we have the impression that the joint arrangement has served both organisations. For natural reasons Diakonia has been more of a silent partner. A more active role is requested by the advisers, during the recruitment process as well as in the field.

Forum Syd and Diakonia may also want to decide that the resource advisers do not have to work with all partners in Cambodia as they might be too many to handle. It might prove more efficient if a prioritisation was made and resources thus a bit more concentrated. Expressed demand would naturally be one of the criteria used when prioritising. Some further information on the role of the advisers could also be needed, by the partner organisations as well as by other international NGOs working with the same partners. Interviews showed that some partners felt they were somewhat obliged to ask for the services of the advisers – no matter if they felt a need for them or not - as they were provided by the donor.

The fact that joint advisers are recruited, and that they work with both Diakonia’s and Forum Syd’s partners, has further contributed to the integration of the SEKA and the DESA programmes, which we believe is beneficial for the effectiveness of the cooperation.

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<sup>56</sup> This conclusion is based in our understanding of the main needs within the partner organisations as well as the objectives and comparative advantages of Forum Syd and Diakonia. Interviews on this topic have been carried out with present and former advisers, with other Forum Syd and Diakonia staff, and with NGOs who are, or have been, using the services of the advisers

**Increased linkage with Swedish CSOs:** There is a tendency that higher priority is given to the advisers' involvement and connections with Swedish CSOs, when recruitments are made. This is good but should not limit the requirements regarding academic training and professional experience.

There is also a clear tendency that Forum Syd is succeeding in fostering contacts between Swedish and Cambodian CSOs in other ways than through advisers. The fact that there are now a handful of Swedish CSOs which are interested in establishing direct links with Cambodian counterparts is one of Forum Syd's important contributions during 2005.

**Phasing in of Cambodians:** When looking at the number of employees of Forum Syd in Cambodia over time, it is clear that the share of Cambodians is increasing. This is a promising development that should be encouraged. Increased Cambodian ownership is also well in line with Diakonia's policy and plans.

There is a certain worry within Forum Syd that a new global Sida policy or new Sida regulations will drastically hamper Forum Syd's possibilities to recruit and maintain advisers from 2007 onwards. There is a risk – from Forum Syd's perspective – that Forum Syd will have to cover 10% of the cost for advisers from 2007, and that these funds will have to be raised from voluntary contributions in Sweden. In addition to being practically difficult this may also be in contradiction with the statutes of Forum Syd. To some extent, this pressure on Forum Syd to reduce Swedish staff is good, since it may further contribute to the "Cambodianisation" of the programme. However, the financing of some Swedish staff will have to be secured as well.

In case Sida decides that Forum Syd is an appropriate channel for Swedish support to civil society in Cambodia also in the coming years, we do believe that SEKA and DESA will be able to find a solution which guarantees that there will be enough staff in Cambodia to handle the support in an efficient way.

### **3.3. *Harmonisation & cooperation***

Some important aspects of the cooperation between Forum Syd and Diakonia, and the integration of the DESA- and the SEKA-programmes, have been discussed above. Concerning the cooperation between Forum Syd and Diakonia, our clear impression is that it is moving ahead in the right direction. The joint study tours and the joint advisers are obvious examples.

As both organisations are working with similar programmes in the same country, there are, no doubt, areas of duplication. By necessity there are two organisational entities that, in a parallel way, need resources to handle information gathering, project proposal drafting, monitoring and reporting. Some of this duplication of work is unavoidable, and it must not be forgotten that there are obvious advantages with this kind of pluralism. But we are convinced that more can be done to harmonise the two programmes. For example in terms of harmonising mechanisms and criteria for follow up and reporting, as well as

additional joint actions, meetings and lobbying activities. As Forum Syd will increase its engagement on the regional level, new possibilities for cooperation with Diakonia will open up which should be taken advantage of.

However, Forum Syd and Diakonia are two organisations with different constituencies, somewhat different mandates and policies, and with different organisational structures and traditions. We do not think that much would be gained from forcing these two organisations into a single framework; especially since we see a willingness to cooperate within both organisations. We think it will suffice to encourage Forum Syd and Diakonia to actively exchange information on programme related processes and activities, and in all cases consider if cooperation is possible, if it could increase efficiency, and if so go ahead and cooperate.

Concerning the cooperation between SEKA and DESA our impression is that the processes are now better harmonised and that it is less of a problem for Forum Syd and Diakonia to communicate with two different Sida divisions, than it used to be. The fact that the SEKA programmes were included in this SAT mission is a step forward. Still we have a feeling that it sometimes is easier for Forum Syd and Diakonia to coordinate and harmonise their Cambodia programmes, than it is for SEKA and DESA.

In the 2003 evaluation of Diakonia's Latin America programme,<sup>57</sup> it is suggested that Diakonia's applications are assessed by a joint reference group consisting of representatives from different Sida departments. This recommendation could possibly be of relevance also for Diakonia's and Forum Syd's programmes in Cambodia. The evaluation also supports the idea that RELA<sup>58</sup> takes full responsibility for scrutinising contextual relevance and discussing overarching programmes, while SEKA could be in charge of the organisational and financial control. The roles of the departments would thus be clearer, and the comparative advantages of the departments would be better used. This might also be a model for SEKA and DESA to consider when it comes to Forum Syd's and Diakonia's programmes in the field of democratic governance in Asia (and Africa).

### **3.4. Additional Comments on Relevance, Efficiency, and Sustainability**

We will not repeat the findings of the recent evaluation of Forum Syd and Diakonia, or the arguments presented in our previous reports<sup>59</sup>, all pointing in the direction that Forum Syd and Diakonia have indeed contributed to the promotion of democracy and human rights in Cambodia. The political development during 2004 and 2005 has affected Forum Syd and Diakonia, but obviously to a much greater extent their partners. Considering the political development, as we describe it above, it may be argued that the relevance of Forum Syd's and Diakonia's objectives have in no way decreased.

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<sup>57</sup> Sida (2003e).

<sup>58</sup> Sida's Department for Latin America.

<sup>59</sup> SPM Consultants (2003a, 2003b and 2004).

Promoting the rule of law, the participation of the rural poor, their awareness of human rights, their access to income and sustainable livelihood; promoting gender equity and the strengthening of an independent Cambodian civil society; all these objectives can be regarded as more relevant than ever, especially if done using a rights based approach. On the other hand it may be argued that prospects for achieving some of the objectives are now more limited due to political constraints. Nevertheless, taking into consideration the objectives of Swedish development cooperation, and the present situation in Cambodia, we find the activities of Forum Syd and Diakonia to be still relevant.

Efficiency may always be enhanced. In earlier reports we have presented seven specific functions that civil society can have in promoting democracy and human rights. It was concluded that Diakonia and Forum Syd mainly contributed to promoting four of those functions.<sup>60</sup> It was recommended that more attention ought to be given to strengthening the following three functions of civil society organisations:

- Serving as channels by which ideas, concerns and demands of ordinary Cambodians can reach relevant decision makers (i.e. aggregating and representing interests);
- Stimulating political participation of Cambodians in general, and;
- Serving as “schools of democracy and human rights” and thereby fostering a democratic culture and social capital.”

We argued that one way of doing this was by giving more attention to organisations that are democratically organised, preferably so called mutual-benefit organisations. We have observed that the programmes of Forum Syd as well as of Diakonia have developed in this direction. This gradually increased attention to locally based, pro-poor CSOs, combined with support for linking these with more established human rights NGOs, is appreciated. Further development in this direction is encouraged.

It may be that Forum Syd and Diakonia find it possible to phase out some of their more traditional Phnom Penh based NGOs. Some of these old time partners have matured and are now more capable of attracting support from other sources, and there does seem to be other sources of funding available.<sup>61</sup> This might release more of Forum Syd’s and Diakonia’s resources for supporting smaller organisations and initiatives, and supporting processes that are identified as crucial for the improvement of the possibilities of CBOs to develop. Our recommendations regarding the CBO fund - and our emphasis on the right to information - should be seen in this perspective. Letting go of some more established Phnom Penh based NGO, can hopefully open up possibilities to

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<sup>60</sup> These four functions may be described as follows: 1) Checking, monitoring and restraining the Government’s exercise of power and thereby demanding accountability; 2) Training and empowering broad sectors of the public and of civil servants in human rights; 3) Recruiting and training new political leaders, especially women, and; 4) Delivering essential services to protect and promote the respect for human rights.

<sup>61</sup> However, other donors may not to the same extent as Forum Syd and Diakonia be able to provide core support, which could be a problem.

better reach out to more remote areas, where many of the most poor and vulnerable live. To some extent this has been a weakness in especially Forum Syd's programme.

Even if progress is slow, we nevertheless commend the great attention given by Forum Syd and Diakonia to capacity building and organisational development of the partners, as well as the attention given to the promotion of donor harmonisation.

Concerning coordination with other international NGOs present and/or active in Cambodia, Forum Syd and Diakonia have continued to seek improvements. As is described in chapter 4 below, this is a very difficult area, and non-progress may be frustrating. Many of the issues where increased coordination would be critical for fostering efficiency and sustainability – like common criteria and formats for application, monitoring, auditing and reporting – are issues that are difficult or impossible to agree on among representatives in Cambodia. Rather, these are issues that may only be influenced and changed by back donors or the top governing boards of the organisations. Interventions from Sida/Phnom Penh are likely necessary to enhance donor harmonisation in some cases and on some levels.

Thus, the potential for genuine and effective coordination in Cambodia is limited. Attempts to coordinate often stop at information sharing. Nevertheless, some limited progress can be seen in some areas, and improved information sharing can sometimes do wonders. Forum Syd and Diakonia are encouraged to support their partners in their attempts to coordinate donors. This said, Forum Syd and Diakonia must also be willing to give up some of their own requirements, and adapt to those of others, in order to reach agreements.

In the area of capacity building, we note that steps in the right direction are being taken, for example regarding monitoring and evaluation. As noted in Diakonia's annual report: "some partners are analysing the results of their work for the first time in a systematic way". We also see a gradual improvement in Forum Syd's and Diakonia's own monitoring and reporting. The annual reports are well written and informative. And both organisations seem willing to learn from experience and initiate changes when deemed appropriate.

Even if Forum Syd and Diakonia as well as their partners are gaining experience and developing their organisations, institutional sustainability is still a fairly unrealistic goal for most of them. Forum Syd's and Diakonia's activities in Cambodia are almost totally dependent on support from Sida. The way that Diakonia was founded and is managed, gives them somewhat more stability, as they have the possibility of raising some funds among members and supporters. In this sense, Forum Syd is more dependent and less sustainable.

Thus, there are obvious similarities between Forum Syd (and to a slightly lesser extent Diakonia) and the bulk of their partners in Cambodia. As has been described elsewhere, most partners have many features in common with non-profit enterprises, often in the lobbying business. In some cases this is good enough, as long as they provide crucial services of good quality – for example

legal aid. In other cases, we would rather see that the partners were more characterised by voluntary work, dependency on constituencies with a more democratic way of working, and thus more sustainable.

Regarding the sustainability of the results, the evaluation described above illustrates the opportunities and the weaknesses. As shown, there are clear signs of sustainable impact, for example in the fields of participation and awareness of human rights. But there are also weaknesses in the methods used which limit the sustainability. The recommendations put forward in this report are expected to increase the sustainability.

Since a couple of years, Sida uses a more “hands-off” management approach in its relation with Forum Syd and Diakonia. They now handle their budgets more flexibly. They may for example phase out partnerships and enter into cooperation with new partners without prior approval from Sida, as long as the changes are in line with the long term objectives. We see this approach working very well and believe it has contributed to a more efficient use of resources.

### **3.5. *Alternatives to the Present Agreements with Forum Syd and Diakonia***

Sida has announced its intention to continue supporting human rights and democracy through Cambodian CSOs. As we interpret the signals from Sida, there are no immediate plans to phase out Forum Syd and/or Diakonia in order to use other channels. However, as a new development cooperation strategy will be developed during 2006, present focus and arrangements will no doubt be questioned and possible alternatives considered.

As has been described elsewhere in this report, we find that the cooperation between Sida, Forum Syd and Diakonia is working well. Thus, we do not see an imminent need for any radical changes. Nevertheless, the opportunity should be used for considering ways of working more efficiently. So which would the possible alternatives be? We will briefly mention a few:

- Using other Swedish NGOs as channels. If Sida wants to continue supporting a broad spectrum of CSOs in Cambodia, there are not many logical alternatives to Forum Syd and Diakonia at hand. If Sida would like to narrow the scope, and focus on supporting for example the rights of the child, the rights of the disabled, or women’s rights, there are other specialised organisations which could prove to be more efficient channels for CSO support than the present ones.

We are definitely not suggesting that Sida should cancel cooperation with Forum Syd and Diakonia and contract alternative intermediary organisations. We are saying that when a new cooperation strategy is being drafted, present support and arrangements should be reconsidered as a principle and not be taken for granted. We are not suggesting that cooperation with civil society in Cambodia should be limited to, for example, the rights of the disabled or the rights of the child. We are saying that in case Sida would be of that opinion, Forum Syd and Diakonia might not

be the rights partners. We may add that if opportunities were found to provide additional support through civil society to support such rights in an efficient way – through Swedish NGOs, other INGOs or Cambodian CSOs – these opportunities should be taken advantage of.

- Limit cooperation to one of the present two channels. It would somewhat ease the administrative burden of Sida if CSO support was limited to one Swedish intermediary. The future presence of Forum Syd or Diakonia could be supported, and the support could be increased thus giving possibilities for expanded activities. This would definitely be possible. But the question is what would be gained. In the longer run, Sida's workload would be less, but in the shorter run, it would probably lead to more work. Furthermore, it is not yet known what needs and working possibilities will look like a few years ahead. More important than a narrow focus on Sida's internal organisation, however, is to look at the results on the ground of the present arrangement. We believe that both Forum Syd and Diakonia contribute towards the realisation of the development objectives and that the phasing out of one of them would disrupt and negatively affect the efficiency of the Swedish civil society support.
- Using other international NGOs as channels. For many Cambodian organisations, the lack of donor harmonisation including different application, reporting and auditing formats, is a bigger problem than the dependency on few donors. Thus, to some extent it could be argued that a more limited number of donors, in the form of international NGOs, could enhance the efficiency of the overall CSO support. But there are also clear advantages with pluralistic spectrum of international organisations in Cambodia. Nevertheless, it would definitely be possible for Sida to channel support through some other international NGO present in Cambodia.<sup>62</sup> If there were some specific reasons why Sida would like to change the present arrangements, this alternative should be studied further. Presently, we do not see any logic for such a change.

However, there are some good reasons – linked more to principles of ownership and sustainability than to reasons of instant efficiency - to start considering the scaling down of Forum Syd and Diakonia. A gradual handing over of power and ownership from Western governments and NGOs to more regional and national actors should be promoted.

One of the possible options would be to facilitate a more active role for regional organisations. For example, Bangkok-based Forum-Asia, which has been supported for many years by Sida, could turn out to be a potential channel for Swedish support to Cambodian CSOs (as well as to CSOs in neighbouring countries.) There are a few other regional NGOs that also could be considered.<sup>63</sup> Such a model for channelling funds

<sup>62</sup> Some of the international NGOs working in the same areas as Forum Syd and Diakonia are The Asia Foundation, Dan Church Aid and Oxfam.

<sup>63</sup> Some regional NGOs active in the field of democracy and human rights, and with which Sida is cooperating, are the Southeast Asian Press Alliance (SEAPA), the Asian Human Rights



would have some advantages. If Cambodian CSOs were to receive funding and support from regional, indigenous organisations, their legitimacy might increase, as they would not to the same extent be regarded as agents of western donors. Possibly more important is that regional contacts and cooperation – very much needed in the case of Cambodia – would be enhanced. This may contribute to more sustainable results. Furthermore, the regional organisations themselves may be strengthened, which would be an aim in itself. We are not recommending any instant change, merely an exploratory planning of future funding arrangements.<sup>64</sup>

- Using private consultants as channels. As long as there are no legal obstacles for Sida to sign agreements like the present ones with Forum Syd and Diakonia, and as long as there are no indications that private firms would like to compete for the provision of these services, we do not see any strong reasons why Sida should initiate a tendering process for future civil society support in Cambodia. Our assessment is that private companies would not be able to provide the services with the same low cost as Forum Syd and Diakonia. However, if there were a tendering process in which Forum Syd and Diakonia participated it should also include private companies and it might result in improved efficiency.<sup>65</sup>
- Using multilateral organisations as channels. Considering the present alternatives in Cambodia, we do not see that this is a realistic option for supporting CSOs in a way similar to the programmes of Forum Syd and Diakonia. However, multilateral channels may be good options for complementing Forum Syd's and Diakonia's programmes. One alternative that we have recommended in earlier reports is the possible support to Cambodian labour unions through the ILO. There are likely more alternatives by which support to civil society can be included in Swedish support through multilateral organisations, such as the current Seila/PLG and the planned DFID, Danida NRM project. We recommend that any such options are raised and promoted in discussions with donor organisations with which Sida is cooperating.
- Direct support from Sida. Sida's limited human resources makes it impossible for Sida to handle a programme such as Forum Syd's and Diakonia's. Looking at the advantages that Forum Syd and Diakonia have to offer, we do not believe that direct Sida support would increase efficiency. Rather the contrary. One advantage with direct Sida support, however, would be that it would probably result in closer contacts between Sida staff and representatives of CSOs.

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Commission (AHRC), and the Asia Pacific Forum on Women, Law and Development (APWLD).

<sup>64</sup> A couple of the risks that should be considered is that a switch to regional channels might result in decreased possibilities to work directly with CBOs and to work actively with capacity building support.

<sup>65</sup> As competition often does.

- Using a Cambodian institution as channel. The presence of international actors in Cambodia is no doubt important, not the least in the present human rights and democracy situation. Nevertheless, we think that Cambodian actors within civil society are given too little influence over how funds intended to foster and strengthen civil society are allocated. Westerners totally dominate the allocation of funds. Despite all shortcomings, inefficiency, and politicisation within many Cambodian organisations, we believe that Cambodians should be awarded greater ownership of funds available to support civil society. As discussed above, the gradual increase of professional Cambodian staff within international NGOs is a step in the right direction. But more should be done.

We would like to see the first steps taken to set up a Cambodian organisation (similar to a foundation or an equivalent legal entity), which could develop into an important channel for international support to human rights and democracy through Cambodian CSOs. An organisation like Tifa in Indonesia, could serve as an example<sup>66</sup>. The organisation should be run and managed by professional and dedicated Cambodians. However, it may be considered appropriate to include also some carefully selected individuals from the Southeast Asian region in the board.<sup>67</sup>

The exact structure and mandate of the organisation must be a result of discussions grounded in Cambodian experience and conditions, as well as in experience from other countries. What we recommend at this stage is that interested donors together with representatives of relevant sectors of the Cambodian civil society, and other relevant individuals with experience, knowledge and commitment, start discussing the possibilities for such an arrangement.<sup>68</sup> Sida could be instrumental in promoting such an initiative.

If successful, such an organisation/funding arrangement could limit the need for the continued presence of international NGOs like Forum Syd and Diakonia, and result in the gradual phasing out of their programmes.

Above, we also recommended the active use of Forum Syd's so called CBO fund.<sup>69</sup> This fund may be seen as a small scale trust fund, working with small grants to support CBOs and potential CBOs – for example in the area of access to information and communication. We recommend that Forum Syd hand over decision making power to an entirely Cambodian board. However, the functions as secretariat, including the day to day financial administration, could very well be handled by Forum Syd.

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<sup>66</sup> For more information on Tifa, see [www.tifafoundation.org](http://www.tifafoundation.org)

<sup>67</sup> Furthermore, it should not be ruled out that also some donor agencies could be represented in the board.

<sup>68</sup> We also recommend that the advice of the Open Society Institute (OSI) is sought, as they have great experience in arrangements of this type. There are reasons to believe that the OSI is willing to support such an initiative in the case of Cambodia – in case it is taken.

<sup>69</sup> Either as a separate fund or as an important part of the Other Activities Fund.

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Possibly some experience from this CBO fund could be used when planning for the above proposed Cambodian grants foundation.

#### **4. SOME ISSUES IN CURRENT INTERNATIONAL SUPPORT TO HR AND DEMOCRACY THROUGH CAMBODIAN CSOs**

As an introduction to the strategy options and recommendations presented below, we would like to briefly present our view of some of the most important problems in today's support to democracy and human rights through Cambodian CSOs. We would like to point out that the problems are not new, and that there is awareness among donors of most of the problems. Many donors are also actively working to overcome the problems and in many areas there is clear progress. In other areas, like for example donor harmonisation, the problems seem hard to overcome. Some of the problems mentioned below are valid for all types of development cooperation in Cambodia, and elsewhere. Others are more specific for civil society support. Last but not least, we are aware that we are generalising, that donors act differently, and that some of the criticism is valid for only a few donors.

##### **Belief in the transition paradigm.**

The core assumption constituting the so called transition paradigm is that any country moving away from dictatorial rule can be considered a country in transition toward democracy.<sup>70</sup> As has been described elsewhere in this report, Sweden and many donors have, ever since the Cambodian elections in 1993, based their design of the development cooperation on the assumption there were a continuing democratisation process going on in Cambodia. The so called Third Wave of Democratisation brought along a lot of optimism. In the case of Cambodia much of the international community was too optimistic believing that peace, a few elections and economic growth meant that the democratic development was on track. Looking back, the correct interpretation might have been that development was on track, but that the track went from one type of authoritarian regime to another.

##### **Fear of politicisation and conflicts.**

Human rights and democracy are sensitive and highly political issues. It is very much about power relations which are a difficult and uncomfortable area for staff of development agencies to work with. Donors tend to have a too technical view of problems and the solutions. Problems are too often seen as the lack of resources of different kinds – often the sort of resources that donor agencies are good at delivering. Training courses, funds and TA are generally expected to be effective, when in reality it is often not a lack of resources of this kind, but political will, that is missing. The provision of training courses, funds and TA is not seldom a way of avoiding the real problems, which are regarded to be too difficult, too sensitive, and too political to deal with. Thus, there is a certain fear of politicisation and conflicts.<sup>71</sup>

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<sup>70</sup> See Carothers (2002).

<sup>71</sup> In a report examining the donor practice of supporting civil society organisations in order to influence government policy and to create more citizen involvement in public affairs in South Africa, Uganda and Ghana, Robinsion and Friedman argue that organisations closely linked to

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**Insufficient responses to breaches of international human rights norms.**

An international community failing to react appropriately when fundamental freedoms are not upheld and human rights norms violated provides a signal to the Cambodian Government, civil society and the general public that these norms are regarded as being of little value and thereby indirectly opens the way for further abuses. Considering that the Paris Agreements of 1991 gave the international community special responsibilities to ensure the protection and promotion of human rights and that the donor community is increasingly trying to encourage civil society organisations and individuals to stand up in order to defend their rights, there is also a heavy moral responsibility on the part of donors to stand up when the rights of their Cambodian partners are violated. This naturally includes international donor NGOs. We have in earlier SAT reports encouraged Forum Syd and Diakonia to take a more active role in the public debate and to use their contacts with government authorities for a dialogue on human rights issues. Today, there is an even greater need to take a stand in the public debate, as well as to seek a constructive dialogue.

Some donors have expressed a fear that there might be a backlash if the donor community is more outspoken and that the work carried out by the more reform friendly elements of the Government will be undermined. As far as SAT is aware, there are no examples of any donors facing reprisals or refusals on the part of the Cambodian Government to continue cooperation. It therefore seems highly unlikely that a clearer stance in support of human rights amongst Cambodia's most important international donors would have any negative effects. What is clear in the current situation is that those, within and outside of the Government, who do try to promote human rights feel isolated and vulnerable and that serious weight would be added to their efforts if the international community more clearly backed them up. It should be noted that it is not only CSOs who are asking the international community to speak out, such requests are also commonly raised by elements within the Government.

**Lack of support to CSOs by means of including them as partners in development cooperation with the government**

Many donors tendency to avoid too much direct contact with, and support to, independent unions, the political opposition and the politically active civil society, is one of the manifestations of the above discussed problem, in the case of Cambodia.

Donors most often, directly or indirectly, discuss and implement development cooperation with representatives of the Government of Cambodia. We believe that the donor community could do more in terms of promoting civil society participation in decision making and in ensuring a meaningful dialogue between civil society and concerned authorities. Important steps have already been taken and there appears to be further increasing donor interest in promoting such a dialogue. Several donors providing support to the preparation of draft legislation have for instance successfully required that a broad consultative process take place before the drafts are finalised. In other contexts donors

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political parties and the state have the greatest possibilities to exert policy influence. See Robinson (2005)

have been successful in advocating for civil society involvement in planning of reform programmes and in reviewing progress of special projects. Thus, there are attempts to include legitimate representatives of civil society in some discussions, but not to the extent called for.

**Too much focus on Phnom Penh based elite oriented NGOs with no constituencies.**

This problem is well known and has been discussed extensively in several earlier reports. Some positive developments can be seen.

**Risk of weakening mutual-benefit organisations by too much financial support.**

There is a growing awareness of the importance of mutual-benefit organisations. Many donors, including donors with major resources, are interested in supporting the growth and development of these organisations. There is an obvious risk that too much financial support can prove harmful to the recipient organisations. In some cases financial support has contributed to increase corruption, weaken dependency on support from the constituency, make organisations adapt more to the values and objectives of the donors than those of the members, and thus weaken the organisations independency and sustainability.

**Lack of cooperation and harmonisation among donors**

This is a well known problem which seems extremely difficult to overcome. Donors often have few possibilities of harmonising different application and reporting formats with those of other donors, even when they would like to. The Cambodian partner organisations are not very successful in coordinating different donors, and sometimes have their own incentives not to coordinate them. However, experience from other countries show that it is possible with greater cooperation and harmonisation in the area of support to civil society, than the present state of affairs in Cambodia. Sida, Forum Syd and Diakonia are all actors which have roles to play to foster development in this area.

Insufficient donor harmonisation is not only restricted to mode, system and reporting matters but also to planning future support. There is now a growing realisation to this matter and during the workshop that the SAT facilitated in December 2005, many donors expressed the concern that there is no donor forum, where the donors interesting in civil society can inform each other and discuss common matters. Proposal was raised to form such a group where Sida or DFID were seen as natural parties to take the lead.

Currently there is great interest by several donors to support improved social accountability in Cambodia. The World Bank and DFID has already started the planning for initiative in this area. To develop a multi-donor support in this area would be a concrete task for improved donor harmonisation and cooperation and would be feasible as the work is still in an early phase.

**Too much short-term, project based and donor directed support.**

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Civil society support from some donors is characterised by short-term, project based and donor directed support. There are tendencies that this is a growing problem.

## 5. STRATEGIC OPTIONS, CONCLUSIONS AND RECOMMENDATIONS

### 5.1. *Cambodian reality*

From our analysis of the Cambodian political development it becomes clear that the country has not experienced any overall positive trend. It is also clear from our discussions with various stakeholders that their views of Cambodia's commitment to democracy and reforms vary considerably.

Judging from the RGC's political statements, policies and strategies - e.g. the Rectangular Strategy, etc. the Government is firmly on the path of consolidating the democratic development and is really committed to reforms. Donors generally have a tendency to look for the positive development of the country and find arguments to support this view. For example as we mentioned above in Section 2.5.2 (footnote 39, page 19), the Swedish current country strategy for Cambodia emphasise the *consolidation* of democracy, implying that the country has adopted a democratic development. Similarly, the Swedish Asia Strategy issued in December 2005 also take a positive stand on the development of democracy in Cambodia. Sweden is by no way alone in this aspect; rather it is the common view of the donors.

The major independent civil society organisations in Cambodia have a more critical view of the democratic trends and reform commitments of the RGC, actually doubting that the Government has a democratic agenda. On the contrary, they see RGC moving towards authoritarianism and lacking reform commitments in key areas such as legal and judicial reform and anti corruption. Even more critical to the RGC's attitudes to democracy and reforms are some important political science researchers on Cambodia, who state that CPP and FUNCINPEC only have a thin varnish of democracy and reform commitments<sup>72</sup>.

This large diversity in perception of the Cambodian political and economic reality is a hinder in developing an effective and plausible strategy for development cooperation with Cambodia. Take the extreme that the strategy builds on the assumption that RGC is devoted to consolidation of democratic development and reforms, but in reality the government is not committed to reforms but rather moving towards authoritarianism. Depending on the reality the strategy alternatives would be totally different.

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72 See for example S. Header. *Political Theatre in Cambodia: State, Democracy, Conciliation*, London 2004 and R. Bertrand: *Cambodge: le carnaval démocratique*, Fonds d'analyse de sociétés politiques, 2005 McCargo (2005)

In order to develop an effective strategy for development cooperation in Cambodia, the donors must have a fairly coherent view of the political and socio-economic development based on reality and not on wishful thinking.

## 5.2. Strategic Donor Options

A development cooperation strategy should depart from the view that Cambodia is a country showing non-transition and non-progress into real democratic governance. Consequently the strategy needs to include the following points, which should not be seen as exhaustive or sufficient. The bullets below refer to Sida and donors in general and can be seen as a common denominator for increased harmonisation and alignment in the area of human rights and democracy.

- Donors have a great responsibility for **fostering an enabling environment** which will allow the civil society to prosper and influence reforms towards a real democratic society. In light of the shrinking political space for Civil Society Organisations (CSOs), the role of the donors in taking a strong stand in this respect is vital.
- It could be meaningful to add “**benchmarks**” **specific to the Government’s relationship to civil society** to the performance indicators agreed upon during the Consultative Group Meeting process. Unlike most other performance indicators, those relating to civil society could add no or very limited additional burden to the Government’s reform agenda. Civil society related “benchmarks” could focus on immediately restoring a respect for freedoms of assembly, association and expression, as well as increased civil society participation and consultation on public policy issues. However, the Government has a poor track record when it comes to meeting agreed “benchmarks” and the donor community has in the past been unwilling to impose sanctions against non-compliance. If “benchmarks” are to significantly contribute to a policy change regarding civil society, such donor commitment is essential.<sup>73</sup>
- Donors should do more to **include different civil society actors** in their discussions and agreements with governmental authorities. By being included as partners in the discussions and activities, donors can strengthen actors like unions, associations, NGOs and opposition parties. This may also stimulate interaction between governmental authorities and CSOs on different levels.

While international aid can be important to help strengthen the trade union movement, any disbursement of funds must be carefully considered in order not to hamper such a development<sup>74</sup>.

<sup>73</sup> According to a 2005 World Bank report, there is “consensus in the literature that the ultimate factor that makes aid ineffective to induce policy reform is the inability of the donor to strongly commit to enforcing conditions.” World Bank (2005)

<sup>74</sup> An ILO report describes the dilemma in the following terms: “*The reliance on international funds that is evident with many federations is a two-edged sword. Whilst these funds can help support the capacity and education delivery of the federations, they can also drive objectives and activity. Their very existence implies that unions must spend more time dealing with donors, their requirements and their objectives rather than with the grass roots concerns of the*

On the other hand, international donors could help strengthen the unions legitimacy and influence, as well as contribute to improved relationships between the unions and the Government by requesting that unions are invited to discuss development projects that directly affect the areas in which they are operating. Sida, which has a large education programme, could for instance consider requesting that the Cambodian Independent Teachers' Association is allowed to take part in all discussions with the Government regarding the development, implementation and assessment of the programme.

Sida, in cooperation with the trade section of the Swedish Embassy in Bangkok, could also try to facilitate a dialogue between Swedish companies buying garments from Cambodia and relevant trade unions in order to sensitise these buyers to significant breaches of labour standards and human rights in general. Some companies have already expressed concerns about the deteriorating human rights situation in Cambodia. Considering their importance for the country's economy, these companies could exercise considerably pressure on the government to not infringe on such rights as freedom of assembly and freedom of expression.

- More emphasis should be put on **reaching out to primary target groups**, linking organisations on different levels, in different parts of the country, and with different focus, promoting and strengthening mutual-benefit organisations, facilitating interaction and the spread of information among different stakeholders, and fostering regional contacts and experiences.
- Regarding donor support to CSOs, there is a need for **stronger alignment and harmonisation**. The burden on CSOs in terms of different application requirements and reporting formats must be eased. Furthermore, core support and long-term agreements should be strived for. However, harmonisation should not be allowed to hinder diversity of support or a diversified civil society.
- A **rights-based approach** should be consistently applied and promoted.
- To promote a strong and sustainable civil society there is a need for **more long term engagement on the terms of the CSOs**. Short-term, project based funding serving the present political priorities in the donor countries are much too common. The problem is not only the short-term features but perhaps more so that Cambodian CSOs are increasingly used as implementers, thereby moving them away from their own goals and priorities towards those of the donors.
- In the support of CSOs, a greater **Cambodian ownership** of the provision of grants and other forms of assistance should be considered. Financial grants could for instance be channelled through a Cambodian foundation, dominated by Cambodians.

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*unions themselves. Unions should ensure that the outcomes required by donors are fully consistent with the internal priorities of the federation.”*



- Promotion and support to the civil society requires **careful planning and dialogues with involved partners**. Donors should be prepared to accept long and in-depth planning and programming processes, which may include pilots and experimenting. These processes should be allowed to take precedence over disbursements. Often, civil society support involves dialogue, information sharing, enabling, etc rather than large scale funding of activities. Donors must take into account the risk that large funds may weaken or corrupt fragile CSOs and can deflect small local member based initiatives.
- **Democratic development and good governance depend on informed participants**. Thus, core values such as transparency, access to information, freedom of organisation and expression should be stressed further. Easy access to accurate and relevant information on equal terms is critical and here donors can play a significant role. In addition to contributing to an enabling environment and an appropriate infrastructure for the spread of information, donors may with very simple means facilitate crucial interaction and information sharing between and among local initiatives and groups. Increased knowledge about laws and directives, about activities and experiences of other groups, about how to get access to information and assistance, etc. are essential for effective CSOs. Donors should increase their support in the area of access to information. Substantial funding is required, and relatively little planning. One promising initiative is the possible expansion of the existing 22 provincial Community Information Centres.

Based on the above strategic options for the donors involved in development cooperation in Cambodia some short-term actions can be implemented immediately.

- Enter into regular dialogues with NGOs, trade unions and opposition parties;
- Promote involvement of different civil society actors in donors' dialogues, agreements with RGC;
- Make quick clear response when RGC moves to lessen the space for civil society;
- Include conditions/benchmarks on human rights and democratic principles in agreements on development programmes. The upcoming elections in Cambodia are critical and possible international support to NEC or other authorities should be made on condition of democratic reforms. An independent and credible NEC, more equal opportunities for all political parties to organise and campaign, and respect for the rights to assembly and expression, are minimum requirements. The UNDP project for 2006-2010 – Strengthening Democracy and Electoral Processes in Cambodia – has a more traditional approach<sup>75</sup>. Concerning NEC, the

<sup>75</sup> The project document states: “This component will provide policy and technical advice on changes which could make the NEC a more independent and credible institution (...) Emphasis will be put on enhancing NEC’s communications skills to increase its public visibility (...) and to reinforce its image as a reliable, trustworthy and professional election management body.” But it should be noted that also in the UNDP project there are possibilities of “reviewing”

project document does show an awareness of the lack of independence and integrity of the body. However, it is thought that assistance and TA will help<sup>76</sup>.

- Donor involved in projects aimed at strengthening the parliament ought to request that the fundamental democratic principle that all parties in parliament are allowed to sit on its working commissions is upheld.
- Streamline rights perspective into all development cooperation. Sector issues such as NRM, health, education, etc offers excellent window of opportunities for promoting rights issues. While many donors claim to be unwilling to put conditionality on aid, it can be argued that they under international human rights treaties have an obligation to promote and protect human rights. Many donors also have the promotion of democracy and human rights as specific goals of their international development cooperation.
- It is widely recognised that the defamation provisions in the criminal law currently in force is used to limit freedom of expression. Donors engaged in the justice sector and concerned with freedom of expression ought to request that defamation, as in many other countries, is decriminalised.
- It is well known that NGOs trying to register with the Ministry of Interior are required to pay bribes in order to have their application processed. In the absence of a law making such registration mandatory, international organisations that require registration with the Ministry before considering providing support to a Cambodian NGO should reconsider this requirement in order not to indirectly promote corruption and financial mismanagement.

### **5.3. Recommendations specific for Sida**

Cambodia shows a complex performance as there has been a reduction in poverty, increased awareness of rights matters at local level and people have a chance to participate in development issues as they never had before. At the same time the elite has consolidated its power and the political space is decreasing. This situation requires careful planning and concerted dialogues to establish a relevant Swedish strategy and development cooperation programme. The upcoming Cooperation Strategy process formulation gives an excellent opportunity to take one step back and sit down to analyse the current situation and trends and their impact on the future strategy.

Given that Cambodia is found eligible for Swedish development cooperation, the current focus and orientation of programmes is largely suitable as:

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support: "...should there be changes to the NEC rendering it less, rather than more independent, the component would need to be carefully reviewed".

<sup>76</sup> See our discussion on the transition paradigm and on the fear of politisation and conflicts above.

- All programmes have a poverty focus: primary education, Seila/PLG, democratic governance
- The programmes have a focus on building democracy and local participation and capacity: support to CSOs through Forum Syd and Diakonia, Seila/PLG
- The Sida programmes are supportive to each other, Seila/PLG, primary education, programmes within the area of democratic governance (support to CSOs through Forum Syd and Diakonia, COHCHR, DC-Cam, CDRI, PFM, ADB/CCDP, etc), in the sense that are all addressing core issues in reaching improved transparency, accountability and capacity to participate in the development process.

In providing concrete short term recommendations to DESA, the SAT is limited by Sida's present agreements within the field of democratic governance. During 2006, only small funds are available and for the period 2007-2009 considerable funding will still be directed to Forum Syd and Diakonia – either as phasing out of the support or as a new 3-year programme. Still another limiting factor is the staff capacity of Sida both at headquarters as well as the Development Cooperation Section (DCS) in Phnom Penh. The outcome of the new cooperation strategy that will be prepared in 2006 will provide framework for the next 5 years and with that in place more detailed planning can be done.

Taking the limited administrative capacity of Sida's Phnom Penh office into account we have refrained from listing a lot of new organisations, projects and initiatives with which Sida should enter into cooperation, or to which financial support should be given. Rather, we would like to emphasise the need for putting more time and effort into mainstreaming civil society support within existing programmes. Furthermore, we would like to stress the importance of donor harmonisation in the area of support to civil society for the promotion of human rights and democracy. This area has proven to be just as difficult as it is important, and would need its share of time from committed donors. A related process, which we would like Sida to look into and possibly lead, has to do with the prospects for setting up some sort of Cambodian organisation/funding mechanism, through which international support can be channelled in the future. Our proposed recommendations for short-term Sida initiatives are as follows:

- The time seems to be ripe for a closer cooperation with some key donors in the area of social accountability, an area which to some extent overlaps support to democracy and human rights. Danida, DFID, USAID and WB have advanced plans in this area. Despite the fact that many new initiatives have just been launched like the USAID support to the NGOs implemented by PACT, there is scope for carefully planned programmes. The SAT recommends that Sida, in close cooperation with DFID and Danida, starts to plan a programme on social accountability that will complement the Danida/DFID funded NREM/MDF which is in its final planning stage. During 2006 there is a need for a small planning fund and DFID has indicated that they can take the lead in the planning process; consequently no demand on Sida's administrative resources will be needed. The aim of this planning

is to continue where DFID's just finalised pre-feasibility study ends, and to have a joint programme (ideally DFID, Sida and Danida) ready for funding in 2007. As indicated in the strategic options above the planning should be allowed to take time to ensure relevance, flexibility and effectiveness.

- During the SAT facilitated workshop on support to civil society in Phnom Penh 5 December 2005, the participants identified the need and willingness to establish a coordination and dialogue group of donors (including international NGOs) which are funding human rights and democracy through civil society. The first step should be to get together in a small group of dedicated persons – not wait for all involved – and to select an initial facilitator. In light of the many initiatives that are just being started or planned, the need for effective support to CSOs, and the complicated issues related to such support, the SAT recommends that Sida takes an active role in this group.
- There is a need for a small and flexible fund that would provide support to CBOs that have been established on specific issues, such as land rights etc. In preliminary discussions with Forum Syd they indicated an interest in such a fund. The resources in the CBO fund/Other Activities Fund could thus be used for a pilot. The aim should be to provide the CBOs with seed money (some USD 100) for getting access to information, meeting with other similar CBOs, etc. Applications should be very simple and approval by a board consisting of Cambodians working in HR areas as well as Forum Syd. Forum Syd would also have the financial management responsibility. If the pilot proves successful SAT recommends that Sida supports Forum Syd to include resources for this type of fund in the coming years.
- In the preparation for the next cooperation strategy it is important that provisions are made for Sweden to support a wide range of CSOs, such as media and trade unions.
- Transparency is one of the core values that should be promoted in all development cooperation. Sida's Phnom Penh office could set an example by further strengthening its own transparency. A website combined with a monthly newsletter could provide information on agreements, project proposals, important meetings and visits, a calendar of events, etc.
- Sida should support an international high level seminar/hearing on "Cambodia 15 years after the Paris Peace Agreement." What went wrong? What has been the achievements? What lessons can the international community learn from the Cambodian experiences? This seminar hearing should be attended by international high level persons that have been engaged in the Cambodian affairs such UN special representatives on HR, key donor representatives, and international scholars on Cambodia.
- As a complement to the above, Sida could finance a workshop (1 or 2 days) to discuss the trends and situation in Cambodia as an input in the formulation of the new Cooperation Strategy for Cambodia. This work-

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shop would be attended by concerned persons from the Ministry for Foreign Affairs, Sida as well as other experts and researchers. A Swedish research institute could get the assignment to organise the Workshop.

## **Appendix 1: Terms of Reference**

### **Specific Terms of Reference for review of Sida's current, and study on options for future, support to civil society for the strengthening of democracy and Human rights in Cambodia.**

#### **1. Introduction**

With reference to the General Terms of Reference for the Sida Advisory Team (dated 28 June 2002) and the Terms of Reference for the eight SAT mission, these specific Terms of Reference shall guide the SAT team for the study on potential future options for Swedish support to civil society in Cambodia.

#### **2. Background**

In the area of democratic governance Sida's Division for Democratic Governance (DESA) has in co-operation with two Swedish non-governmental organisations, Diakonia and Forum Syd, provided financial support to a number of Cambodian NGOs (a total of 17 in 2005 -24 including support through SEKA) working on democracy and human rights issues. Sida/DESA has also been a major funding partner to the Office of the High Commissioner for Human Rights in Cambodia (OHCHR-Cambodia), which for many years has played a key role in enhancing respect for and protection of human rights in Cambodia. The Cambodia Development Resource Institute (CDRI) has been supported by Sweden since its establishment in the early 1990s, to assist the Cambodian government in training civil servants and building capacity for policy research in socio-economic issues. The independent institute Documentation Center of Cambodia (DC-CAM) has been supported since late 2002, to carry out research and document and disseminate information on the Khmer Rouge regime.

Complementary to the support given by Sida/DESA, Sida's Division for Cooperation with NGOs (SEKA) also grants support to Forum Syd and Diakonia for their programmes in Cambodia under the appropriation for cooperation with NGOs, provided they are in line with Perspectives of Poverty, Sida's policy for Civil Society and SEKA's Guidelines. Sida/SEKA support is granted on condition that the NGOs contribute at least 10% of the programme budget. The SEKA support during the period 2003-2005 to Forum Syd amounted to 10,2 MSEK and the SEKA support to Diakonia for the same period amounted to 6,08 MSEK for their respective programmes in Cambodia.

Civil society in Cambodia is dominated by NGOs, of which most were created in the beginning of the 90s, after the signing of the peace agreement and the arrival of the UN mission in Cambodia. Today, more than 10 years later, parts of civil society are facing great challenges, including internal organisational, management and financial problems, as well as decreasing support from donors. Sida's support to human rights and democracy, through civil society, has apart from the support to DC-CAM and CDRI mainly been channelled through Forum Syd and Diakonia and Sida has on-going agreements until 2007.

Sida intends to continue its support to the promotion of human rights and democracy through civil society in Cambodia. As a new country co-operation strategy process starts in 2006 and the programme period for Diakonia and Forum Syd ends by the end of 2006, Sida considers it pertinent and important to review Sida's current support to the strengthening of civil society as well as to assess and analyse strategic options for future support to human rights and democracy through civil society.

Of importance are current initiatives from various development partners to improve harmonization of support to civil society, such as the DFID/WB Social Accountability Programme and the DFID/Danida NREM and Livelihood Programme. Important input will be the SAT review of civil society made in 2003, as well as the recent evaluation to assess the results and impact of the democracy and human rights programmes of Diakonia and Forum Syd in Cambodia from the perspectives of the primary target groups of partner organisations

### **3. Scope of the assignment**

The SAT shall:

- A.. Assess the present status of the Cambodian civil society and its role for democracy and human rights, comparing with the findings presented in the SAT 2003 report, highlighting and explaining (to the extent possible) the differences and noting the trends and possible implications.
- B.. Review Sida's current support to democracy and human rights through civil society in Cambodia, with emphasis on Sida's (DESA's and SEKA's) support to Forum Syd and Diakonia. This task includes, but is not limited to, a review of the 2005 evaluation of Forum Syd's and Diakonia's democracy programmes. Sida shall be presented with an informed opinion on a) the continued relevance of the current support based on the rights, needs and demands of primary and intermediary target groups and b) the effectiveness in which the programmes are scoped, managed and monitored in relation to stated objectives and c) the feasibility of the current support given the ability of the channelling organisations to manage internal and external risk factors.
- C.. Based on the findings in A) and B) above, the SAT shall outline potential options for a Swedish future support strategy to democracy and human rights through civil society in Cambodia. This shall include the opportunities for and possible risks with further harmonisation of donor support.
- D. Furthermore, the SAT shall act as facilitator during a Sida workshop to be held in Phnom Penh at the end of the mission. Some preliminary conclusions of the SAT mission will be presented to, and discussed among, relevant stakeholders, including Sida, Forum Syd and Diakonia.

### **4. Tasks**

The study should focus on the following areas:

#### **A. Assess the present status of the Cambodian civil society and its role for democracy and human rights**

- (i) What is the context that civil society in Cambodia is working in today?
- (ii) Which role does civil society in Cambodia play today in promotion and safeguarding of human rights and democracy? What role does it play as dialogue partner to the government?
- (iii) Are there areas within the arena of democracy and human rights in Cambodia in which a strong civil society is of particular importance?
- (iv) Are there areas (geographical and/or thematic) that are less covered by civil society organisations in Cambodia?
- (v) In which areas are other donors/actors? Are there any gaps where donors do not fund? Are there any important initiatives for donor harmonisation for support to human rights and democracy through civil society?

### **B. Review of Sida's support to democracy and human rights through civil society in Cambodia**

The review of Sida's current support to democracy and human rights through civil society in Cambodia should cover all areas and forms of support but with emphasis given to Sida's support to Forum Syd and Diakonia, with main focus on DESA's support to the democracy programmes. The recent evaluation of the democracy programmes commissioned by Diakonia and Forum Syd will serve as a point of departure for the review. Rather than duplicating the evaluation, the SAT will use relevant parts of it in order to address the issues below from a broader civil society and Sida perspective, and use the findings as inputs in the discussion on the relevance of the Swedish overall support, on future options etc.

Among the issues to be touched upon, the following can be mentioned:

- (i) Is the focus of the support consistent with a democracy and human rights perspective? What specific rights is it that have been targeted through the programmes
- (ii) Are the channels chosen for Swedish support effective?
- (iii) Are there areas of duplication in the Swedish support through Diakonia and Forum Syd? What are the challenges and opportunities to harmonize future support from Forum Syd and Diakonia under a joint programme framework?
- (iv) How are long-term sustainability (financial, organisational, results) issues addressed both when it comes to the support to Diakonia and Forum Syd, as well as within their own programmes?
- (v) What role do Diakonia and Forum Syd, and their partners, play in the strengthening of human rights in Cambodia and how is their dialogue capacity with government on issues related to democracy and human rights?
- (vi) How representative are the partner organisation of the poor and vulnerable groups (children, people living with disabilities, HIV/AIDS infected etc.) and how are the poor visible in the programmes?
- (vii) How well co-ordinated are the programmes supported by DESA and SEKA? Are there complementarities to be made? Moreover, are Diakonia and FS co-ordinating support with other donors in order to avoid duplication and strive for complementarity and harmonization?



- (viii) What could be said at this stage of the methodology and modalities of support to strengthen the capacity of partner organisations under the programme framework, including the work of the resource advisors?

### **C. Assess potential future options for Sida's support to democracy and human rights through civil society in Cambodia**

Based on the elaboration of tasks A and B above, the SAT shall analyse and give recommendations on:

- How Sida could improve and/or change its support to civil society in Cambodia in order to increase its impact on the democratic processes and the respect for human rights in Cambodia. In this assessment the SAT should include a strategic discussion on options to improve the linkages between Sida's support to civil society and its support to the D&D and PFM reforms.

The carrying out of the task as well as the recommendations need to take the following into consideration:

- The major issues (problems and needs) concerning democracy and human rights, as well as the relationship between civil society and the state in Cambodia.
- That Sida intends to continue its support to human rights and democracy through civil society in Cambodia
- Sida/DESA's need to have a focused support to civil society in Cambodia.
- The harmonisation agenda and potential synergy effects with Sida's and particularly DESA's other supports in Cambodia.
- The realistic level of ambition for Sweden's support, given Sida's, Forum Syd's and Diakonia's limited organisational and financial resources.

The recommendations shall be based both on the support Sida has today, mainly through Diakonia and Forum Syd, as well as on alternative/additional channels and/or support areas. As Sweden is entering into a new co-operation strategy process in Cambodia it is pertinent to review the existing support through civil society as well as to look into alternative options with an open mind. Which ever recommendation that is made concerning support through Forum Syd and Diakonia, the SAT needs to be aware of the fact that Sida has a two year phase out period even if there would be a decision to discontinue support.

The SAT should provide recommendations on the following issues:

- (i) How can support to Forum Syd and Diakonia further contribute to the strengthening of democracy and human rights through civil society in Cambodia?
- (ii) Measures, if any, to be taken by Diakonia and Forum Syd to improve their programmes and cooperation between the two organisations.
- (iii) Thematic areas, not covered in today's support, that are in need of support, or with a clear gap in support from the donor community.
- (iv) Alternative channels of support to the existing ones.
- (v) Outline of a strategy for Sida support to civil society in Cambodia for the strengthening of democracy and human rights.

#### **D. Facilitate a Sida workshop**

The SAT should facilitate a smaller workshop with stakeholders, including representatives from Sida, Diakonia and Forum Syd. The workshop should take place December 5<sup>th</sup> in Sida's, or Forum Syd's premises, to be decided at a later stage. The role of the SAT is to present the preliminary findings and to facilitate the workshop. A programme will be prepared by Sida in co-operation with the SAT team at a later stage.

The SAT shall also lead and facilitate a half-day seminar on political and economic development with a focus on poverty reduction, decentralisation and deconcentration reforms and civil society at Sida HQ.

#### **5. Method**

The study should be carried out through review of written reports and other relevant documentation. A starting point for the study should be the external evaluation commissioned by Diakonia and Forum Syd of their programmes. Annual reports and agreed minutes from annual review meetings between Sida Forum Syd and Diakonia, the study of civil society made by the SAT in 2003 and other critical reports and programme documents describing interventions from various donors. Additionally to the written documentation, SAT shall interview representatives from Forum Syd, Diakonia, partner organisations of Forum Syd and Diakonia, DC-CAM and CDRI, Sida/DESA/SEKA and DCS, relevant representatives from the public sector, relevant donor representatives, the OHCHR-Cambodia and other persons that SAT finds important to interview.

#### **6. Reporting**

Before the team leaves Cambodia it shall present preliminary findings at a Sida workshop where representatives of Sida, Diakonia, Forum Syd and other relevant stakeholders will be present. A few days before the workshop the main findings and recommendations should be presented in a brief written form to facilitate the discussion in the workshop.

A draft report should be presented to Sida/DESA no later than December 21. Sida/DESA shall forward its comments no later than January 6, 2006 and on January 13, 2006, at the latest, a final report shall be submitted. The final report shall be copied and printed by the SAT and provided to DCS and DESA in 6 copies, as well as on diskette written in Word for Windows.

The report should be written in English and include an Executive Summary of findings, analysis and recommendations and not exceed 40 pages except the annexes.

## Appendix 2: People Met

<b>Institution</b>	<b>Name of Person</b>	<b>Position</b>
<b>Funcinpec</b>	Khiiev San	MP and member of the Parliament's Human Rights Commission.
<b>Sam Rainsy Party</b>	Eng Chhai Eang Mu Sochua Son Chhay	MP, Secretary General MP MP
<b>Diakonia</b>	Anna Edgren Ouch Sarak Chetha Yvonne Dahlin	Regional Representative In Country Representative Regional Manager
<b>Forum Syd/Phnom Penh</b>	Petra Pettersson Anja Beier Lars Mannberg Ith Pov Keng Kundihoeuth Ulrica Sturedotter Anna Ekstedt	Field Director Program Manager Deputy Field Director Program Officer Program Officer Development Advisor – Legal Development Adviser - Legal
<b>Forum Syd/Diakonia/Phnom Penh</b>	Henrik Dahl Sara Andersson Susanne Mannberg	Resource Adviser - Advocacy Resource Adviser - Gender Resource Adviser - OD
<b>Forum Syd/Stockholm</b>	Luz Baastrup	Programme Officer
<b>Embassy of Sweden/Sida/DCS Phnom Penh</b>	Claes Leijon Erik Illes Yvonne Syversen Johanna Lindgren	Counsellor First Secretary First Secretary
<b>Sida/DESA</b>	Paulos Berglöf	Programme Officer
<b>Sida/SEKA</b>	Lisa Hellström Marie-Louise Bruzelius	Programme Officer Programme Officer
<b>Danida</b>	Mogens Christiansen Mikael Engquist	Counsellor Consultant
<b>DFID</b>	Helene Appleton Nigel Coulson Chris Price Yvan Biot	Social Development Adviser Governance Advisor Environ. and Livelihoods Advisor Environ. and Livelihoods Advisor
<b>ILO</b>	Noun Rithy	National Project Manager

<b>Institution</b>	<b>Name of Person</b>	<b>Position</b>
<b>OHCHR-Cambodia</b>	Margo Picken	Director
	Henrik Stenman	Head of Protection Team
<b>UNDP</b>	Sara Ferrer Olivella	Team Leader, Governance Cluster
	Min Muni	Program Manager
	Mikael Otto	Governance Specialist
<b>United Nations</b>	Yash Ghai	Special Representative of the UN Secretary-General for human rights in Cambodia
<b>World Bank</b>	Daniel Adler	Senior Program Officer
	Tim Conway	Poverty Specialist
	Gillian M. Brown	Senior Social Dev. Specialist
	Cypan Fisiy	Sector Manager, Social Developm.
	Buvan Bhatnagar	Senior Development Specialist, E-A
<b>East-West Management Institute</b>	Terry Parnell	Grants/NGO Development Advisor
<b>TAF</b>	Jackie Pomeroy	Representative
	Annette Kirchner	Assistant Representative
<b>NGO Forum</b>	Russell Peterson	Representative
<b>Amnesty International</b>	Brittis Edman	Researcher Southeast Asia Team
<b>ADHOC</b>	Thun Saray	President
		Coordinator, Kampong Chhnang
		Program Officer, Kampong Chhnang
<b>CCJAP</b>	Max Howlett	Legal advisor
<b>CITA, Cambodian Independent Teachers Association</b>	Heng You	Deputy Chairwoman
	Leng Bunhong	Administrative Officer
<b>CLEC</b>	Yeng Virak	Director
<b>Forum-Asia</b>	Anselmo Lee	Executive Director
	Miwa Kubosaki	Programme Coordinator
	Niza Concepcion	Programme Coordinator
	Sara Colm	Senior Researcher
<b>Human Rights Watch</b>		
<b>KKKHRA</b>	Toth Kimsroy	Coordinator, Kampong Chhnang
<b>Licadho</b>	Naly Pilorge	Director
	Kong Chanmony	Coordinator, Kampong Chhnang
	Josh Ounsted	
<b>MediCam</b>	Sin Somuny	Executive Director
<b>PACT</b>	Kurt McCloud	Director
	Debra Huls	Decentralisation Expert for LAAR

<b>Institution</b>	<b>Name of Person</b>	<b><i>Position</i></b>
	Sopheak Ok Serei	Political Analyst/Consultant
	Justin Whyatt	Consultant
<b>FCO</b>	David Ashley	
	Pia Wallgren	Consultant

### Appendix 3: Summary of the Evaluation of Forum Syd’s and Diakonia’s Human Rights and Democracy Programme.

#### Assessment of the Fulfilment of Forum Syd’s Objectives

Overall objective	Findings of the evaluators
<p>Objective 1: To strengthen the <b>rule of law</b> and to promote civil society participation in the legal and judicial reform process.</p>	<p>The evaluators find that “Perceived impact on this objective was very positive”. Rather than seeing an impact in how rule of law is respected by the authorities, the evaluators find impact in terms of greater awareness and understanding of human rights and the rule of law. The evaluators also find that partners like CEPA have succeeded in supporting the formation of active communities and associations, through advocacy and organisational support. These achievements are regarded to contribute to the fulfilment of the “Rule of law”-objective.</p>
<p>Objective 2: To promote <b>popular participation</b> in the democratisation process and to encourage women and youth involvement in that process.</p>	<p>The evaluators find that Forum Syd’s partners “have achieved a certain degree” when it comes to empowering civil society. Target groups interviewed give “a positive account of the benefits from the projects of FS partners”.</p>
<p>Objective 3: To promote and protect <b>women’s rights</b> in all spheres of Cambodian life.</p>	<p>Through interviews with target groups, the evaluators find that “the most common benefit that women have enjoyed from the HR/D programme is increased visibility”. It is found that women’s access to information and training has increased, that more women are politically active, that domestic violence has been reduced, that there is a more equal sharing of household chores - and that the activities supported by Forum Syd have contributed to these changes.</p>
<p>Objective 4: To promote and protect the rights of rural communities to natural resources for their <b>sustainable livelihood</b>, and their right to participate in the governance of these resources.</p>	<p>The evaluators find that there are “some promising results” despite the fact that this area of work is relatively new. For example it is said that “the impact of advocacy, lobbying and organising work (...) has gone far and wide.”</p>

### Assessment of the Fulfilment of Diakonia's Objectives

<b>Overall objective/result</b>	<b>Findings of the evaluators</b>
<p>Objective/result 1: Awareness and respect for human rights increased.</p>	<p>The evaluators find that Diakonia's partners have done an "important work" by training people, the police and civil servants about human rights. According to the evaluators, impact of this training is manifested in "people demanding for recognition and respect for their rights when facing threats and citing the law during such confrontations." Impact is also seen in the increase of village advocacy groups.</p>
<p>Objective/result 2: Actors working for democracy, including civil society, strengthened.</p>	<p>The evaluators find that CSOs supported by Diakonia have provided "significant inputs" for the promotion of judicial reform. They have "opened up venues for civil society to take part", and "opened up opportunities for political participation through interaction with government". Furthermore, they have "participated tremendously" in sharing expertise with commune councils, and thereby promoted a rights-based approach for local development. As further successes, the evaluators also highlight the different networks formed by Diakonia's partners, like the Coalition for Transparency and the Cambodia Men's Network.</p>
<p>Objective/result 3: Gender equality improved.</p>	<p>The evaluators find significant impact, especially in the area of awareness raising: "Public knowledge on women's rights and gender awareness has increased among NGO workers, government officials and the general population as a result of awareness raising and trainings conducted by partner NGOs. " Diakonia's partners also report that local authorities and the police are more willing to cooperate with human rights groups and other NGOs to solve cases of women's rights abuses.</p>

<p>Objective/result 4:</p> <p>Programme management improved.</p>	<p>Several of the shortcomings noted by the evaluators are well known and were discussed also in the evaluation carried out in 2000. Among these are the short-term design of human rights trainings. The evaluators call them “one-shot HR education activities” and these are characterised by lack of preparatory and post-activity planning. With little or no follow-up, impact is decreased. The evaluators however note some improvements in the education methodologies, indicating that there is hope for change.</p> <p>The evaluators highlight the amount of work Diakonia has put into capacity building activities of partner organisations and note improvements: “There has been improvement in office outputs such as plans, report formats, accounting and audit policies, job descriptions, etc. Financial management has also improved (...). Controls in procurement have also been put in place for some.” The evaluators recommend that the current activities directed at strengthening and reforming policies and organisational systems should be continued.</p>
<p>Objective/result 5:</p> <p>Access to income and social resources improved. (Note that this objective is part of the SEKA-programme only.)</p>	<p>The evaluators find that target groups “have developed their capacity to improve their social and economic well-being.” Better farming techniques have been introduced, food security has been improved and the need for people to migrate has been reduced.</p>



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