Options for increasing social accountability in Cambodia

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Preface – how to use this resource

This review of options for promoting social accountability in Cambodia contains:

- A: General overview: read this for a quick summary of the context, and a proposed framework
- **B:** Key Issues / areas of work: read this main section for concise detail on different aspects of social accountability, covering government, civil society, donors and other bodies. It includes options for further involvement under each sub-heading.
- **C: Emerging Interventions:** This provides a summary of possible actions to move the agenda forward, and presents all of the options for involvement from the main text. It includes proposed next steps.

Summary

In Cambodia, government and other bodies operate with little effective accountability or other checks and balances. With high levels of corruption and inefficiency damaging service provision, hampering livelihoods and restricting economic growth, this is seen as a real challenge.

Civil society bodies feel that donors are able to exert more influence on government than they can. Donors have a critical role in listening to and channelling information from civil groups, as well as in supporting civil society, citizen and government interaction so that in the long term donors become more peripheral actors.

There are some major weaknesses in existing channels of accountability. The distance between local protest and national politics or government is vast. Given a predominantly rural population, a poor record of service provision, and widespread reports of land or natural resource theft, rights abuses, and other crimes directly affecting the poor, this is significant. Civil society is – gradually – galvanising at a local level. But local or national structures through which issues can be raised remain weak. A range of efforts to support government bodies that encourage accountability has been attempted over the past decade. Results have been mixed at best.

Much ongoing donor involvement lends itself to accountability initiatives. In many sectors, work is going on already, including gradual development of grassroots structures, local committees, civil society networks, research bodies, media awareness, entry points into national government, and civil engagement in common donor planning. This provides a basis for action.

Key next steps for DFID and The World Bank include building joint or internal resources to promote social accountability through sectoral or policy-based work, build links with civil bodies, and set up good practices for donors to follow. Further donor collaboration would help strengthen the power of civil groups to raise issues with government. Some civil involvement might be possible through a common donor framework, within one sector or more widely. It could be linked to more accessible donor working group processes, or facilitated through a common resource centre.

Sectoral approaches could: build engagement with existing or future donor initiatives; provide a concrete framework and realisable outcomes for civil society bodies and citizens; provide a pilot example that could be taken up elsewhere; build bottom-up with top-down approaches; and provide short-term gains along with long-term capacity building opportunities.

With care, donors could also provide some further support to civil bodies more directly, taking account of existing programmes and expertise and the difficulties involved in providing external resources to emerging civil groups. This could link with sectoral involvement.

A. Overview

A1. This report

This report is written for The World Bank and DFID. It focuses on identifying and assessing opportunities in Cambodia to strengthen accountability by enhancing bottom-up or external mechanisms of accountability through civil society groups, the media, and parliament, among others. It summarises a brief round of interviews and research in Phnom Penh, Pursat, Battambang, and Kampong Chnang undertaken in late January 2005. The aim was to: assess the capacity and interest of Cambodian civil society organizations in promoting accountability and transparency; assess the environment -- legal and administrative -- for such work in Cambodia, as well as government commitment and capacity to respond to citizen demands for greater accountability; and ascertain the operational entry-points for such activities in Cambodia and present donors, particularly DFID and the World Bank, with options for possible programming (including mechanisms for delivery and management).

The World Bank and DFID both aim to promote accountability in Cambodia. Issues of social accountability are now an integral part of both organisations' strategies. This stems largely from concerns over slow progress on poverty reduction in a continuing environment of poor government performance and high levels of corruption. Notions of social accountability are based on global experience and models developed over recent years. It was noticeable in discussions with many different civil bodies and donors in Cambodia that principles of promoting accountability were well received. At all levels, the concepts were rapidly understood and considered relevant to the Cambodian context. Most respondents welcomed further involvement.

This report is a first step: the findings will be used to help guide subsequent steps.

A2. Social accountability, regional comparisons, and scope for change

Cambodia's broad framework of accountability is based on the constitution. Like other democracies, accountability is meant to be based on three key relationships: between citizens and the state; between elected officials of the state and those responsible for delivering services; and between those who deliver services and the citizens who receive and consume them. From the perspective of the citizen, there ought to be two main channels to express needs or demand accountability: directly to service providers, or more indirectly via elected representatives. In many cases, these channels depend on intermediaries: NGOs, community groups, unions, research groups, and a free media. ¹

In Cambodia, these accountability channels do not work as would be expected in a functioning democracy. Some aspects do approach the model – the written press is freer than in many countries, for example, and elections at local and national levels do occur – but in general it is accepted that there is little working accountability, or other checks and balances. With high levels of corruption and inefficiency damaging service provision, hampering livelihoods and restricting economic growth, this is seen as a real problem.

A look at Cambodia's neighbours is interesting. Put simply, not one of them closely follows the ideal democratic model described above. Whilst most have certain aspects of it, none embrace it. This is the case for poorer and wealthier neighbouring states (from Laos to Singapore, for example), and for those with one-party structures or multi-party systems (from Vietnam to Thailand, say). Unlike South Asia, there is little long-term experience of democratic accountability

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¹ See for example The World Bank (2004). Cambodia at the Crossroads.

in Southeast Asia. The regional model of a 'developmental state' follows only some democratic principles. This adds to the challenge of promoting social accountability.

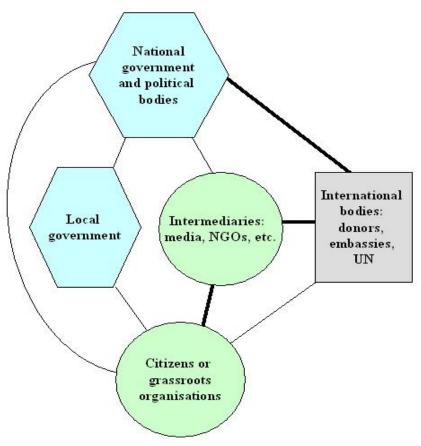
Yet there are elements of social (or downward) accountability in most states in the region. They are most often found within government or party structures: in Vietnam, feedback occurs in a range of ways through party-linked mass movements, research bodies, etc; in Singapore, citizens can raise issues with local level leaders, and bring corruption complaints to watchdog commissions. Elsewhere, in Thailand or the Philippines, more action does occur outside state structures: social movements generate some momentum for change, and mass media has a key - if restricted - role.

Many regional models of accountability stress the importance of party structures, and represent modifications of top-down rather than democratically based systems. Strong hierarchies and authoritarian traditions across the region go some way to explaining why this is the case. But in Cambodia, authorities have not operated accountably, nor followed through on commitments to improve. It is hard to discern potential openings in government or other higher-level structures where regional lessons can be applied. Understandably, donors and others are looking more closely at bottom-up processes. The context described here makes it a challenge to devise practical and appropriate recommendations for social accountability.

A3. Proposed framework

The diagram below presents a rough outline of accountability as it stands in Cambodia.

How citizens can encourage government accountability – available channels



Bold lines = some current capacity to channel accountability Light lines = routes that currently have little capacity

The long-term aim of the social accountability measures proposed in this review is to strengthen the lines that are currently weak in the framework above. However, given the strong role of international bodies at present, it means at times using influence that may exist – often through the bold lines where some accountability does function – in order to achieve the longer term aim. This means that both intermediary bodies and donors figure highly in the proposals. Donors are still critical actors where dialogue is opened up, entry points are forged, or channels of accountability strengthened.

International bodies – often donors – currently have an important role. This includes: direct efforts to address specific problems such as slum clearance or land grabs; aid projects or benchmarks aiming to improve government performance or promote reform; and more indirect support or a presence that enables space for a political opposition to function, unions to form, and grassroots networks to develop.

Both shouting and counting: legitimate, non-violent protest

If donors wish to pursue an approach based on moving from 'shouting to counting' ², then civil bodies are normally expected to do the counting. However, a word of caution: even if capacity exists within civil society bodies to 'count' by carrying out informed research or engaging in policy, it may be unrealistic to expect it to be any more effective than shouting given a non-responsive government. Politics are about contest, and shouting or other non-violent protest is a legitimate aspect of that. Encouraging an acceptance of legitimate protest, and rejection of unacceptable violent protest, is highly relevant in post-conflict societies like Cambodia; but this does not mean a technocratic approach is any more effective than popular protest.

The key issues in the next section provide information on some of the key fields where interventions may be possible. They include a range of ideas and references to programmes or projects that are already under way.

 2 See World Bank (2004). From Shouting to Counting: A New Frontier in Social \,\, Development.

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B KEY ISSUES / AREAS OF WORK

B1. Bridges between civil society and government

There are some major gaps in channelling accountability. The distance between local protest and national politics or government is vast. Given a predominantly rural population, a poor record of service provision, and widespread reports of land or natural resource theft, rights abuses, and other crimes directly affecting the poor, this is significant. Civil society is – gradually – galvanising at a local level. But local or national structures through which issues can be raised remain weak.

Political parties

In some countries, political parties help provide a bridge, through democratic elections or through other means. The two ruling coalition parties, CPP and FUNCINPEC, remain largely closed, top-down structures. They do not have the feed-back mechanisms of mass organisations or other structures that are found in communist states, nor the accountability to party members found in many Western systems. In coalition, these two bodies command well over the 2/3 majority required to form a government, meaning that the official opposition, the Sam Rainsy Party, can wield little influence. It is stated by many that the Sam Rainsy Party depends on external support to keep operating (i.e. support from expatriate Khmers but also protection afforded by the 'international community' of donors, foreign embassies, and the UN).

Some USAID-funded bodies, the National Democratic Institute and the International Republican Institute, provide support aiming to increase openness of political parties. In general, the continued financial dependence and internal weaknesses of the Cambodian state mean that international bodies play a key role in the functioning and outcome of political process. However, the democratic process does still provide some check and balance both at the commune level and nationally.

Interviewees frequently complained that civil society all too often becomes 'politicised'. Whilst partisan support and manipulation of local bodies for wider political ends can be destructive, it is also worth noting that some degree of politicisation is a mark of democracy, and not necessarily negative.

Options: This is a difficult field. If it is to be engaged with further, it may be best to do so in conjunction with support to parliamentary structures. It would need careful appraisal first.

Parliament

Members of parliament tend to act with little independence, voting along party lines. Parliament at present does not constitute a strong check or balance on power.

However, it remains a functioning body, which presents a valuable opportunity for long-term promotion of accountability. There may be opportunities for parliamentary engagement, many of which have already been attempted by different bodies:

- Training for parliamentarians and civil servants on democratic process, information management, or a range of other skills.
- A range of bodies have more recently been involved as NGO watchdogs, overseeing parliamentary, judicial, or other processes. This includes watchdog bodies like COMFREL, monitoring work by the Centre for Social Development, etc.
- Parliamentary committees may be a clearer entry point, as they are more contained, and could be linked to other processes in a specific field of work. This would enable engagement

that could in theory link parliamentary involvement with civil society or other bodies. In practice, however, this will be extremely challenging.

Options: A range of people have been involved. Further work could be undertaken, in which case it will be important to be informed by recent experience of support in this field in Cambodia, and other parliamentary structures in the region. Parliamentary sub-committees and other such bodies could be linked to sectoral approaches where relevant.

Working directly with national government bodies

In short, this is a difficult field. A range of efforts to support government bodies that encourage accountability has been attempted over the past decade. Results have been mixed at best. Some efforts have aimed to build in mechanisms commonly found in democratic systems. In reality, the Cambodian state does not function like a democracy in many ways, and there has been little internal support for the checks and balances promoted by donors. Alternative checks and balances, as found to varying degrees in many neighbouring states, have also failed to emerge.

Relevant government bodies include:

- The Ministry of the National Assembly, Senate and Inspections: this deals with government complaints, both from the public and intra-governmental. They state that they are developing provincial complaints systems including one-stop shops; they take up issues raised by public, parliament, government and investigate, then report to the Prime Minister. It also has an important law-drafting function, including planned forthcoming laws on freedom of information and anti-corruption (being drafted after consultations). However, the closed nature of decision-making and lack of real public access reduce the body's role as an accountability check rather than a means of ensuring prime ministerial control.
- The Anti-Corruption Council of the Council of Ministers: this body was not regarded by interviewees as effective.
- The National Audit Authority: a parliamentary body that has auditing responsibilities.
- Internal audit units within ministries.
- Financial management functions within sectoral Priority Action Plans for expenditure or similar arrangements.
- Public financial management through technical assistance programmes with the Ministry of Finance and other bodies.
- The National Assembly Human Rights Commission.

It is widely agreed that better links between government and civil society would be beneficial. But fewer ideas emerge about how to take this up. One often-repeated comment is that government's domestic accountability (to people, civil society, or within government / party structures) is stymied by external funding with externally-oriented accountability structures. To change this, it will be important to factor civil society, governmental or parliamentary bodies or other domestic accountability structures into donor projects and programmes over the long term.

There are some examples of *civil engagement with national government*, which is generally promoted by donors. They include local governance (see below), recent consultation over the forthcoming Anti-Corruption Law, and fairly genuine consultation over a new law by the Department of Fisheries.

Options: In theory it would be possible to tie support for national accountability watchdog bodies into the results of donor monitoring and civil society feedback, in order to improve performance. Yet it will still be hard, at present, to make much progress. It may be better to leave this work until a later date when genuine commitment or civil society involvement seems possible. In the interim, it may make more sense to support civil society bodies such as the Coalition for

Transparency in their efforts to hold government accountable, or to work in specific sectors where some gains can be made.

Local government

This is a major field in Cambodia, especially given the recent establishment of elected commune councils, and a decentralized system of planning, budgeting, and management of development projects, under the Seila program. Technical support is provided through the donor-funded Partnership for Local Governance, and donors also contribute to the Commune/Sangkat Fund which provides the funds for activities identified by the commune councils. Seila ends late in 2005; with successor programmes being planned, this is a critical area. Seila and related initiatives have been developed gradually, over more than a decade; it is an area where DFID has been heavily involved and will be aware of the likely pitfalls if any overly hasty interventions are planned.

Commune councils stem from commune authorities that were devised as a local arm of central authority. As such, they have little scope to report upwards. Seila has promoted district level integration meetings to ensure planning coherence, but the structure remains top-down. Village participation in the process is officially promoted through the Planning and Budgeting Committees comprised of several elected members from each village including at least one woman. Service provision generally runs through parallel structures, and access to district or provincial authorities is very limited. Over the coming years, donors and government will be concentrating on efforts to reform these structures – it is a relevant field for long-term social accountability. Key issues here include levels of accountability from the commune up (currently very weak), and accountability of commune councils to citizens (currently this generally needs NGO involvement). In-between the commune and the national level are districts and provinces. These are the focus of continued attention, and proposed reforms including Provincial Development Committees with planned civil society involvement.

There are various efforts under way to help make commune councils more accountable at the local level. A range of NGOs are providing support that links in with commune council structures, or galvanises communities to take issues to commune councils. Many NGOs provide leadership training for commune councillors, or find other ways to get civil society groups to work with commune councils. Among other things, the Commune Council Support Programme (CCSP) provides training for NGOs on local governance, spreads awareness and understanding of decentralisation. It also serves as an NGO liaison office that connects civil society and NGOs with government through the Ministry of the Interior. Like Seila, it finishes at the end of 2005.

GTZ, through various projects, uses development entry points such as water user groups, promotes linkages between NGOs and commune councils, trains local figures in commune management, sets up forums to exchange experiences, and elsewhere supports networked 'pagoda committees'. Many of these structures are regarded as more genuinely participatory and appropriate, but are less linked with the legal framework on decentralisation.

UNICEF is supporting women and children's committees as part of commune structures, and wishes to promote this more widely. This approach can apply laws on sub-committees within commune councils to build involvement, making it administratively more viable. Others are pursuing similar approaches. However, some counter that the commune structure is so top-down that smaller, village-level bodies are more effective.

More immediately, some bodies have ideas for commune level competitions or challenges to promote accountability: using the media to publicise good practice, setting up awards for open communes, etc., are all possible actions. With the wide number of local, national and

³ The PACT document "Commune Councils and Civil Society' provides more information.

international NGOs engaged in this field, some are already under way and more could be done over time in collaboration with others.

Options: The World Bank and DFID should keep engaged with the Decentralisation & Deconcentration framework as it develops over the next year and beyond. This is a multi-donor sector, so coherence is an important issue. It will help to feed knowledge of local governance into sectoral initiatives in order to promote coherence within World Bank and DFID funded work, as well as with others.

Seila and the CCSP will soon end, so an evaluation should help feed into future work. It should consider how successfully it has built civil society involvement into government plans, as a model for future action in this sector or others.

Alternative approaches could work more directly with NGOs to support local level 'partnerships' with commune councils – PACT has produced useful material that summarises existing initiatives in this field.

Legal / justice frameworks

Public confidence in judicial process is close to zero, and background requirements of a government that is willing or obliged to honour neutrality in the judicial system, as well as a base level of capacity within the system, are not present. The World Bank, in line with several other donors, plan to look more broadly at how poor people can have access to justice.

The challenge for work on people's rights is daunting. Often a rallying point for demands of accountability, rights issues have been a focus of considerable NGO attention as well as donor funding since the early 1990s. Whereas rights issues can be successfully communicated and understood within Cambodian society, they frequently end up being presented without an obvious remedy. This leads to frustration and lack of support: human rights awareness education is now less 'in vogue' than it was in the 1990s as a result.

Yet many interviewees spoken to during field research stated that international and ideally national law does form a useful basis for reasoned and justified social action. Whilst the judicial system does not provide a channel, legal frameworks do provide a basis for taking issues up through other channels - to donors, through popular protest, directly to senior figures including the King and the Prime Minister, or to the media. Positive pro-poor laws are regarded as a valuable tool for civil society even in the absence of a functioning judiciary.

Elsewhere, some parallel processes have had a little success. One such example is the Arbitration Council, a 'tripartite' structure that brings together labour unions, businesses and government to settle disputes. This programme, started in 2002, seems to work reasonably well. Support beyond the current ILO programme which ends in late 2005 might enable it to continue, and provide a model to apply elsewhere in Cambodia.

Options: Some early successes in the Arbitration Council suggest that structures which are outside the main justice system, especially with internal checks and balances (e.g. union and business involvement as well as government) may have more success. This example could be supported itself in future, or could be used as a template for other efforts.

Although the formal justice system does not work, laws are still seen as effective in order to guide and justify efforts to promote change or protect rights though other channels. Forthcoming examples include:

- Freedom of Information Law
- Anti-Corruption Law
- laws on rights to protest
- laws on broadcast media

laws on freedom of association and formation of non-governmental organisations.

At the local level, informal mechanisms and more formal commune councils present some opportunities for engagement.

Budgets and planning

Engagement in budgetary reform should open up space for civil society engagement. Public Financial Management support has already included efforts to share information widely through the media and directly with key stakeholders. These could be built upon further. The challenges involved in opening up information in government are large, however. Donors and civil society could engage in information dissemination on budget issues to all levels.

Opportunities include Public Expenditure Tracking Systems currently being planned in the health and education sectors, which might be developed further to link with civil society bodies. The health sector looks especially promising given progress in working with the government, and may provide scope for provincial level tracking systems in future. These could incorporate a civil society 'check' as an integral part. A range of other tools to encourage open budgeting has also been tried in different environments outside Cambodia.

At the national level, it might be possible to engage a wider body of civil society groups in budget reviews and monitoring of PRSCs or other such loans. However, this is an extremely challenging undertaking: it may be possible and desirable to involve civil society bodies in monitoring progress by ensuring they are provided with regular information, briefed on events, and given opportunities to feed ideas in to government via donor bodies. Indeed, such open practices could be encourages in other sectors too – perhaps with potential for more concrete results.

The planning arena has seen prior efforts to include a diverse range of opinions, including the PRSP process. Future civil society support could improve on past efforts, some aspects of which hindered participation (including parallel plans with weak coordination between donors, as well as the perception that a lot of time-consuming civil society engagement had little eventual impact on government or donors including The World Bank).

However, interviews during fieldwork did not reveal the fields of budgeting and planning as areas where civil bodies feel they can or want to engage. This may be because they are too intangible, and too closed. It may take a while before concerted involvement is possible. At this stage, promotion of greater information provision may be most appropriate.

Options: Realistic and measured participation in commonly owned plans is recommended. A joint donor / UN / government approach may be more effective than separate action. For budgetary work, one option would be to concentrate on information dissemination and transparency at this stage. An information strategy involving media awareness, civil society involvement, etc. may be viable and would require separate input. Alternatively, the Public Expenditure Tracking work could be used as a basis for civil and local government involvement at the provincial level in future.

B2. Accountability at the grassroots

Direct support to foster local level organisation or 'social capital' is conducted by many NGOs, and also as a component of larger development programmes in a wide range of sectors. Experience has been developed within Cambodia of what works more effectively. Much of it links with efforts to improve local government.

Generally, such donor-funded efforts are channelled through NGOs. Other efforts work more closely with local government bodies such as village development committees, commune

committees, or user groups. It is important not to conflate intermediary or service-delivery NGOs with wider civil society that includes a broader range of bodies.

There are real challenges here. Capacity for local organisation is constrained by a history of upheaval and war, longstanding authoritarian attitudes, and a society that has never formed tight village units as found in some other regions. Grassroots capacity building work takes time and effort, and is best conducted by one of a range of experienced partners. There are plenty of local and international NGOs engaged in strengthening local groups across urban and rural Cambodia.

Grassroots and social movements

Generally speaking, effective accountability in Cambodia has needed activists or leaders who have enough education or training to enable them to confront authority with some confidence. Increasingly, organisations are linking into movements in a way that is similar to past experiences in Thailand or the Philippines. Conway and Hughes, in the Drivers of Change study, discuss a 'second generation' of civil society strengthening that builds social movements, forging links between citizens, local groups, and national civil bodies. ⁴ The role of national and international NGOs in coalescing such movements is vital.

Examples of such movements include recent struggles in Pursat Province over rights to access forest resources and land in the face of a vast and illegal sale of state land. Local, national and international NGOs were engaged in supporting displaced people, and linking with the UN as well as foreign embassies. Impressive as this movement was, it failed in achieving its aim – something echoed in struggles elsewhere such as in poor informal communities in Phnom Penh who have managed to delay, but been powerless to prevent, forced resettlement. Promisingly, local activists do seem to have learnt from the experience, and plan to improve efforts next time.

There are many bodies supporting such action, including international NGOs. The World Bank's Small Grants Program is very limited but receives over a hundred proposals each year. While some good activities are funded, the main advantage is for Bank staff to have first hand opportunities to see some of the initiatives being taken at grassroots level. Although there is room for extending such support, one risk is of over-funding: small indigenous bodies can easily become co-opted or commercialised if donors offer large amounts of money. ⁵

Some specific issue-based grassroots movements may spring up over the coming years: gender-based movements, and rural or farmers' groups, may be worth supporting from an early stage.

Options: Involvement in this field should be through international NGOs, national or large provincial NGOs, or through intermediaries as described in the following sections. Care should be taken to avoid a disconnect between an international English-speaking NGO élite, and other bodies that frame their approach in local terms. Also, funding to grassroots bodies or movements should use specialists with local knowledge and ensure that it doesn't 'flood' small groups with support. Stress can be placed on supporting linkages between bodies. Large sectoral or areabased donor projects can promote entry points for these bodies, putting effort and funds into work out how best to operate at the grassroots in order to build local level capacities and structures.

An issue that could be taken up is that of the legal status of civil society groups and associated legislation.

⁴ Conway, Tim and Caroline Hughes (2004). Understanding Pro-Poor Political Change: The Policy Process Cambodia, Third draft. Overseas Development Institute.

⁵ "It will be necessary to strike the right balance between supporting their development (by providing some degree of political cover, and by expanding their base of knowledge and ideas and possibly international networking and learning opportunities) and neutralising them (as arguably occurred when the radicalism of the union movement was somewhat prematurely muted through professional support from international partners)." (Conway and Hughes, p.86)

Improving grassroots protest – lessons learnt from failure

A popular movement against abuses of power affecting the livelihoods of the poor has recently unfolded in Pursat province. One civil leader who has recently been involved in efforts to challenge commercial interests and government collusion commented during fieldwork that, in future, efforts to counter abuses of power may be more successful if the following points are taken into account:

- A popular movement needs clear lines of leadership.
- Lack of legal status on the part of community based organisations holds them back.
- Community organisations need to base claims on existing laws, and be reasonable.
- It is important to engage local authorities if possible.
- Engaging more at the national level, but this is very hard and may need donor involvement.
- Involving more women in social movements was also discussed favourably.

Although the grassroots protest recently undertaken had failed to change much and led to frustration at a lack of ability to change anything, it was felt that with more effort and by learning from past experience the next movement could be more effective.

Methods for building accountability – linking it up

Participatory village level report cards and other methods may be viable mechanisms for demonstrating corrupt practices. They can also act as positive incentives to promote change. But with little scope for redress (no functioning justice system, no response from government), such methods may be of little value in directly building accountability unless backed up by donor action or as part of longer-term capacity building efforts. There are many small initiatives already under way, and more could be encouraged, but the key issue is how this will promote change.

It might be possible to promote a move from 'awareness to action': public knowledge of corruption is now more widespread, partly as a result of donor efforts; the next steps might involve trying to build examples of what to do about it. Grassroots involvement through report cards and other similar methods could feed into scoring competitions that receive media attention. Rankings of districts or provinces could be attempted, in order to promote some competition and pressure between areas. More national use and comparisons of report cards or other methods, as well as more high-profile grassroots research, could be tried.

All of these examples are already being attempted by donor-funded bodies in places. Funding, generally from the USA, via PACT, East-West Management, The Asia Foundation etc., is particularly prominent. Given that this funding is now reaching tens of millions of dollars annually, there may not be value in setting up other, parallel initiatives. There may be benefit, however, in building alliances or raising the profile of existing work through such bodies or through others. Efforts to engage in higher-level advocacy, through donor-backed efforts or through the involvement of international NGOs like Transparency International, will be more substantial if linked to grassroots bodies.

Options: As mentioned, future efforts in this field can work with bodies to encourage chains of organisations at different levels. This gives a rooted and justified base to higher-level advocacy, and strengthens networks as well as the grassroots at the same time. Report cards or other techniques need higher-level structures to fit into. Given these structures, they could be used to generate international comparisons, provincial rankings, competitions for improvement, etc. There are international NGOs and Cambodian bodies that have already done this kind of work, which could be used as a base for more in future.

B3. Intermediaries – above the grassroots

Rather than aiming for grassroots change, it would be possible to prioritise agents promoting accountability at a higher level. In any political analysis of how change can be promoted, these bodies are likely to be more prominent than the poor majority.

Donors are already engaged in this broad field in a range of ways. In other ways, gradual organisational development within Cambodian society (unions, private universities, trade associations etc.) is taking place without donor involvement. Examples include student bodies operating in universities that at times links up with grassroots movements (e.g. the Student's Movement for Democracy organisation). There is scope for engagement here, but care needs to be taken with provision of external funds to such bodies.

Media and Information

Over time, media is improving. Investigative skills are developing, and understanding of rural issues growing. Despite some donor support in this field already, there is still scope for more - media training, funding for rights-based or poverty focused reporting, etc.

Whilst the print media is relatively uncensored, there is unsurprisingly a fair amount of self-censorship, and co-option by political parties. Broadcast media – TV and radio – is less free than print media. There is no or little legislation to protect freedom of broadcast media, and repressive laws on radio broadcasting exist. This could be an area of attention in forthcoming work.

Community radio is an obvious option also worth exploring in greater depth. There are NGOs, donors and Cambodian bodies like the Women's Media Centre already engaged, and a range of experience from other countries. Care will need to be taken to check levels of politicisation, both by government (CPP or FUNCINPEC) and opposition (Sam Rainsy) parties.

Various informants stressed the critical importance of information. In a society that has generally either been closed, or has used information as a tool of power, spreading awareness can probably have major long-term impact. This includes a range of measures: a Freedom of Information Act; building measures to promote public display of information through projects; media support, especially to rural areas; using networks to provide information through channels; rural outreach through travelling groups, theatre, video vans, etc.; and information centres.

Stress is often placed on information centres, or on 'wired' telecentres. They can be valuable, but are: a) sometimes limited to a small, pro-active, urban class who may be able to find information through friends, mass media and the internet anyway; b) costly; and c) hard to maintain. They are only one option amongst many. Similarly, broadcast media is often stressed to the exclusion of less obvious grassroots information flows: for example, people may receive information through formal local government or service delivery sectors, from rural outreach programmes, from going to market or from talking to their friends and family.

As with other fields, there is scope for more support here. It could be done in a variety of ways; some intermediary bodies are already engaged, and could support further work; at other times it could be achieved through 'mainstreaming' into sectoral work.

Options: A media specialist will shortly provide input into World Bank work in this field. It is recommended that the visit include:

- closer examination of community radio including the surrounding legislative environment
- analysis of the legislative environment for media more broadly
- possibilities for self-regulation of media
- appraising the likely suitability of existing bodies that fund capacity building of media as future partners.

 A look at ways of getting information to and from citizens that are not only based on mass media.

Think tanks and universities

A range of research bodies exists, generally donor-funded. Whilst capacity varies, it is probably more than might be expected.

In many countries, universities are the site of intellectual engagement in promoting reform; in other places, party-affiliated or government-linked bodies are involved. In Cambodia, there appear to be some think-tank bodies that report to high political levels: a new, well-funded economic commission is charged with reporting to the Prime Minister. Public universities are still cash-strapped and short of skills, and the expanding private universities concentrate on financial profit. There may be scope in future to work with private or public university bodies, building links between information stemming from citizens on the one hand, and policy makers on the other.

For now, smaller donor-funded research institutes predominate. Some are positioned outside government decision-making processes, and may be linked to opposition politics; others are more closely linked to the government. And many risk operating simply as consultancy units for doors. In general, there could be more involvement of such Cambodian bodies in policy making, again providing a channel for reaching up from citizens to policy. However, with fairly closed decision-making and a state that is not geared to making decisions according to information fed up from the grassroots, this is not simple.

Options: Think tanks exist: the problem is more about access than capacity. Some may play a useful role in initiatives that link accountability with wider interventions in sectors or other initiatives.

Human rights groups

There are many such bodies, stemming largely from international engagement in the early 1990s. They range from election monitors, to legal aid providers, to organisations that promote social issues. They are generally donor-funded. Many of these do valuable work; some link effectively with grassroots issues or citizens' concerns. However, their capacity to engage government in any meaningful way is sorely limited, and there is always a risk that momentum will fade when rights are promoted with no remedy in sight. Some turn to the donor community or other international bodies as a possible route towards change.

Options: as above. Some larger NGOs including Ad Hoc and Licadho have rural networks that promote and support right-based issues or serious legal infringements by government. It is not clear that they are in need of further funds given other sources. More support could help some of these bodies, but a lot is going on already.

NGO networks and policies

Bodies such as the Consultative Committee for Cambodia (CCC) and the NGO Forum have been around a while. They help support NGO capacity, and channel common effort on specific issues or thematic sub-groups. There is scope to support such measures, and intermediaries are critical in reaching from people to government.

Sub-groups such as Medicam focus on specific issues. They can at times be skewed in favour of international NGOs, but can also play a vital role in channelling issues upwards. It is possible that more use could be made of such bodies, especially if there are ways of feeding inputs into donor / government forums.

NGOs are not currently well monitored, or supported by legislation. Steps to improve the professional basis and remit of such bodies, as well as dealing with the legal status of community-based groups, may help build a responsible and responsive intermediary level.

However, good international practice suggests that much should be done through voluntary codes, in order to avoid creating a justification for oppression of contentious NGO action.

Options: there are many ways in which networks can act as a bridge, without which little accountability will be possible. This could be achieved through linking with working groups or other donor structures, planning mechanisms, and so on, or through specific anti-corruption promotion.

Labour and business

There is a lot going on here. The union movement in Cambodia is stronger than might be expected given capacity weaknesses and regional comparisons. This is partly a result of donor (chiefly US) support for unions and protection of freedom of association in the garments sector (with the bargaining tool of quota market access under the now-defunct Multi-Fibre Agreement). There is some evidence that this has now developed internal momentum, and also external support through garment buyers' demands for good labour practices. There are frequent union protests, which have achieved improved workers' rights. Hotel staff are also fairly well unionised.

The more negative side includes: highly politicised unions, including the use of workers and labour action for political ends; repression of unions by the government or unknown forces, including the well-known assassination of a key leader, Chea Vichea, in early 2004; and weak coverage given a population that chiefly comprises self-employed farmers. Yet unions do provide a forum for challenging government, and channels for building up demand for accountability by providing information to union members.

There are also some trade associations forming in less formal sectors, including restaurant staff and motorbike taxi riders. Farmers' associations are also gradually developing in some provinces, and may present options for supporting wider networks in future.

Commercial or business organisations are also developing, although slowly perhaps. Elite and well-connected business interests still dominate the scene. However a range of Chambers of Commerce and professional organisations do exist. Some donor support is already channelled in this direction.

One field of interest may be small and medium enterprise associations. At least one donorsupported NGO aims to improve horizontal and vertical linkages in this area: important for economic development, but also for holding government to account. Donor actions in this field could consider the overlap between small enterprise development and social accountability.

Options: There are various options here, most of which will be best approached through international NGO or other intermediaries, including the ILO. However, there is a lot already under way. It may be possible to promote union involvement in formal or semi-formal sectors not currently covered: this is sensitive and difficult work and should be approached carefully, with appropriate technical support. Other bodies include farmers' or other networks, and small or medium enterprise associations.

Union and business groups could be included within wider donor support programmes involved in supporting business reform, attracting investment, etc. For example, donors have engaged in supporting reform or investment in formal sectors such as rubber production or tourism, and in other fields including fisheries.

B4. Sectoral involvement

Various informants commented that a sectoral approach should be followed. It is seen as an area of comparative advantage for technocratic donors whose inputs are usually sectorally

oriented, and as a way of reducing ambitions to a realisable goal that is not overly threatening to vested interests at the most senior levels. It may also allow for both top-down donor engagement to support more bottom-up civil society involvement. Sectors also operate as a different channel to reach local levels.

In all sectors, a range of steps to engage civil society could be taken: more open provision of information, use of mass media to raise awareness, committee structures with civil society involvement, linkages with donor working groups, etc., could all help. Selection of sectors may depend on internal issues within donors as well as external factors.

Much grassroots empowerment is achieved through longer-term development that prioritises inclusion. This includes education and rural transport. One recent study found that grassroots engagement in political processes had been enabled more by fairly conventional road-building and broad-based rural development programmes than it had by NGO community-based work or other more focused methods.⁶ A long-term option would be to promote 'rural connectivity' through mainstream development assistance of this sort.

Inclusive development practices, involving participatory techniques and ensuring women's involvement, have a positive long term impact on social accountability and could be promoted across donor programmes.

Forestry

With an acrimonious history of engagement between donors, civil society (or at least NGO) bodies, business and government, this sector provides some lessons. Civil society engagement probably needs to be broad-based if it is to withstand government pressures. There is probably a need for firmer mechanisms linking civil society engagement with broader structures through joint donor working groups, etc. It may also be important to ensure that accountability mechanisms are taken out of government, and function as independent bodies.

Natural resources, land use, resettlement

Along with forestry, these are very challenging fields that lie at the heart of resource disputes and powerful vested interests as well as poor people's livelihoods. Some bodies working in these sectors are frustrated at failures to date, although others see opportunities for a range of civil society engagement in fields such as fishing and land mapping. Some positive involvement has already occurred through donor programmes in these fields. Future steps including possible social concessions are likely to be highly challenging areas but may present opportunities for civil involvement in planning as well as processes of management or dispute arbitration.

One related field is that of resettlement. This is already a controversial issue, both in donor-funded and other government projects. Dialogue is difficult. Some of the issues already mentioned in this report, including informal or parallel dispute resolution mechanisms, and the importance of networks to channel citizen's participation upwards, are especially relevant.

Health

Some ongoing and potential new work stresses efforts to improve people's and civil bodies' abilities to hold government accountable to delivery of basic health services. There are many challenges here, including top-down attitudes within government and donors, the weakness of the health delivery system, and popular preferences to use private or sometimes NGO services

⁶ Susannah Hopkins Leisher (2003) Donor Impact on Political Change at the Grassroots in Vu Quang District of Ha Tinh province, Vietnam. Unpublished: available from Adam Burke, email: adamitobur@yahoo.com

instead. Village committees and local health groups have been established and theoretically provide structures for accountability, but implementation is a challenge. The Public Expenditure Tracking System should involve community feed-back to check service provision and promote accountability in the health system. If so, efforts to involve the mass media and intermediary NGO or other bodies in publicising findings may help generate momentum. Likewise, greater public awareness of sector reform proposals may increase to some extent the desire for change.

Some NGOs, networks like Medicam, and other rights-based civil groups may be willing to get involved in this field.

Education

Many of the above points also apply to the education sector. An approach that links local level civil society involvement with engagement at a higher level seems most appropriate. At both levels, donor facilitation is important

Overall options on sectoral involvement: ideas are presented above and at C3. It is recommended that co-operation between interested sectoral specialists and those responsible for social accountability work proceed – perhaps in one or two fields.

B5. Donors: improving donor actions

Improving donor behaviour

Respondents commonly stated that donors could start off by improving their own acts. Donors are relatively powerful – much more so than civil society bodies. Although future accountability will rest with Cambodian institutions, donors do have a 'bridging' role given their far greater access to government. Donors are important actors in Cambodia, often with far more influence than civil society.

Donors are seen as being supportive of government in the first instance. Many civil society bodies regard continued donor support despite inept or corrupt government practices as a green light for rent-seeking behaviour. Whilst many in civil society wish to engage with donors, there is also a perception that the promotion of civil society involvement in donor plans to date has not led to much. Some cynicism has set in, amongst Cambodian as well as international NGOs, and amongst smaller grassroots groups as well as more elite operations.

Yet donors are far more aware of corruption in Cambodia than in the past. Overt stands on specific issues, and information published by The World Bank and USAID in particular on corruption, have shifted the environment somewhat. This information is appreciated. But it remains likely that pressure to disburse funds, approve loans, and retain good relations with the government will continue to restrict the formation of a common stance on corruption.

NGO pressure can helps donors realise that they should take corruption seriously. Mechanisms to promote and channel this pressure will help donors maintain a strong anti-corruption line.

Yet civil society involvement in efforts to promote more accountability often comes through donors. Recent examples include civil society inputs into investigations of corruption in demobilisation, and into efforts to build a common position on unregulated or illegal forestry exploitation. In both cases civil society involvement helped. Donors can build wider civil society involvement into donor projects or sectoral plans at an earlier stage in future, to act as a watchdog or to feed up grassroots views.

Options: Whilst the long-term aim is accountability of government to citizens, donors are critical bodies in the interim (i.e. at least for the next decade and more). Donors could aim to be more transparent themselves, employing more open decision-making processes and publishing budget

details. More common working between donors could help promote accountability structures and reduce the perception that if one donor stops providing support, then there will be another to fill the gap.

Engagement with civil society in different sectors will achieve two aims: it may give civil groups access to government that they would otherwise not have; and it may also keep pressure on donors to continue considering issues that civil groups raise.

Common donor / civil society structures

One option may be to promote greater civil society involvement through the new *technical working groups*. These bodies, which provide a point of coordination between the government and donors and monitor progress against annually agreed benchmarks, have varying levels of non-governmental involvement. Umbrella NGO groups like Medicam, and a joint NGO group on local government, demonstrate the scope for more joined-up civil society action. NGOs for their part should be encouraged towards greater accountability and act as intermediaries for information gathered at lower levels.

Steering committees for donor projects could also be improved. It may be more tangible to focus on a range of options in specific sectors. Simply inviting civil society to sit in a committee along with government is not likely to be effective. Civil society input into donor Consultative Groups and other common plans could be enhanced – it is regarded as patchy at present.

A truly joined up approach would put donors together in a common structure for this work. This has already been tried in various sectors, and in common planning processes on the part of The World Bank, ADB, UNDP and DFID. A common civil society and donor engagement plan, perhaps for one sector, could be attempted.

Alternatively, a joint resource centre could build wider ideas on how civil society might be engaged in accountability processes across a range of sectors, acting as a common civil society / donor resource. Such a structure could be set up for one donor's engagement across a range of fields, but it may be interesting to attempt it on a multi-donor basis in one or more sectors. It could offer advice, contacts, links with civil networks, and source technical assistance. Alternatively, it might operate as a network of specialists and concerned figures, with a small coordinating office, rather than a larger institution.

Options: civil involvement in working groups, steering committees; possible promotion of a social accountability centre or network.

C: FUTURE ACTION

The previous section includes a range of different options for action. Here, they are looked at collectively under four subheadings (C1-C4) before being presented as a comprehensive quick reference list (C5). These options are not mutually exclusive, but can be combined in different ways.

C1. Setting up to promote social accountability

Social accountability and related issues are central to DFID and The World Bank's strategies. It will be important to promote internal 'champions' with sufficient influence to take this challenging agenda on. It will also need time and specialist involvement if it is to progress.

Building resources: It may be possible to pool resources between donors in order to move ahead collaboratively, in which case the focus should be on a specific joint facility (see C2 below). Alternatively, capacity could be developed within each donor body. For DFID, a joint facility may look especially attractive. For the World Bank, whilst joint approaches are valuable, there may also be need for internal capacity.

A resource facility well connected to specialist staff would enable sectoral engagement, and could manage any grant programme in a way that links up to existing or planned work. It could also promote transparency of donor operations. This would fit in with the recommendations made below.

Guidelines and mainstreaming: A strong internal or joint facility with backing from management could work to produce, over time, Cambodia-specific guidelines on ensuring that social accountability is embedded in donor programmes. These would have civil society involvement, and could be promoted across a number of donors if developed collaboratively. Rigid checklists or screening may be too formal for such a complex field of activity, but looser stipulations might be valid, including ensuring the involvement of a range of social actors as well as specialists in social accountability issues in project design and monitoring. Guidelines could also cover information provision and transparency of donor actions.

Further civil society involvement: An internal or external resource centre or network would be able to develop a range of contacts, and promote feedback channels on current and future initiatives. However, it will be hard to maintain a straightforward list of civil society bodies to consult, as social accountability is so broad and varied a field that different sectors and initiatives should involve a range of different actors. Additionally, there is need to maintain a focus on government, parliament, the media, etc, as well as civil groups.

C2. Donor structures and promoting accountability

Civil society bodies feel that donors are able to exert more influence on government than they can. Donors have a critical role in supporting and channelling information from civil groups, as well as in supporting civil society, citizen and government interaction so that in the long term donors are less central to political process.

Some credibility needs to be re-gained: donors are often seen as too close to government, and some earlier efforts to involve civil society have been seen as time-consuming without leading to concrete results. This means that an incremental, confidence-gaining approach may be most

effective. There is definitely demand from different civil groups for more engagement via donors in higher-level arenas.

Working to promote civil society as a check or a watchdog on loan activities is not easy: care needs to be taken to form coalitions, spread risk, and ensure that donors respond to the views of civil bodies. Approaches may start by building NGO networks or groupings. This is not a simple step, and a responsive, open process is important if such coalitions are to hold together. Civil networks are gradually coalescing, making such work possible. At the higher level, in Phnom Penh, NGO coordinating bodies can assist such work.

Further steps could be taken to promote anti-corruption within or across donor programmes. Some involve more transparency; others involve greater control of financial flows. It should be possible to promote grassroots involvement in order to foster financial accountability through some of these donor-supported steps.

Further donor collaboration would help strengthen the power of civil groups to raise issues with government. This means that civil involvement might best be channelled through a common donor framework, within one sector or more widely. Some options are outlined below.

Technical Working Groups: One option would be to use the technical working group mechanisms as a basis; civil society networks could feed into a working group (including representation), and use it as a basis to: a) galvanise donor action and hold donors themselves accountable; and b) reach government. In theory, such a structure could feed into parliamentary bodies (committees etc.) as well as government departments. Working groups themselves could be strengthened too. This could be done on a sectoral basis.

The Consultative Group meetings and surrounding processes are considered by many to be a checking mechanism. Civil society meetings prior to the main event aim to galvanise a civil perspective. However, the high level of representation and attention on meeting, its diplomatic function, and its structure all count against it as a route to promoting social accountability. It may be better to concentrate on more grounded processes.

Multi-donor and civil society centre or network: One further option is for an internationally supported transparency or accountability secretariat. This could act as an information clearing house, and a focus for promotion of accountability. It could help maintain a spotlight on corruption or other malpractice, and publicise initiatives that have found ways of improving accountability. If a separate centre is not considered viable, then it could be developed as a network of experts, concerned people and civil society bodies with a small full-time administrative body.

Specific donor and government programmes could be the subject of scrutiny on a routine or oneoff basis. In the face of potential government opposition, such a step would need careful support and back-stopping. In general, efforts to build a body to look into accountability will need to be distanced from direct government involvement that can lead to overwhelming control. This does not preclude government participation, but it needs to be balanced. There are few examples where this has been possible. The experiences of human rights commissions in many countries show how bodies can unfortunately be co-opted into resistant government structures.

Media coverage and provision of information is important. This includes translation into Khmer, or ideally drafting documents in Khmer in the first place. Donors can build in more information and open access initiatives within projects or programmes, through direct interaction with the media or the involvement of a non-governmental intermediary.

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⁷ This owes much to the generic origin of such meetings as an effort to coordinate and register donor inputs rather than promote civic engagement.

It may be possible to enlist the support of networking bodies, notably NGO Forum or the Consultative Committee on Cambodia, to support this initiative.

C3. Concentrating on selected sectors

In brief, this involves finding one or more sectors to act as demonstrators of good practice. Selection of sectors will depend on where entry points lie, and on key staff within donors and other bodies who are interested in pursuing a social accountability agenda.

A sectoral approach could: build engagement with existing or future donor initiatives; provide a concrete framework and realisable outcomes for civil society bodies and citizens; keep an initiative to a realisable scale; provide a pilot example that could be taken up elsewhere; build bottom-up with top-down approaches; and provide short-term gains along with long-term capacity building opportunities.

A range of donor involvement lends itself to accountability initiatives. In many sectors, work is going on already, including: gradual development of grassroots structures; local, provincial or other committees; civil society networks, research bodies, media awareness, efforts to build entry points into national government, and aims of encouraging civil engagement in common donor planning. This provides a basis for action. Viable fields include: health or education; land, natural resources and forests (very challenging); decentralisation; budgeting; and others.

Project engagement could build linkages using involvement at the grassroots to connect through intermediary bodies with the national level. It is hard to envisage how this could be done outside a specific sector. The promotion of sectoral linkages would fulfil the demands of civil groups met during fieldwork.

Many other related ideas could be operationalised. Community ombudsmen, for example, may be viable within a limited area; they would need on-the-ground support from NGOs, and careful fostering. Such figures could feed into commune structures, as is occurring with a range of initiatives that link NGO action with commune councils.

Again, multi-donor approaches could add weight and substance to efforts to bring civil society views to the table. They could also enable engagement in broader sectoral plans. DFID's current intention to join partners including DANIDA and others in natural resource planning looks like a possible space.

There may be a range of ideas or resources that a body or fund set up by the World Bank or DFID could offer sectoral teams. This could include local or international expertise, design or implementation funding to run alongside government loans, local contacts with civil groups, efforts to link or share good practice, etc.

C4. Support to civil society

There is a range of options for supporting civil bodies: grassroots structures, intermediary channels and media, enabling measures like improving surrounding legislation. Support could be provided to a range of such initiatives. Some issues:

There are already large and active funders, providing many millions of dollars. Major donors
include USAID in particular. With such extensive engagement, there is no obvious field that
funders have missed out. A strong body of expertise has been developed over how civil
society functions, where support can work, what the barriers to change are, and so on. This
can be tapped into.

- Despite the sums already flowing, there are sectors that could benefit from more support.
 Further identification would require long-term involvement first hasty funding of civil groups can damage delicate and new structures, or over-stretch absorption capacity.
- It would be necessary to sub-contract support programmes to existing agencies; there are
 various operating at present, chiefly international NGOs, also UN agencies, and larger
 domestic NGOs. It may be most appropriate to provide small amounts of funding selectively,
 perhaps by linking with a sector, given large overall funding flows and the need for careful
 approaches with a strong base of knowledge.
- Stand-alone civil society support may water down DFID and WB comparative advantage in linking civil society to higher-level influence and government.
- For a bilateral grant-based donor like DFID, there may be little direct advantage in working with the loan-dominated World Bank on a programme of funding support for civil society.
- However, civil society support could be designed to complement major sectoral involvement rather than standing as an entirely separate fund. This might promote a more coherent focus across the board.

C5. Summary of options proposed in main text of report

- Political parties: A difficult field. If this is to be taken further, it may be best to do so in conjunction with support to parliamentary structures. It would need careful appraisal first.
- Parliament: A range of people have been involved. Further work could be undertaken, in
 which case it will be important to be informed by recent experience of support in this field in
 Cambodia, and other parliamentary structures in the region. Parliamentary sub-committees
 and other such bodies could be linked to sectoral approaches where relevant.
- Working directly with national government bodies: In theory it would be possible to tie support for national accountability watchdog bodies into the results of donor monitoring and civil society feedback, in order to improve performance. Yet it will still be hard, at present, to make much progress. It may be better to leave this work until a later date when genuine commitment or civil society involvement seems possible. In the interim, it may make more sense to support civil society bodies such as the Coalition for Transparency in their efforts to hold government accountable, or to work in specific sectors where some gains can be made.
- Local government: The World Bank and DFID should keep engaged with the
 Decentralisation & Deconcentration framework as it develops over the next year and beyond.
 This is a multi-donor sector, so coherence is an important issue. It will help to feed
 knowledge of local governance into sectoral initiatives in order to promote coherence within
 World Bank and DFID funded work, as well as with others.

Seila and the CCSP will soon end, so an evaluation should help feed into future work. It should consider how successfully it has built civil society involvement into government plans, as a model for future action in this sector or others.

Alternative approaches could work more directly with NGOs to support local level 'partnerships' with commune councils – PACT has produced useful material that summarises existing initiatives in this field.

 Legal / justice frameworks: Some early successes in the Arbitration Council suggest that structures which are outside the main justice system, especially with internal checks and balances (e.g. union and business involvement as well as government) may have more success. This example could be supported itself in future, or could be used as a template for other efforts. Although the formal justice system does not work, laws are still seen as effective in order to guide and justify efforts to promote change or protect rights though other channels. Forthcoming examples include:

- Freedom of Information Law
- Anti-Corruption Law
- laws on rights to protest
- laws on broadcast media
- laws on freedom of association and formation of non-governmental organisations.

At the local level, informal mechanisms and more formal commune councils present some opportunities for engagement.

- Budgets and planning: Realistic and measured participation in commonly owned plans is recommended. A joint donor / UN / government approach may be more effective than separate action. For budgetary work, one option would be to concentrate on information dissemination and transparency at this stage. An information strategy involving media awareness, civil society involvement, etc. may be viable and would require separate input. Alternatively, Public Expenditure Tracking System work could be used as a basis for civil and local government involvement at the provincial level in future.
- Grassroots or social movements: Involvement in this field should be through international NGOs, national or large provincial NGOs, or through intermediaries as described in the following sections. Care should be taken to avoid a disconnect between an international English-speaking NGO élite, and other bodies that frame their approach in local terms. Also, funding to grassroots bodies or movements should use specialists with local knowledge and ensure that it doesn't 'flood' small groups with support. Stress can be placed on supporting linkages between bodies. Large sectoral or area-based donor projects can promote entry points for these bodies, putting effort and funds into work out how best to operate at the grassroots in order to build local level capacities and structures.

An issue that could be taken up is that of the legal status of civil society groups and associated legislation.

- Methods for building accountability linking it up: Future efforts in this field can work with bodies to encourage chains of organisations at different levels. This gives a rooted and justified base to higher-level advocacy, and strengthens networks as well as the grassroots at the same time. Report cards or other techniques need higher-level structures to fit into. Given these structures, they could be used to generate international comparisons, provincial rankings, competitions for improvement, etc. There are international NGOs and Cambodian bodies that have already done this kind of work, which could be used as a base for more in future.
- Media: A media specialist will shortly provide input into World Bank work in this field. It is recommended that the visit include:
 - closer examination of community radio including the surrounding legislative environment
 - analysis of the legislative environment for media more broadly
 - possibilities for self-regulation of media
 - appraising the suitability of existing bodies that fund capacity building of media as future partners.
 - a look at ways of getting information to and from citizens that are not based on mass media.
- Think tanks and universities: The problem is more about access than capacity. Some may
 play a useful role in initiatives that link accountability with wider interventions in sectors or
 other initiatives.

- Human rights groups: As above. Some larger Cambodian NGOs including Ad Hoc and Licadho have rural networks that promote and support right-based issues or serious legal infringements by government. It is not clear that they are in need of further funds given other sources. More support could help some of these bodies, but a lot is going on already.
- NGO networks and policies: There are many ways in which networks can act as a bridge, without which little accountability will be possible. This could be achieved through linking with working groups or other donor structures, planning mechanisms, and so on, or through specific anti-corruption promotion.
- Labour and business: There are various options here, most of which will be best approached through INGO or other intermediaries, including the ILO. However, there is a lot already under way. It may be possible to promote union involvement in formal or semi-formal sectors not currently covered: this is sensitive and difficult work and should be approached carefully, with appropriate technical support. Other bodies include farmers' or other networks, and small or medium enterprise associations.

Union and business groups could be included within wider donor support programmes involved in supporting business reform, attracting investment, etc. For example, donors have engaged in supporting reform or investment in formal sectors such as rubber production or tourism, and in other fields including fisheries.

- A range of possible sectors to consider: These include health and education, land, and
 natural resources. It is recommended that co-operation between interested sectoral
 specialists and those responsible for social accountability work proceed perhaps in one or
 two fields. The main text and C3 provides more information along these lines.
- Improving donor behaviour: Whilst the long-term aim is accountability of government to citizens, donors are critical bodies in the interim (i.e. at least for the next decade and more). Donors could aim to be more transparent themselves, employing more open decision-making processes and publishing budget details. There may also be further measures to track expenditure or otherwise limit corrupt practices that donors could promote without necessarily involving civil groups or civilians through downward accountability systems. More common working between donors could help promote accountability structures and reduce the perception that if one donor stops providing support, then there will be another to fill the gap.

Engagement with civil society in different sectors will achieve two aims: it may give civil groups access to government that they would otherwise not have; and it may also keep pressure on donors to continue considering issues that civil groups raise.

• Common donor / civil society structures: Civil involvement in working groups, steering committees; possible promotion of a social accountability centre or network.

C6: Next steps

• This report should be shared widely amongst civil society, government and donor bodies, and feedback sought. Their views should be taken into account in designing next steps. It is not always easy to encourage feedback from groups who may be intimidated by donors' power or connections to government, or may not be well informed. A good consultative process is time-consuming, involving a range of meetings, translation of documents into Khmer, etc. It would need dedicated staff, and a long timeframe, although some initial steps can be taken more rapidly.

- This report should be used in devising the terms of reference for a range of forthcoming World Bank inputs related to social accountability that are already planned, and should be provided to the specialists concerned.
- For both DFID and the World Bank, the key subsequent step is to decide internally which of the recommendations or options presented in this report are the most suitable and warrant further attention.
- In particular, staffing needs and mechanisms for developing future work are important. It may be possible to pool resources for some of the next steps. This includes consultancy support, but extends to shared staff positions or programme implementation unit.
- All of the proposed steps will require clear internal focal points with sufficient seniority to carry
 it forward within DFID and The World Bank. It will also need the engagement of staff with
 grounded knowledge of civil society in Cambodia, and Khmer language skills.
- Both organisations could also consult other donors, to see where the common ground lies as
 a precursor to forming joint positions. This applies for sectoral and other interventions.
 Likewise, there may be some fields in which DFID and The World Bank would be better off
 working separately and others where collaboration will help.
- The World Bank and DFID should consult its own sectoral specialists, to discern the level of interest in taking forward social accountability ideas.
- It might be easiest to start with a sectoral approach. Efforts could begin with a specific sector (or two), building on work to date and involving civil society more concertedly. Once a sector(s) is identified, consultancy support could help develop engagement.
- For capacity support provision to civil society, a starting point might be to approach bodies already working on civil society strengthening and anti-corruption with proposals to collaborate at an initial stage. Such a step could link existing work with a wider set of stakeholders, building on its significance. A broader civil society fund will require a mechanism – either setting up a funding body, or sub-contracting an organisation to take it on.

Annexes

1. List of persons met

The views of many others who have provided information on other occasions, or passed comments on through other people, are also acknowledged. Persons mentioned are in Phnom Penh unless stated.

DFID:

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2. Terms of Reference

Identifying and Assessing Opportunities for Promoting Transparency and Accountability in Cambodia

Introduction

Good governance is at the heart of the Royal Government of Cambodia's Rectangular Strategy and is highlighted as a requirement for the country to achieve poverty reduction and sustainable development. Achieving good governance, however, requires that the institutions that guarantee accountability and transparency in Cambodia – two of the key components of good governance – become effective. Cambodia today is characterized by weak accountability and rife corruption as well as poor enforcement of the rule of law, underscoring the country's limited institutional capacity, the weak political commitment to reform, lack of trust among the elite, and resistance to reforms from strong vested interests. Together these factors contribute to the failure of the state to deliver essential services to the poor, slows down private investment, and decelerates growth. What is needed is a concerted effort to strengthen, and in many cases, create the chain of accountability.

Objectives

The proposed terms of reference (TOR) focus on identifying and assessing opportunities to strengthen the chain of accountability by enhancing bottom-up or external mechanisms of accountability through civil society groups, the media, and parliament, among others. The exercise will take place over two phases – the first assignment objectives will be to:

- (1) Present an assessment of existing social accountability initiatives including as assessment of the capacity and interest of Cambodian civil society organizations to initiate further activities and absorb tools that promote accountability and transparency and an assessment of the legal and administrative environment for such work in Cambodia, as well as government commitment and capacity to respond to citizen demands for greater accountability.
- (2) Present a draft conceptual framework for taking forward social accountability work in Cambodia, including an assessment of opportunities, challenges and risks; and
- (3) Present a proposed process for taking forward programme design in the second phase of the assignment and beyond.

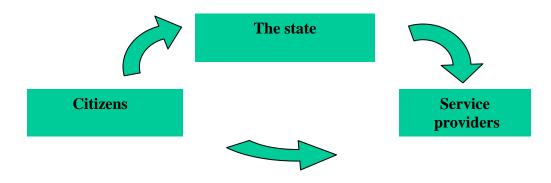
The second assignment objectives will be to:

(1) Secure ownership of a finalised conceptual framework for taking forward social accountability in Cambodia;

(2) Propose stakeholders with operational entry points possible options for activities to further support social accountability in Cambodia (options should include mechanisms for delivery and management)

Background⁸

Like other democracies, Cambodia's framework of accountability, derived from the Constitution, is based on three key relationships of accountability: (1) between the elected officials of the state and those responsible for delivering essential services to citizens; (2) between citizens and the state; and (3) between those who deliver services and the citizens who receive and consume these services. These terms of reference focus on the last two sets of relationships – those involving citizens.



Citizens and the State

As in many young democracies, Cambodian citizens have difficulty holding their elected representatives accountable once those have been elected. The highly centralized nature of Cambodia's democracy reduces the ability of citizens to influence issues that directly affect their lives. The experimentation with local democracy at the commune level is recent. The National Assembly has difficulty performing its oversight functions or acting as an independent and equal branch of government. Members of Parliament, typically, are still relatively inexperienced and may often lack an understanding of development issues. Political parties fail to act as intermediaries of the people in influencing parliament, rather they reflect well developed systems of patronage. The judiciary inherited by democratic Cambodia is ill-equipped to do its job, poorly paid and corrupt and conditioned to being subservient to the executive branch. The other components of the justice sector, such as the police, are equally dysfunctional. For the average Cambodian, the justice sector is perceived as a threat not as a protection.

Alongside a weak parliament and judiciary, Cambodians have access to an underdeveloped media and civil society to amplify their voice. A Law on Press Regime enacted in 1995 guarantees press freedom, prohibits censorship and guarantees the right to protect the confidentiality of sources. The press is still at risk of potential interventions by the government and opens the door to self-censorship in a risk-averse environment. Nevertheless the 10 or so newspapers that publish regularly appear to be relatively free. There is as yet no equivalent law for the broadcast media⁹, which with 20 radio and 7 TV channels reaches far more people. The TV channels

⁸ The background section of these terms of reference is drawn from 'Cambodia at a Crossroads,' the World Bank, 2004.

⁹ CKCKCK TKTKTK

belong to commercial interests that are typically reluctant to take on the government. Radio appears to be more independent and is very popular, although high frequency channels are dominated by pro-government broadcasters. ¹⁰

Civil society is growing rapidly in Cambodia, but is far from effective in amplifying the voice of citizens, in particular the poor. Most local NGOs are relatively young and constrained by the familiar problems of collective action. Heavy dependence on foreign funding tends to shift accountability from the poor in Cambodia to foreign fund providers. The government has been reluctant to deal with the NGO sector and lacks the experience or capacity to build up effective relations. Local NGOs rely on international ones to raise issues with government through their influence with bilateral donors. Accountability and transparency within the NGO sector requires attention. The press and civil society have much to contribute to strengthening accountability and governance in Cambodia. Recognition of this in the Rectangular Strategy can be seen in the invitation to civil society to be the government's partner in development and in the commitment to encourage the activities of NGOs.

Of all citizens it is the poor and excluded who suffer most from a lack of State accountability. Women and children have particularly low access to justice. Ethnic minorities are excluded from the use of media more than other groups. The interests of marginalised groups are by definition the interests to which the State is least accountable.

B. Citizens and Service Providers

Cambodians deal with service providers far more often than they deal with their elected representatives. From enrolling their children in school to attending a primary health care centre to receiving agricultural support services or encountering forestry officials, Cambodians see the public face of service delivery daily. Yet, while citizens should be able to directly hold officials accountable to them for the quality and efficiency of services they deliver, they have little authority or control over such officials. The culture of the bureaucracy is yet to become one where service providers see citizenship as the ultimate judge on their value.

Civil society has in some places enhanced leverage over the bureaucracy by organizing themselves through parent associations, religious organizations, and NGOs, thus enhancing voice to increase the flow of information on the quality and efficiency of services they receive. Such information enhances the accountability of bureaucrats to politicians. In Cambodia, as we have seen above, NGOs are still relatively inexperienced and weak. The cost of organizing to protect common interests can be high and the poor may be afraid to speak up for fear of retribution. This is particularly true for marginalized groups – such as many women, children, the disabled and ethnic minorities.

Activities

In an effort to identify and assess opportunities for promoting transparency and accountability in Cambodia, this exercise will involve the following activities:

(a) Establish a steering committee (SC) for the process that would include a broad range of stakeholders such as CSOs, members of parliament, civil society activities, local and national government representation, and donors. This will include identifying prospective

¹⁰ Cambodian Human Rights and Development Association (ADHOC), *Human Rights Situation Report 2003,* February 2004, p.9.

- members and establishing modalities for the SC. This will broaden the process and build greater ownership of the process, activities, and outcomes of the work.
- (b) Design and launch a process of consultation and discussion with relevant stakeholders, namely civil society groups, the media, donors, and relevant government officials. The process would take the shape of focus group discussions, consultations, and project visits in and outside Phnom Penh. The process will be launched in January 2005 and be completed in March 2005. An initial option for this process is put forward in annex C for discussion.
- (c) Discussions will be framed around the following themes/subjects, some of which is existing work that relates to strengthening accountability mechanisms:
 - Access to Information- Specifically on the existing information framework and availability of information by government, and a prospective FOI law. (ref: Center for Social Development's September '04 report).
 - *Independent media-* Specifically on examining broadcasting laws and initiatives, grassroots media, press unions as well as constraints to investigative journalism¹¹.
 - *Health and education sectors-* Specifically existing and on-going research where there has been some work to build accountability mechanisms.
 - *Generating and tracking information* Specifically mapping out experiences of who is doing what and where on scorecards, court monitoring, PETS, etc.
 - *Pro-poor change-* Specifically, work completed by ODI.
 - Participation in policy discussion and debate- Specifically on NPRS.
 - Channels of dialogue, collaboration and advocacy- Specifically, what kinds of channels exist between civil society, the media and parliament, as well as between the latter and government (local and national) to push for greater accountability. What channels exist between citizens and civil society, the media, and parliament? How do CSOs position themselves, as partners in development or government foes?
 - *Civil society capacity* Specifically on the capacity of civil society at the local and national levels to be effective in exacting accountability, including information and data gathering, analysis, research, policy skills, advocacy. How ready and able are CSOs to make the leap from "shouting to counting?"
 - *Demanding accountability-* Specifically, mapping initiatives on public forums, accountability agreements, complaints mechanisms and processing, parliamentarians, coalition for transparency.
 - Conflict resolution- Specifically access to justice background and link with UNDP.
 - *Economic governance* Specifically promoting transparency and accountability in public-private partnerships, including through laws and regulations, and in private sector governance.
- (d) Hire an international consultant who will facilitate the process alongside the steering committee. The international consultant will work closely with the World Bank Social Development Specialist (based in Phnom Penh) and will report jointly to DFID and the World Bank in Bangkok. (see international Consultant TOR in Annex A).

Timeframe

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¹¹ NB: A mission to look at media, broadcasting, and grass roots media will be carried out in January and will be used to feed into the overall work of the consultancy and consultant.

The assignment will start in early January 2005 and be completed by March 2005.

Identifying and Assessing Opportunities for Promoting Transparency and Accountability in Cambodia

International Consultant Terms of Reference

Objectives

These terms of reference (TOR) focus on identifying and assessing opportunities to strengthen the chain of accountability by enhancing bottom-up or external mechanisms of accountability through civil society groups, the media, and parliament, among others. The exercise will take place over two phases – the first assignment objectives will be to:

- (1) Present an assessment of existing social accountability initiatives including as assessment of the capacity and interest of Cambodian civil society organizations to initiate further activities and absorb tools that promote accountability and transparency and an assessment of the legal and administrative environment for such work in Cambodia, as well as government commitment and capacity to respond to citizen demands for greater accountability.
- (2) Present a draft conceptual framework for taking forward social accountability work in Cambodia, including an assessment of opportunities, challenges and risks; and
- (3) Present a proposed process for taking forward programme design in the second phase of the assignment and beyond.

Upon completion of the first assignment, the consultant may be asked to complete a second assignment with the objectives to:

- (1) Secure ownership of a finalised conceptual framework for taking forward social accountability in Cambodia;
- (2) Propose stakeholders with operational entry points possible options for activities to further support social accountability in Cambodia (options should include mechanisms for delivery and management)

Tasks

1. Design, launch, and facilitate the consultation/discussion process that will culminate in meeting the above-mentioned objectives. This process will involve consultations and discussions with relevant stakeholders, namely with civil society groups, the media, donors, members of parliament, and relevant local and national government officials.

The process would take the shape of focus group discussions, consultations, project visits in and outside Phnom Penh. The process will be launched in January 2005 and be completed in March 2005. An initial option for this process is put forward in annex C for discussion. Discussions will be framed around the following themes/subjects, some of which is existing work that relates to strengthening accountability mechanisms:

• Access to Information- Specifically on the existing information framework and availability of information by government, and a prospective FOI law. (ref: Center for Social Development's September '04 report).

- *Independent media*¹²- Specifically on examining broadcasting laws and initiatives, grassroots media, press unions as well as constraints to investigative journalism.
- *Health and education sectors* Specifically existing and on-going research where there has been some work to build accountability mechanisms.
- Generating and tracking information- Specifically mapping out experiences of who
 is doing what and where on scorecards, court monitoring, PETS, etc.
- Pro-poor change- Specifically, work completed by ODI.
- Participation in policy discussion and debate- Specifically on NPRS.
- Channels of dialogue, collaboration and advocacy- Specifically, what kinds of channels exist between civil society, the media and parliament, as well as between the latter and government (local and national) to push for greater accountability. What channels exist between citizens and civil society, the media, and parliament? How do CSOs position themselves, as partners in development or government foes?
- Civil society capacity- Specifically on the capacity of civil society at the local and
 national levels to be effective in exacting accountability, including information and
 data gathering, analysis, research, policy skills, advocacy. How ready and able are
 CSOs to make the leap from "shouting to counting?"
- Demanding accountability- Specifically, mapping initiatives on public forums, accountability agreements, complaints mechanisms and processing, parliamentarians, coalition for transparency.
- Conflict resolution- Specifically access to justice background (incl. UNDP).
- *Economic governance* Specifically promoting transparency and accountability in public-private partnerships, including through laws and regulations, and in private sector governance.
- 2. Alongside the WB Social Development Specialist identify prospective members and modalities for a steering committee for the process that would include a broad range of stakeholders such as CSOs, members of parliament, civil society activists, local and national government representation, and donors. This will broaden the process and build greater ownership of the process, activities, and outcomes of the work, including presenting the potential framework for social accountability at a World Bank-organized regional workshop to be held in Bangkok in Spring 2005¹³.
- 3. Produce a report for the first phase of not more than 15 pages excluding annexes that:
 - (a) Presents an assessment of existing social accountability initiatives
 - (b)_ Present a draft conceptual framework for taking forward social accountability work including an assessment of opportunities, challenges and risks (c) Presents a proposed process for taking forward programme design in the second phase of the assignment and beyond (including tors and members of a steering committee, proposed workshops; further consultancies, training...)
 - (c) If the consultant is asked to lead a second assignment, a report will be requested that presents:Proposals for operationalising donor support, including key next steps and a finalised, broadly owned conceptual framework

Timeframe

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¹² NB: A mission to look at media, broadcasting, and grass roots media will be carried out in January and will be used to feed into the overall work of the consultancy and consultant.

¹³ The regional workshop is part of a World Bank regional activity on "Strengthening Civic Engagement and Social Accountability in Poverty Monitoring in the East Asia and Pacific Region."

Up to 14 days are allocated to the first phase of the assignment – to include report writing and time in Cambodia scheduled between 17th and 28th January – involving time inside and outside of Phnom Penh. Draft report will be submitted by the end of January and the final report by 15 February 2005.

Management

DFID will contract the consultant and they will report directly to DFIDSEA's Social Development Adviser, who will coordinate comments on drafts of the report from the World Bank and DFID.

Identifying and Assessing Opportunities for Promoting Transparency and Accountability in Cambodia

National Consultant Terms of Reference

Objectives

- (1) To assess the capacity and interest of Cambodian civil society organizations to undertake activities and absorb tools that promote accountability and transparency;
- (2) To assess the environment legal and administrative -- for such work in Cambodia, as well as government commitment and capacity for respond to citizen demands for greater accountability.
- (3) To ascertain the operational entry-points for such activities in Cambodia and present donors, particularly DFID and the World Bank, with options for possible programming (including mechanisms for delivery and management).

Tasks

The National Consultant will be working in coordination with an international consultant to carry out the following activities:

(1) Help the international consultant launch and facilitate a consultation/discussion process that will culminate in meeting the above-mentioned objectives, including: (a) identifying individuals and organizations from civil society, government, media, private sector, and the donor community; and (b) organizing the consultations and discussions.

Discussions will be framed around the following themes/subjects, some of which is existing work that relates to strengthening accountability mechanisms:

- Access to Information Framework and initiatives- Specifically on the framework and implementation (ref: Center for Social Development's September '04 report).
- The role of an independent media-Specifically on broadcasting laws and initiatives, and grassroots media.
- Health and education sectors- Specifically existing and on-going research on these sectors where there has already been some work to build accountability mechanisms.
- Generating and tracking information- Specifically mapping out experiences of who is doing what and where on (scorecards, court monitoring, PETS, etc).
- Pro-poor change- Specifically, work completed by ODI.
- Participation in policy discussion and debate- Specifically on NPRS (see Chris' paper or in NPRS experience).
- *Demanding accountability* Specifically, mapping initiatives on public forums, accountability agreements, complaints mechanisms and processing, parliamentarians, coalition for transparency.

Conflict resolution- Specifically access to justice background and link with UNDP.

- *Economic governance* Specifically promoting transparency and accountability in public-private partnerships, including through laws and regulations, and in private sector governance.
- (2) Helping to identify prospective members and terms of reference for a steering committee for the process that would include CSOs, donors, and RGC representation;

- (3) Helping to identify field visits, and accompanying the international consultant on the above-mentioned process, including on field visits.
- (4) Providing necessary background information to the international consultant, including relevant documents.
- (5) (what about translation?)

Proposed Timetable

January 2005:

Consultancy- Phase 1: 'Stocktaking and process inception'

A. Conduct meetings with key stakeholders and read relevant background information

Conduct Initial field visits to explore existing initiatives

Write up and present Initial report / proposed activities for next phase (and receive feedback)

January 2005:

Joint DFID-WB identification mission to follow-up on phase 1 and mission on independent media.

February/March 2005:

Consultancy-Phase 2: 'Creating ownership and presenting programme options:

- 1. Consult on possible options of support
- 2. Provide feedback to steering committee/and at a provincial level on recommendations
- 3. Submit detailed report outlining experiences from the field and options for support

March 2005:

Framework ready and to be presented by Steering Committee at Social Accountability workshop in Bangkok.

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