

The Role of Civil Society in Influencing Policy and Practice in Cambodia



Report for Oxfam Novib

August 2014

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Acknowledgements

The author would like to thank the civil society and government representatives who agreed to be interviewed for this study and who provided such interesting reflections on the role of civil society in Cambodia. Thanks also to the Oxfam Novib team in Cambodia and the Hague who supported the process and/or gave up their time to be interviewed. Special thanks to Chhoeng Sotheavann who provided valuable assistance during the research process.

Front cover photograph: People's demonstration for democracy, Kimlong Meng/Oxfam Novib

List of Acronyms

ADHOC	Cambodia Human Rights and Development Association
AEC	Action for Environment and Communities
AGPA	ASEAN Grassroots People's Assembly
APF	ASEAN People's Forum
ASEAN	Association of Southeast Asian Nations
BCV	Building Community Voices
CAMBOW	The Cambodian Committee of Women
CBO	Community Based Organization
CCC	Cooperation Committee for Cambodia
CDCF	Cambodia Development Cooperation Forum
CEDAW	Convention to Eliminate All Forms of Discrimination Against Women
CF	Community Forestry
CLEC	Community Legal Education Centre
CLT	Communal Land Title
CMDG	Cambodian Millennium Development Goals
CNRP	Cambodian National Rescue Party
COMFREL	Committee for Free and Fair Elections in Cambodia
CSR	Corporate Social Responsibility
CPP	Cambodian People's Party
CPWP	Committee to Promote Women in Politics
CSO	Civil Society Organization
DPA	Development and Partnership in Action
EIA	Environmental Impact Assessment
ELC	Economic Land Concessions
FPIC	Free Prior Informed Consent
FUNCINPEC	National United Front for an Independent, Neutral, Peaceful and Cooperative Cambodia
GADC	Gender and Development for Cambodia
GALS	Gender Action Learning System
GDCC	Government Donor Coordination Committee
GMAGs	Gender Mainstreaming Action Groups
GPP	Governance and Professional Practices
ICT	Information Communication Technology
JCAS	Joint Country Analysis Strategy
JMI	Joint Monitoring Indicators
JTWG	Joint Technical Working Groups
LANGO	Law on Associations and NGOs
MB	Messenger Band
MDGs	Millennium Development Goals
MLMUPC	Ministry of Land Management, Urban Planning and Construction
MoE	Ministry of Environment
MoWA	Ministry of Women's Affairs
MRD	Ministry of Rural Development
NAP-VAW	National Action Plan on Violence Against Women
NEC	National Election Committee
NGO	Non Governmental Organization

NP-SNDD	National Plan for Sub-National Democratic Development
NSDP	National Strategic Development Plan
NFTP	Non Timber Forest Products Project
ODA	Overseas Development Assistance
ONL	Oxfam Netherlands/Oxfam Novib
PADEK	Partnership for Development in Kampuchea
PPC	Policy and practice changes
RGC	Royal Government of Cambodia
SAC	Social Action for Change
SLC	Social Land Concessions
SMART	Specific, measurable, achievable, realistic, timely
SMS	Single Management Structure
SSI	Semi Structured Interview
TWG-G	Technical Working Group Gender
UN	United Nations
US	United Sisterhood
WCP	World Citizen's Panel
WIC	Women's Information Centre
WMC	Women's Media Centre
WNU	Women's Network for Unity

Executive Summary

This study considers the role of civil society in influencing policy and practice in Cambodia. It represents a qualitative study conducted as one part of a broader assessment by Oxfam Novib to explore and measure the impact of work conducted by Oxfam Novib and its country partners. The study considers the ability of civil society to influence and to change policy and practice in three main areas: civil society space; access and control of land and resources; and gender based violence and women's leadership. The research methodology comprised a literature review, semi-structured interviews with NGO and government representatives and a validation workshop to present the initial findings to relevant stakeholders. The study findings have also been analyzed with reference to the results of the World Citizen's Panel survey that was conducted by Oxfam Novib partners with target groups and control groups in 21 provinces in Cambodia.

Cambodian civil society has matured over the last ten to fifteen years. From its beginnings in a largely foreign-led relief and rehabilitation effort following the years of civil war, NGOs are beginning to carve out a space in the context of modern day Cambodia and to engage with civil society movements nationally, regionally and internationally. The umbrella organizations of the Cooperation Committee for Cambodia (CCC) and the NGO Forum have facilitated bringing civil society together through networks and joint advocacy and there have been a number of examples where civil society has engaged in coordinated action, strengthening their ability to influence. Within invited spaces, civil society has been able to feed the priorities and concerns of Cambodian people into higher level national policy forums such as government-donor coordination meetings and sector technical working groups. Within the region Cambodian civil society has engaged with other civil society movements and organizations in Southeast Asia to participate in forums and to ensure the voice of the people is raised within the Association of Southeast Asian Nations (ASEAN) meetings. During the last ten years NGOs have also been active players in global civil society movements around aid and development effectiveness and are now taking a lead in the Asian civil society Beyond 2015 campaign, pushing for a strong successor to the Millennium Development Goals. Internally, civil society has worked to develop stronger accountability mechanisms and has joined forces to advocate against the passing of a potentially prohibitive NGO law. As such Cambodian civil society has contributed to the creation of space for NGOs and other civil society groups to come together for dialogue and to engage in issues for coordinated action, strengthening their ability to influence. The ability of citizens to engage with civil society and to raise their own voice has also increased as the population becomes more mobile and has greater access to technology. However, there remain limitations in the ability of civil society to participate meaningfully in invited forums at national level, both due to the space given to civil society to speak and their own capacity to coordinate and raise common interest issues. Despite the new vibrancy of civil society with emerging groups and networks at grassroots level, the ability of civil society to work cohesively is still challenged by competition over funding and donor priorities taking precedence over locally defined priorities.

Access to land and resources is crucial for the subsistence livelihoods of many poor rural communities in Cambodia but over the last ten years it has become an increasingly hot and politicized issue. Oxfam Novib partners working on land and resources have had mixed success in terms of being able to influence policy and practice. In terms of the legal framework for land and resources, NGOs contributed to the development of the 2001 land law, particularly the sub-decrees on social land concessions and communal land title for indigenous people, and also the various laws and guidelines required for the identification, legalization and management of community forestry areas. NGOs have also been active in working with government ministries and provincial departments to facilitate the processes between communities and the government to register communal land

titles and community forests, with a total of 8 communal land titles having been issued to date and around 100 community forests legally recognized. Civil society, through land and resource networks, has also been active in monitoring the granting of economic land concessions (ELCs) and the impacts of these concessions on the land and resources of local people. It is believed that some of the critical feedback from NGOs concerning the granting of ELCs led the Cambodian Prime Minister, Hun Sen, to implement the Directive 001, which placed a moratorium on the granting of ELCs and issued private land titles to hundreds of families throughout Cambodia. NGOs have also been active in monitoring some of the negative impacts of the Directive, for example, the granting of individual titles in communities that were in the process of applying for communal titles. At grassroots level NGOs have supported local communities to understand their rights concerning land and resources, to mobilize and to develop appropriate advocacy strategies to claim their rights. Increasingly civil society is realizing the importance of engaging with the private sector in Cambodia to try to ensure that investment around land and resources is conducted in a fair, equitable and transparent way. It is clear that the awareness of people regarding their rights to land and resources is greatly enhanced throughout Cambodia, and people have been more active in mobilizing and standing up when these rights are abused. The NGO Forum land and resource networks have enabled civil society to work together to develop cohesive strategies to tackle these issues and to speak with a united voice. However the close connection between the political elite and the exploitation of land and natural resources continues to hamper the ability of civil society to ensure the transparent, effective and timely implementation of the law.

The Royal Government of Cambodia (RGC) has commitments to ensuring gender equality and the empowerment of women through its ratification of the Convention on the Elimination of all Forms of Discrimination against Women (CEDAW) and within its own Cambodian Millennium Development Goals. NGOs have worked closely with the Ministry of Women's Affairs (MoWA) to support the mainstreaming of gender throughout the national policy frameworks at national and sub-national level and to participate in the government-donor Technical Working Group on Gender. NGOs also play a role to monitor and report to the United Nations on the government progress towards implementation of CEDAW. A key achievement in terms of legislation was the passing in 2005 of the Law on the Prevention of Domestic Violence, which the NGO and donor community actively advocated for and participated in the development of. Civil society has since been involved in the development and implementation of National Action Plans to support the implementation of the law. The government also has commitments to ensure the greater representation of women in leadership and decision-making positions, and NGOs have supported the identification and capacity building of female candidates at sub-national level and advocated at national level for the greater inclusion of women in politics. The Committee to Promote Women in Politics (CPWP), a coalition of NGOs has worked since 2005 to promote women in decision-making at sub-national and national level, another example of successful NGO collaboration. The commitment and targets of the government to gender mainstreaming and women's empowerment have created an enabling environment for civil society to participate in and to advocate for these issues, although real change at local level has been slower due to weak implementation of laws and policies and the predominance of traditional values and biases.

The Oxfam Novib theory of change suggests that when civil society is strengthened this leads to a stronger voice of citizens on issues relating to poverty and injustice. This stronger voice of citizens in turn contributes to changes in policy and practice, and these changes in policy and practice contribute to a reduction in poverty and injustice. The analysis indicates that in reality the process of change in Cambodia is less linear and somewhat complex and can also be impacted by context, particularly the political context. In Cambodia the linking of policy and its implementation in practice have yet to be fully achieved due to the lack of political will to

implement the laws and to have a transparent and independent judiciary. However, having good laws in place and also having a stronger, vocal citizenry who are aware of their rights are key steps to achieving a more just and democratic society, and therefore to reducing poverty and injustice in the longer term. The mobilization and networking of citizens in particular has helped to change the self-perception of Cambodian people regarding their capacity to influence government.

The Oxfam Novib partners have used a variety of approaches to influence policy and practice, ranging from softer approaches that involve working with government to harder, advocacy driven approaches that aim to put pressure on duty bearers. The majority of approaches tend to fall in the middle ground between the two, whereby efforts are made to bring different stakeholders together and create a space for dialogue. An important approach undertaken by NGOs in Cambodia has been to work to strengthen and mobilize individuals, communities and networks, recognizing the need for citizens to be active in claiming their rights and in working collectively towards joint goals. The provision of legal support has also been an important aspect of NGO work when working with communities and individuals impacted by rights abuses. NGOs continue to work with government authorities, both in terms of assisting in the implementation of laws and National Action Plans and in monitoring government implementation. The increasing use of information communication technology (ICT) by civil society is revealing the value of this technology in a society where access to information and means of communication has traditionally been severely limited. ICT is being used for education and awareness, but also for advocacy purposes in reporting evidence from the grassroots, in supporting monitoring and watchdog roles and in allowing safer communication for human rights activists.

Oxfam Novib has worked in Cambodia since 1981. The original focus of work was relief and rehabilitation but since the early 1990s Oxfam Novib has worked to support and strengthen civil society organizations. While it appears today that many of the Oxfam Novib partners are more established NGOs with significant sector experience, it is notable that Oxfam Novib also provided crucial early support to emerging organizations such as the human rights organization ADHOC, which have since developed to be leaders in their sector. A criticism of the Oxfam Novib approach to partnership in the past is that while support was provided to experienced organizations, there was less attention paid to bringing partners together to work collectively on common issues. However, in more recent years Oxfam Novib has strategically selected partners such as NGO Forum and CCC with the intention to support civil society strengthening by encouraging networking and joint advocacy.

Oxfam Novib provided core institutional funding to partners that provided flexibility and minimal reporting requirements, an arrangement that was appreciated by all partners and which allowed some partners to develop long term strategies, to respond flexibly to situations and to take on confrontational positions when needed. In terms of capacity building, Oxfam Novib encouraged partners to cover training needs within their proposals and funding requests, although dialogue around capacity building needs was initiated using the partner assessment Toolbox and more recently using the Five Capabilities tool introduced by the Dutch government. While partners felt that Oxfam Novib was a supportive donor partner in terms of the funding and reporting mechanisms and the flexibility and decision making that this afforded them, partners also expressed the view that Oxfam Novib was quite distant in its relationship with partners as until recently the office worked out of the Hague. The partners appreciate the recent decentralization of Oxfam Novib and hope that the new single management structure of the Oxfam affiliates in Cambodia will bring some opportunities for greater cohesive and strategic support to civil society.

Some recommendations provided by partners include:

- Oxfam should allow and facilitate opportunities to encourage synergy between the partners of all the affiliates to strengthen civil society cohesion and drive change collectively.
- Oxfam should provide support and facilitation assistance to help civil society organizations address challenges and identified weaknesses in the strategies being used by civil society, for example in their work with the private sector.
- Oxfam should continue to support civil society organizations to strengthen their own democratic processes, systems and accountability.
- Oxfam should work to create synergies and strategic planning between donors working with the same partners and thematic areas in terms of donor support and requirements, capacity building, accountability processes.
- Oxfam should continue to support civil society to link to regional and global initiatives and advocacy to continue to strengthen capacity and to enable Cambodian civil society to strengthen their advocacy approaches.

1. Introduction

1.1. Background to the study

This study, “The Role of Civil Society in Influencing Policy and Practice in Cambodia” is part of a broader assessment being conducted by Oxfam Novib to explore and measure the impact of the work conducted by Oxfam Novib and its country partners in Cambodia and in other countries where Oxfam Novib is working. The impact assessment investigates the extent to which citizens and their organizations have played a role in the struggle against poverty and injustice. The complete impact assessment process comprises three main elements:

1. A survey with organization target groups and beneficiaries to gauge the perceived changes in their lives as a result of the interventions of Oxfam Novib and its partners. A control group that did not benefit from the interventions is also included in this survey.
2. An in-depth study investigating the ability of civil society to influence policy and practice.
3. The collection of stories of change which will be documented as stories or short films. Joint reflections will follow to explore how change happens and what contribution Oxfam Novib has had.

The overall aim of Oxfam Novib is to create a World Citizen’s Panel (WCP) of poor and vulnerable people living around the world to give them a stronger voice to express the changes in their lives and that they experience as a result of development and human rights interventions. The assessment will be carried out every two years so that change can be monitored on a regular basis over a longer period of time.

This report presents the findings of the in-depth study conducted in Cambodia, investigating the ability of civil society to influence policy and practice over the last five to ten years. It draws on the Oxfam Novib theory of change, that building civil society contributes to a stronger voice of citizens on issues related to poverty and injustice, which in turn leads to changes in policy and practice that contribute to a reduction in poverty and injustice. The study considered what influence civil society has had on policy and practice, the methods and strategies employed, the contextual factors that have either enabled or constrained these efforts, and what actual changes have occurred for the citizens of Cambodia as a result of policy and practice changes. The study also looked at the contribution of Oxfam Novib as a donor and partner to civil society and the perceived added-value of the Oxfam support from the perspective of the partners.

The study findings are intended to provide evidenced based input for defining future strategies by allowing reflection on what has been done well, what can be done better in the future, and what ideas there are for future strategies for Oxfam Novib and partner organizations. It is intended that the study findings will provide evidenced-based input to a proposal to the Dutch government for a strategic partnership with Oxfam Novib.

1.2. Study Objectives

The goal of the study is to assess the impact of civil society’s influencing work on changes in the Cambodian society and to determine to what extent Oxfam Novib has contributed to these changes. Specifically the study aimed to:

- To explore the role of civil society in Cambodia, particularly Oxfam Novib’s partners, on influencing policy and practice in Cambodia in relation to the thematic areas of:
 - a. Civil society space

- b. Access and control of natural resources, particularly land and forest
- c. Gender based violence and women's leadership
- To provide an objective assessment on Oxfam Novib's role in civil society building in Cambodia.

1.2.1. Process

The majority of this study was conducted during June and early July 2014. The study began with initial discussions with Oxfam Novib staff to gain an understanding of the overall impact assessment process and how this research would contribute to that. An initial list of key informants to be interviewed was identified based on Oxfam Novib past and current partners working under the thematic areas to be investigated. Some additional informants were added to the list based on their previous roles and experience of working with the partners. The majority of informants were in senior leadership positions within their organizations, mainly as Executive Directors, although in a couple of cases a wider range of staff were interviewed in a focus group format.¹

A review of secondary data was conducted, including Oxfam Novib reports, partnership documents, assessments and partner proposals, reports and evaluations. Broader literature on Cambodian civil society, governance, land rights and gender were also consulted. Based on the desk review an initial analysis was conducted to contribute to identifying specific issues for investigation and the development of interview questions.

Semi-structured interview (SSI) questions were developed for Oxfam Novib staff, Oxfam Novib partners and government representatives. Key question areas covered by the SSI were: Identification of policy and practice changes; methods and strategies; enabling and constraining factors; observable outcomes; and the role of Oxfam Novib. Meetings and interviews were conducted over a period of three weeks with the Oxfam Novib team and the civil society representatives. The use of SSI allowed for the collection of rich qualitative data and reflections that contributed to establishing an understanding of the effectiveness of civil society influencing strategies from the perspectives of the interviewees.

The findings from the interviews were analyzed according to the main question areas and in comparison to the data obtained through the World Citizen's Panel (WCP) survey questions that represent the perceptions of the beneficiaries and target groups. The WCP survey was conducted by Oxfam Novib and 11 partners during May and June 2014. The surveys were conducted using a smart phone impact app which allowed for offline data entry and automatic uploads of data when the smart phone was able to connect to the internet. The surveys were conducted with target groups of the partner organizations and among comparable control groups which had similar characteristics but had not benefitted from the programs. The respondents were selected through systematic sampling. A total of 3,658 respondents from across 21 provinces were interviewed in the Cambodia survey.

A three-day workshop facilitated by Oxfam Novib was held from the 9th – 11th July 2014 with participants from the partner organizations who had been involved in both the WCP survey and this in-depth study. The preliminary findings were presented, validated and discussed further, and outputs from the workshop have also been included into this final report.

¹ A list of interviewees and a brief description of the partner organizations interviewed are contained within the annex of this report.

1.2.2. Limitations and Validation

The time-frame for the research was relatively short and so the study was limited to interviewing the main partners of Oxfam Novib working in the thematic areas under investigation. However, efforts were made to interview both the well-established NGO partners of Oxfam Novib in addition to newer partners and partners representative of grassroots organizations and associations. The majority of interviews were conducted in Phnom Penh, with the exception of Action for Environment and Communities (AEC) who were interviewed at their office in Kompong Chhnang province. However, many of the organizations interviewed have provincial activities or support local community based organizations (CBOs) and networks.

The qualitative nature of the research meant that it drew very much on the personal reflections and experiences of civil society representatives, many of whom had a good number of years experience in the NGO sector and had experienced the growth and development of civil society in Cambodia. It was found that the interviewees were generally very reflective and honest concerning what had been achieved and what had not.

However with a reliance on personal reflection the findings are to some extent limited by the ability of respondents to recall events or actions, particularly those in the more distant past; the possibility of putting a favourable gloss on the work of their own organizations; and their own personal opinions and preferences. Secondary data has been used to try and support claims and to build up a realistic picture of what has been achieved. The findings were presented at the July workshop with the interviewees and representatives from other partner organizations, and were further validated with several participants reinforcing the findings and relating their own experiences. The contextual constraints identified by interviewees were reiterated many times, particularly during the panel discussion at the workshop in which 4 executive directors of Oxfam Novib partners reflected on the key strategies required to continue to influence policy and practice in Cambodia.

To further validate and cross-check the findings, results from the WCP survey that relate to the themes of this in-depth research, have been incorporated into the report. The WCP survey was conducted with target groups and beneficiaries of Oxfam Novib partners in 21 provinces.²

It has been an intention of the research to interview government representatives to gain their reflections and opinions on the role of civil society in Cambodia and how and if they have worked together to influence policy and practice. Initially the civil society partners were contacted and asked to provide the names and contacts of the government staff they had worked with on specific sectors and issues. Unfortunately, approaching these nominated government representatives failed to yield any positive response to the request for interviews. Finally formal letters were sent to the ministers requesting interviews with staff members familiar with working on the thematic areas of the research. Interviews were eventually confirmed and undertaken with officials from the Ministry of Rural Development and the Ministry of Women's Affairs. The results from these interviews have been included into this report.

² Oxfam Novib, July 2014. Preliminary Results of the Impact Survey in Cambodia.

2. Oxfam Novib in Cambodia

2.1. Background

Oxfam Novib has been working in Cambodia since 1981, initially implementing relief and rehabilitation work with local government institutions following the years of civil war.³ In 1986 Oxfam Novib began working with PADEK, whose office also acted as a field office for Oxfam Novib. Following the Cambodian peace process and 1993 national elections, Oxfam Novib turned its attention to working with Non-Governmental Organizations (NGOs) as they began to work more closely with communities.

From the beginning of its support to civil society, Oxfam Novib has had a strong interest in human rights organizations focusing on civil and political rights. In 1991 Oxfam Novib began to provide moral and financial support to Mr. Thun Saray who was in the process of setting up ADHOC, the first human rights organization in Cambodia, in a context where the government was not yet open to civil society organizations and where there was virtually no concept of human rights. However, given that the majority of Cambodians at that time were living in situations of extreme poverty and trauma after the long years of civil war, Oxfam Novib also worked to improve livelihoods and the provision of basic social services. This work was combined with lobby and advocacy efforts, as Oxfam Novib worked with and through organizations that encouraged social and political participation while providing these basic services and livelihood support.

Oxfam Novib has continued to develop its approach over the years, moving to a rights based approach and trying to engage partners in a way to ensure links between grassroots work and advocacy efforts at national levels.

2.2. Thematic Areas

Oxfam International has five main aims: 1) the Right to Sustainable Livelihood, 2) the Right to Basic Social Services, 3) the Right to Life and Security, 4) the Right to Social and Political Participation, and 5) the Right to an Identify (gender and diversity). Oxfam Novib has supported organizations that work on all five of these overall aims. Over the years Oxfam Novib has built a partnership base and experience in land, forestry, fisheries, Mekong river basin management, community-based disaster risk reduction, preparedness and response, labour rights and women's empowerment.

For the 2011 – 2015 strategy, Oxfam Novib Cambodia identified the following priority areas: livelihoods, land rights, humanitarian work including disaster risk reduction, gender, climate change and labour rights.⁴ The program was to focus on three of the Oxfam International aims:

1. Aim 1: Secure and sustainable livelihoods for rural poor and secured access to the natural resources on which they depend
2. Aim 4: Increased space for civil society, access to justice and information, accountability and participation
3. Aim 5: Women's economic empowerment, women's leadership and work to end gender based violence.

³ Information for this section is taken from the ONL Cambodia Country Strategy 2011-2015 and Libunao, Sandra M. et al, 2005. Novib's Core Country Evaluation: Pilot Country: Cambodia.

⁴ Oxfam Novib, Cambodia Country Strategy 2011-15

Under these thematic areas Oxfam Novib focused on people living in rural poverty, both those working in smallholder agriculture and those working in large scale agriculture. Women and youth were also specifically targeted as groups that are marginalized within society but comprise a significant proportion of the population (more than 50% of the population being below 21 years old and more than 50% of the population being female).⁵ In its 2011-2015 strategy paper for Cambodia, Oxfam Novib acknowledged the need to diversify the type of organizations worked with, exploring opportunities for engaging with stakeholders such as economists, think-tanks, academia, private sector actors and local organizations working at sub-national level. Key strategies to be employed included working with organizations playing a role in the protection of natural resources and providing support and legal aid in conflicts around land and forests; strengthening civil society organizations including grassroots movements, networks and local organizations at sub-national level; supporting organizations lobbying for the enforcement of laws; linking to regional level networks; and providing support in knowledge and innovation management.⁶

Since the different Oxfam affiliates adopted a single management structure and a joint country strategy for Cambodia, a process that began in 2012, the thematic areas for Oxfam Novib focus have been further refined to the following three areas:

1. Economic justice with a focus on land rights
2. Humanitarian (disaster risk reduction, resilience and emergency response)
3. Gender justice and governance (focus on youth, urban and migration)

2.3. Partners participating in the impact research

The partners selected to take part in the impact research on influencing policy and practice fitted broadly within the thematic areas of access to land and natural resources, gender based violence and women's leadership and civil society space, thus reflecting thematic areas that Oxfam Novib has been working on for some time. The partners selected to participate under each of these thematic themes was as follows:

Access to land and natural resources: Mlup Baitong, AEC, CLEC, DPA, ADHOC, BCV

Gender Based Violence and Women's Leadership: WMC, US, GADC, SILAKA

Civil Society Space: CCC, NGO Forum, COMFREL

While the partners can be placed under one of these specific themes, in reality they often play a wider role and cross-over between the themes. For example, AEC works on women's rights and leadership in addition to its work on land and natural resources, as does CLEC through its labour rights program. The majority of partners have also been active in working towards increasing civil society space, as will be explained later in this report. COMFREL, in addition to its role of increasing democratic space in Cambodia through election processes, is also a member of the Committee to Promote Women in Politics (CPWP) and so has been active in working to promote women's leadership at national and sub-national levels, along with SILAKA, WMC and GADC.

⁵ RGC, 2010. National Program for Sub-National Democratic Development (NP-SNDD). Phnom Penh: RGC.

⁶ Oxfam Novib, Cambodia Country Strategy 2011-15

3. Policy and Practice Changes

This section explores the first objective of the research: How has civil society in Cambodia, particularly Oxfam Novib's partners, managed to influence policy and practice? The section is ordered according to the three thematic areas of investigation, civil society space, access and control of natural resources, and gender based violence and women's leadership. Within each thematic some key policy and practice changes are identified, as were raised during the interviews, and where possible secondary data is sourced to provide additional validation to the claims. The section also explores some of the contextual factors that civil society identified as either enabled things to happen or constrained and hampered progress. Finally an over-view is given on some of the key changes experienced by Cambodian citizens as a result of civil society influencing work on policy and practice. Findings from the World Citizen's Panel survey are also included within the analysis as a way to provide some perspective from the beneficiaries and target groups as to what has actually changed for them.

3.1. Civil Society Space

A definition of civil society is "the arena, distinct from the state and the market, where people promote their common interests and seek to shape governance and policies for the benefits of all in society, without the promise of commercial profit or official power."⁷ Civil society has a role to bring the voices of the poor to influence government policies, to challenge injustice and to hold governments to account, thus advancing the democratic process. In this sense, civil society space therefore refers to the opportunity for citizen expression and participation in social and political affairs. It refers to the freedom of association, of expression and of access to information. It requires civil society to work at a social, economic and political level and to challenge the power structures that create a barrier to change and social transformation. Currently the political space for civil society organizations, particularly those working in areas concerning justice, human rights or natural resources, is shrinking in many countries, including Cambodia, due to restrictive government policies and actions.⁸ What have Cambodia's civil society organizations and Oxfam Novib's partners been able to achieve in the last ten years in terms of increasing and maintaining civil society space?

3.1.1. Input into RGC Aid and Development Frameworks

The umbrella organizations, the NGO Forum and the Cooperation Committee of Cambodia (CCC), have been instrumental in enabling Cambodian civil society to feed in to higher level policy forums between the Royal Government of Cambodia (RGC) and its development partners. The engagement began with their participation in the International Committee on the Reconstruction of Cambodia (ICORC) in 1995, followed by participation in the Consultative Group meetings from 2002-2006 and lastly their involvement in the Cambodia Development Cooperation Forum (CDCF) since 2007.⁹ These frameworks for aid and development dialogue have been updated since the 2005 Paris Declaration on Aid Effectiveness (which excluded civil society organizations from the aid effectiveness dialogue) and the role of civil society into these invited spaces has been more clearly defined in some cases. Cambodian civil society itself has also played a role in advocating for the important role CSOs play in development and increased commitment for an enabling environment (see also section 3.1.2).

The CDCF is the highest level meeting between the RGC and development partners and is intended to be a forum to discuss overall progress in socio-economic development, to agree on joint monitoring indicators for

⁷ Trócaire, 2012. Democracy in Action: Protecting Civil Society Space. Trócaire Policy Report

⁸ ActAlliance, June 2011. Shrinking Political Space of Civil Society Action. Geneva: ActAlliance

⁹ NGO Forum, 2010. NGO Position Papers on Cambodia's Development in 2009-10 to the 3rd Development Cooperation Forum 02-03 June 2010. Phnom Penh: NGO Forum.

measuring progress, and where development partners pledge their aid for the following period. The RGC is also broadening the mechanism to include the private sector. The Government Donor Coordination Committee (GDCC) was established in 2004 and meets two or three times annually and provides a follow up mechanism to the CDCF, discussing the budget and plan for implementation of the National Strategic Development Plan (NSDP).

The Government - Development Partner Joint Technical Working Groups (JTWGs) were established in 2004 and are the technical coordination mechanism for bringing together the different sectors of government, civil society and the donor community on a regular basis. They are chaired by high level representatives of relevant ministries and agencies and have development partners as lead facilitators. There are 19 JTWGs organized around 12 sectors and 7 cross-cutting themes. Guidelines for the JTWGs were produced in 2007, but were revised in 2010 to include CSOs as participants as opposed to observers.¹⁰ Civil society has a role to monitor progress towards the Joint Monitoring Indicators (JMI) and to raise issues and challenges from the grassroots level.

NGO Forum and CCC coordinate civil society representation at the Technical Working Groups, inputs into the updates of the National Strategic Development Plan (NSDP) and they represent civil society at the CDCF and GDCC meetings. These forums at national level are the main official entry points for civil society to feed into the aid effectiveness dialogues and to advocate to government on issues and priorities of importance to civil society. Both NGO Forum and CCC have worked to engage civil society at national and sub-national level to organize workshops and other events directed at increasing the understanding and engagement of CSOs with these processes.

In the last year the CCC and NGO Forum organized Development Issues Forums at national and sub-national level to collect inputs from civil society to feed into the RGC draft NSDP 2014-18. According to interviews, the CCC and NGO Forum believe that the government accepted about 27% of the recommendations from civil society, especially concerning the mainstreaming of climate change response, laws and plans. NGO Forum also coordinates the preparation of NGO Position Papers on Cambodia's development to reflect the CSO views on progress towards the JMIs and NSDP and to highlight priority issues and recommendations to the RGC and development partners.

NGO Forum has been engaged in efforts to broaden the engagement of parliamentarians and the general public in monitoring and influencing the National Budget to be more credible, transparent and fair so that it benefits poor and vulnerable groups. These umbrella organizations have also worked to allow civil society to input into donor planning processes, a recent example being the NGO Forum-led input into the World Bank Interim Strategy Note.

3.1.2. Collaboration with Global Civil Society

The involvement of Cambodian civil society in these forums has also led to their engagement in the civil society and aid effectiveness movement globally. Cambodian civil society has been actively involved in the Open Forum for CSO Development Effectiveness, a global process set up by and for CSOs worldwide to create a shared framework of principles and minimum standards for an enabling environment for CSOs.¹¹ In 2010 the CCC was

¹⁰ CRDB/CDC, 2010. Guidelines on Role and Functioning of the Technical Working Groups. Phnom Penh: RGC (Originally produced December 2006, updated in 2010 to include role of CSOs)

¹¹ The Siem Reap CSO Consensus on the International Framework for CSO Development Effectiveness: Agreed by the Second Global Assembly, Open Forum for CSO Development Effectiveness, Siem Reap, Cambodia, June 28-30 2011.

elected to join the Global Facilitation Group¹² of the Open Forum on CSO Development Effectiveness and represented Cambodia at the 1st CSO Global Assembly in Istanbul Turkey. This meeting resulted in the development of the Istanbul Principles, eight principles that created a framework for global CSO Development Effectiveness.¹³ In June 2011 Cambodian civil society hosted the Second Global Assembly of the Open Forum on CSO Development Effectiveness in Siem Reap¹⁴ which resulted in the Siem Reap CSO Consensus on the International Framework for CSO Development Effectiveness, which provided guidance on the implementation on the Istanbul principles.¹⁵ In November 2011 representatives from CCC, NGO Forum and SILAKA attended the 4th high level forum in Busan, South Korea. The Cambodia civil society representatives were active members of the Working party on Aid Effectiveness and were fully involved in the preparations for the meeting. The Busan Outcome Document, December 2011, re-emphasizes the vital role that CSOs play in shaping development policies and partnerships and in overseeing their implementation.

Involvement in these processes has made civil society in Cambodia more aware of and active in global civil society developments and has created an enhanced understanding of measures that need to be taken to strengthen civil society in Cambodia. This includes not only government providing a more enabling environment for civil society, but also donors. A key demand of civil society was to advocate for changes in the way donors fund and require reporting, advocating for a move from project-based to program based funding. Since 2008 the CCC has been active at raising awareness among sub-national and national civil society about aid effectiveness through workshops and consultations.¹⁶

In 2012 the CCC was selected to take the lead as the Asia Regional Coordinator for Beyond 2015, which is a global civil society campaign pushing for a strong and legitimate successor framework to the Millennium Development goals.¹⁷ Beyond 2015 brings together more than 1,000 civil society organizations in over 130 countries around the world.¹⁸ The CCC has brought Cambodian experience to feed into global discussions on the Post 2015 Development Agenda, for example at the High Level Panel on the Post-2015 Development Agenda in Indonesia in March 2014. A national consultation workshop was organized by the CCC and the United Nations Country Team on the post 2015 Development Agenda in Phnom Penh on 23rd May 2014. From this consultation, five thematic areas were defined as framework for Post-2015 Cambodia development agenda. These include: 1) Social inclusion, population dynamics and development, 2) Economic growth & development, 3) Climate change and environmental degradation, 4) Institutional good governance and effectiveness, and 5) human rights in development.

3.1.3. Strengthening Regional Civil Society

Cambodian civil society is also proving to be active at regional level. The civil society conference, the ASEAN People's Forum (APF) took place in Phnom Penh in November 2012, despite government efforts to limit the freedom of assembly and speech by closing venues where the meeting was planned to be held. In a joint statement the regional civil society representatives refused to sign the ASEAN human rights declaration as it

¹² The Global Facilitation Group coordinated the advocacy agenda for Civil Society in the preparation for the High Level Forum in Busan, November 2011.

¹³ <http://cso-effectiveness.org/istanbul-principles,067>

¹⁴ <http://www.ccc-cambodia.org/index.php/development-effectiveness>

¹⁵ http://cso-effectiveness.org/IMG/pdf/international_framework_open_forum.pdf

¹⁶ <http://www.ccc-cambodia.org/index.php/development-effectiveness>

¹⁷ Concept Note, National Consultation on Post 2015 Development Agenda and Partnership with Civil Society, CCC and UN, 23rd May 2014. See also <http://www.ccc-cambodia.org/index.php/event-archives/44-beyond2015>

¹⁸ See <http://www.beyond2015.org/>

neither matched nor exceeded international human rights standards.¹⁹ Issues of concern also highlighted in the joint statement included food security, land and ocean grabbing, extractive industries, gender, regional economic integration, labour, sex trafficking, human rights and free and fair elections. It appears that the forum provided a good opportunity to raise the attention of a regional audience to civil society concerns and to draw international attention to the human rights violations taking place.

At the same time as the APF took place, grassroots people's movements organized a parallel event, the ASEAN Grassroots People's Assembly (AGPA), issuing their own statement on 15th November 2012.²⁰ While demonstrating that grassroots movements felt empowered to hold this event, it also raised concerns among Cambodian civil society about a possible growing rift between the grassroots movements and more established civil society. In the run up to the National Elections in Cambodia in 2013, all three main political parties, FUNCIPPEC, Cambodian National Rescue Party (CNRP) and the Cambodian People's Party (CPP) all signed the AGPA joint statement of November 2012.²¹

3.1.4. GPP NGO self certification

CSOs in Cambodia have been responsive to the need for good governance within the NGO sector which can also be said to have strengthened civil society and provided them with a more legitimate voice in holding others accountable. The NGO Good Practice Project (GPP) of the CCC, initiated in 2004, was the first mechanism in Cambodia for establishing a set of minimum standards in practice and behavior. The voluntary NGO GPP established a voluntary certification system for NGOs which centres on compliance with a code of ethical principles and minimum standards for NGOs in Cambodia. The Standards for a Voluntary Certification system were established in 2007 with the system being applied since 2008. The GPP project also provides capacity development for the NGO community and makes documentation available to the wider community through the CCC website.²² In 2011 the NGO GPP Project transitioned into a long term program that was renamed Governance and Professional Practices (also GPP).

While the GPP project and minimum standards have cast more attention on CSO accountability and promoted the need for good governance and management in organizations, the movement is still not making a strong impact within the sector. With around 300 International NGOs and 3,000 local NGOs, only about 40-50 NGOs are currently certified. Not all the Oxfam Novib partners are certified²³ and there was some disagreement among those interviewed as to the value of the process. Most partners felt that the certification was useful in terms of attracting donor money, although none felt it provided NGOs with more legitimacy in the eyes of the government. Respondents also felt the certification was too heavily focused on donor requirements rather than accountability to communities, and some NGOs questioned the need to be more accountable to donors when they already had systems in place. The certification is also felt to be more suitable for established NGOs rather than smaller organizations or CBOs with the explanation that the regulations may prove over-prescriptive and would limit their flexibility to operate. The certification is also quite rigorous, with 25 standards and more than 100 indicators and guidelines in 6 main areas – governance, internal and external communications and relationships, transparency and accountability, sound financial management, quality management at program

¹⁹ Joint Statement of the 2nd ASEAN Civil Society Conference/ASEAN People Forum (ACSC/APF) 2012, Phnom Penh, 16th November 2012

²⁰ ASEAN Grassroots People's Assembly, People's Statement 15 November 2012

²¹ Bruchem, Gertjan van, 22 April 2014. ONL Annual Report 2013/14 Cambodia.

²² <http://www.ccc-cambodia.org>

²³ As of April 2014, of a total of 17 current partners, only 5 have valid certification. 5 more are in the process of application or have expired certification and 7 have no certification (email from ONL Cambodia, July 25th 2014).

level and human resources management. The organizations are assessed through a desk review, field visit and stakeholder assessment. Some organizations felt that they would need more resources and capacity to be able to fulfill the requirements. Another issue that was raised by some interviewees is the fact that the certification system is conducted through the CCC and that it required an independent body to administer the certification.

3.1.5. Law on Associations and NGOs

In 2010/11 the RGC tried to pass a Law on Associations and NGOs (LANGO), but it was seen by many CSOs as an attempt to limit space for independent civil society, rather than expanding and enhancing it and providing guidance for participation in policy making. Key issues of concern to civil society included ambiguity in phrases within the law, complex mandatory registration with no time period for an appeal process if registration is denied, and no safeguards to ensure that denials of registration or involuntary dissolutions are imposed objectively.²⁴

Cambodian civil society mobilized both local and national organizations to advocate for not passing the law in its current form. The CCC was at the forefront of the process, although responsibility for working on the advocacy was shared among civil society organizations. Awareness was also raised at community level that if the law was passed in its current state it could have severe implications for civil society space and development in Cambodia. NGO lawyers worked on the legal analysis, advocacy NGOs raised awareness among civil society about what had been found, and NGOs at the sub-national level garnered support to the campaign from the local people. Several of the people interviewed for this research noted how it was a good example of how civil society really came together despite differences to fight a common cause. The LANGO issue also emerged at the same time as the movement on aid and development effectiveness and so there was a global movement advocating for an enabling environment for civil society which provided additional support to the campaign. The advocacy efforts succeeded in the government temporarily shelving the law, although civil society believe that the government will still try to pass the law at a later date.

3.1.6. Civil Society Platforms for Action and Dialogue

The umbrella organizations of the CCC and the NGO Forum have over the last 10 years strengthened the platforms that they offer whereby member NGOs can come together to discuss and dialogue on sector and cross-cutting issues. There have been several examples of where civil society has been able to engage in issues for coordinated action, both at national and sub-national level, thus creating a critical mass and strengthening their ability to influence.²⁵ This can be seen with the work around the LANGO, and more recently around coordinated campaigns by Cambodian and international civil society to release the 23 garment workers, unionists and human rights activists arrested in January 2014 during wage protests by factory workers. During the 2013 National Elections COMFREL was effective at bringing together civil society groups as “the Situation Room” to monitor the elections and to record and document irregularities, resulting in a joint statement by CSOs regarding these irregularities.²⁶ Twenty organizations are now working together as the Election Reform Alliance to provide recommendations regarding election reform to the National Election Committee and RGC.

²⁴ CCC et al, 2010. Moving from Aid Effectiveness to Development Effectiveness. A Report from Civil Society in Cambodia for the CSO Global Assembly on CSO Development Effectiveness. Phnom Penh. CCC

²⁵ Banez-Ockelford, Jane and AP Catala Jr, August 2010. Reflections, Challenges and Choices: 2010 Review of NGO sector in Cambodia. CCC

²⁶ The Situation Room on Cambodia Election Day, 2013. Joint Statement: The Assessment on the Temporary Election Result, Phnom Penh, August 21st, 2013. Accessible at

3.1.7. A more vibrant and varied civil society

A World Bank Study found that civil society in Cambodia has very much been a product of the country's unique political and social history. Due to the years of civil war and the need for a rapid humanitarian response in the years that followed, most NGOs owe their existence more to the influence and financial support of international donors rather than to social activism, volunteerism, charity and the opening up of democratic space. A World Bank report noted that NGOs form the main component of civil society and the majority are highly donor dependent and lack grassroots links.²⁷ However, recent years has witnessed the growth of a more vibrant and varied civil society in Cambodia, with established professional NGOs sharing space with active unions, networks, CBOs and other grassroots movements and alliances.

Partly this could be seen to have developed out of the work of NGOs to raise awareness at grassroots level about human rights and the need for citizens to participate in governance actively. ADHOC, for example, has worked since 2004 to promote awareness of human rights among the people and is currently present in all 24 provinces in Cambodia. As explained in the following sections, organizations working in land rights and women's rights have also contributed greatly to raising awareness and educating people about their rights and the need to claim their rights. COMFREL has worked to inform voters of their rights and have monitored pre, during and post election to discourage irregularities. They have also encouraged citizens to participate in politics and decision making and to demand reforms and accountability from elected officials.²⁸

However, change has been slow to come in terms of people raising their voice within the political context, and it has only been during the last national election, in 2013, that Cambodia really saw citizens standing up and demanding change. As one NGO representative noted, "sometimes I feel disappointed. Ten years and [the citizens] are still asleep, but now 20 years later and we begin to see results, but it is just the beginning of our waking up."²⁹

3.2. Contextual Factors

This section considers the factors that have both enabled civil society in Cambodia to develop and maintain and increase the space for civil society voice, and also the factors that have constrained their ability to act and influence.

3.2.1. Invited Spaces

The RGC has provided some "invited" spaces at which civil society has been able to participate and to raise the voice of civil society and citizens concerning development and to engage in policy development and the monitoring of these policies and plans. The global aid effectiveness movement and particularly the 2008 Accra Agenda for Change which recognized the important role of CSOs in development perhaps also contributed to pressure on the Cambodian government to create space for civil society to be involved in these higher level aid and development forums. Overall the aid effectiveness movement created opportunities for Cambodian civil society to be part of a global movement for strengthening civil society and creating an enabling environment for their engagement. It is hoped that the work on Beyond 2015 will continue this momentum.

http://www.comfrel.org/eng/components/com_mypublications/files/11290920130821_Joint_Statement_Assesment_Temporary_Election_Result_Eng_Final.pdf

²⁷ World Bank, 2009. Cambodia: Linking Citizens and the State: An Assessment of Civil Society Contributions to Good Governance in Cambodia. Phnom Penh. World Bank.

²⁸ Libunao, Sandra M. et al, 2005. Novib's Pilot Core Country Evaluation. Pilot Country: Cambodia

²⁹ Statement made by NGO representative during the Panel Discussion at the ONL partner workshop, 10th July 2014.

However, the ability for civil society to participate in the national aid effectiveness mechanisms has been limited in recent years due to the RGC postponing the JTWG and GDCC meetings for a period of almost 2 years, from 2012 – 2013, ostensibly to allow for preparation for the national elections, with meetings just beginning to convene again in 2014.³⁰ While there is civil society representation in at least 15 out of 19 JTWGs (private sector reform and regional integration are the only ones not attended by NGOs), there are questions being raised by civil society itself about how effectively and meaningfully it can participate in these invited spaces. One NGO representative described their role as like a “paper tiger”, meaning that they attend but have more of a role to sit and listen rather than to get their voices heard. It was also noted that there is sometimes only one civil society representative attending the meetings, and that the capacity of civil society to strategize and coordinate to input effectively into these meetings is still limited.

The ability for civil society to be able to feed into policies and strategies at national level also depends on the willingness of the government to keep the invited space open. Development observers have raised concerns that the space for CSOs is diminishing in Cambodia and elsewhere.³¹ The Maldar study claims that this change in the environment for civil society has emerged in the last five years as NGOs have begun to engage more strongly in advocacy on governance and human rights issues and there have been corresponding attempts by governments to restrict these areas of work through judicial methods. In Cambodia, as people have become more active, the space for these activists and human rights defenders is increasingly limited by the government, which has made use of legislative, judicial and extra-legal means to restrict democratic space both for civil society and citizens.

Following the national election in 2013, many of the NGOs interviewed stated that they felt the space at national level for civil society to contribute is closing, particularly around sensitive issues such as land, the judiciary, freedom of speech, expression or assembly. Organizations that have had relatively good relationships with government ministries and departments over the years have found that since the last election the doors have been closing. NGOs are frequently accused of aligning with the opposition party, the CNRP, and it was also noted by one representative that the CNRP sometimes tries to play a role similar to civil society which also adds to this perception. NGO representatives talked about how difficult it was as civil society to maintain a neutral position in the eyes of the government. As one person explained, “When the elephant steps on the mouse, we can’t be neutral, we have to say something, because it is injustice. If we keep silent we would be on the side of the elephant.”

An indication of this lack of openness is the decision in 2014 by the RGC to fast track the adoption of many laws including the Law on Associations and NGOs, Cybercrime Law, Law on Status of Judges and Prosecutors, Law on Organization and Functioning of Courts, Laws of the Supreme Council of Magistracy, Law on Management and Use of Agricultural Land and the Law on Trade Unions. Some laws have already been drafted and consulted with numerous stakeholder groups, including experts from civil society, the private sector and legal and academic experts to ensure transparency and accountability, while some have been sent for approval from the National Assembly and Senate without any public consultation. Some of the laws are believed to be sensitive and will

³⁰ Bottomley, Ruth et al, 2012. Monitoring Aid Effectiveness from a Gender Perspective: Country Report Cambodia. UN Women, AECID and ActionAid Cambodia.

³¹ Malder, Sonya 2011. Repression of Civil Society is on the Rise in Developing Countries. Draft Donor Brief. Trócaire and CAFOD; Nowackzyk, Monica, 2011. The Enabling Environment for CSOs in Cambodia. Summary Brief of Four Case Studies. Phnom Penh: Alliance 2015, Kapa and Reality of Aid.

affect the benefits, democratic space, enabling environment and rights of the Cambodian citizens.³² The government pledged in 2012 to hold public consultations on the three draft laws on the judiciary, but they were passed on 22nd and 23rd May with no consultation. The draft laws have not been made readily available and only leaked versions have been seen by the NGOs.³³

However, within government there are representatives who believe that civil society should have a role in contributing to the development and implementation of laws and policies. In an interview with the Ministry of Rural Development, the officials noted how important it was for civil society to be able to cooperate and to provide ideas and comments into policy making and to help put policy and strategic plans into action. The officials qualified this to some extent noting the need for the “constructive” engagement of NGOs rather than just working to criticize government. A MoWA official also stated that civil society is a very important actor that helps to implement government policy and to monitor and provide feedback on government performance in policy development and implementation.

3.2.2. Civil Society Cohesion

While in many respects civil society is working better together on key events and issues and there is a more varied and vibrant civil society emerging, there still remains issues with NGO cohesion and collaboration. As a 2010 Review of the NGO Sector in Cambodia noted, “All NGOs carry out their mandate independent of each other and how all these contribute to the overall goal of the sector is unclear.”³⁴ One NGO representative interviewed described NGO coordination as like dealing with “crabs in a basket”, in that as soon as the NGOs are put in together they start to crawl out again. The main reasons cited for this lack of collaboration and mutual support was due to donor policies and funding, competition over financial resources, personalities and public image.

Many NGOs were critical of the donor policies and methods of funding and supporting organizations. Organizations were often seen to be led by donor agendas rather than the real concerns of Cambodian citizens and civil society, and short-term funding cycles and an overall reduction in funds were also resulting in the lack of ability to plan long term or to respond to emerging initiatives, and were fuelling the NGO competition. While the aid effectiveness discussions went a long way to defining better strategies for donor funding for organizations, it appears that this has not materialized in a substantial way. As one interviewee stated, “It’s really hard for the NGOs to achieve or make a real change to society if the donors are still driving like this. So instead of having their own agenda, the donors should try to understand the real issues in Cambodian society and let NGOs work on their own agenda in order to see the real change in the social situation.”

NGOs stated that there was a need for donors to collaborate to develop comparable standards so that they avoided fuelling competition between NGOs, and that they fund programs rather than individual projects to allow for long term planning and flexible response to issues as they emerge.

However, despite these challenges, some of the NGOs interviewed also noted that when the space for civil society decreased politically, it encouraged reflection and provided an opportunity for positive change,

³² CCC, Transparency International, API, 9 July 2014. Common Advocacy Strategies to Improved Enabling Environment in Cambodia. Phnom Penh

³³ CSO Press Statement: Demanding the Constitutional Council to Declare the Three Newly Passed Laws on the Judiciary Unconstitutional.

³⁴ Banez-Ockleford, Jane and Catalla, AP Jr, August 2010. Reflections, Challenges and Choices: 2010 Review of the NGO Sector in Cambodia. Phnom Penh: CCC.

collaboration and the strengthening of civil society. This has perhaps been evidenced during the recent shrinking of political space around the elections, with the collaboration of the NGOs on the Situation Room and the Election Reform Alliance.

The CCC noted that it is also working towards the idea of developing a common strategic CSO vision that would identify clear direction, roles and focus for CSOs in Cambodia so that they can better prepare and have stronger harmonization in responding to national and global development trends. It would also work to define the complementary roles of INGOs, local NGOs and CBOs. Other NGO representatives echoed this idea but noted that the planning and coordination required would be an extensive task and that they would need extra capacity to facilitate the development of a cohesive CSO strategy. Part of this need to rationalize and prove cohesiveness and value is perhaps due to the concerns that ODA to Cambodia will decrease when Cambodia is declared a middle income country, which it is expected to happen in 2018. Civil society realizes that it needs to prove its worth so that Cambodian people will feel it is necessary to keep the space for civil society.

3.2.3. Space for information and voice

In recent years there has been increasing rural mobility as people from the provinces have migrated for work either within Cambodia, particularly to Phnom Penh, or to neighbouring and regional countries. In addition technological developments, such as greater access to internet and social media, have meant that people have much more access to information and knowledge beyond their village. Technological developments such as mobile phones and internet are beginning to allow people to both receive information and also to speak out about what is happening to them, and this is creating more connection between people and between civil society and people. This poses a challenge to the traditional monolithic power structures in rural Cambodia which have thrived in a society of limited information and knowledge. Exposure to information and democratic practice outside of Cambodia will strengthen the expectation of Cambodians to have a say over the way they are governed.

3.3. What has changed for Cambodian People?

Prolonged conflict and social upheaval in Cambodia resulted in a population that lacked trust and social cohesion, that maintained a fear of authority and that preferred to preserve political and social stability rather than challenge authority and exercise rights. However, it is evident that people in Cambodia are becoming more politically active and are exercising their freedom of expression by speaking out on issues that concern them. Many of the organizations interviewed noted how people had in the past been afraid to talk about politics, but that this fear appears to have reduced and people are becoming braver in challenging the status quo. This was clearly seen in the 2013 national election where people voiced their desire for a change from the current regime through their political campaigning in the lead up to the election and in exercising their right to vote. One organization representative noted that during the election and the post-election demonstrations, it was the land victims, the unions, the workers, all of whom work together with civil society, who were joining the movement for change. The young post-war generation is also evidence of changing attitudes, values and awareness. The youth in Phnom Penh were visibly mobilized during the election and were active on facebook and in the street campaigns, highlighting both the rights abuses of the current government and demanding change.

The World Citizen's Panel reflects this changing attitude among the Cambodian population. When asked if people felt free to express their opinion on social and political issues, 5% of the target group said they were able to do this totally, 25% said they were able to do this substantially, and 64% said they felt they were able to do

this to a certain extent. Only 6% said they were not able to express their opinion at all.³⁵ While there is currently no baseline to measure this against, it does appear to show that Cambodian people, even in rural provincial areas, do feel more able to voice their opinions.

The organizations agreed that fear still prevented people from speaking out fully, and that the intimidation and violent reactions of the government continue to drive this underlying fear, but all agreed that the voice of the people is now louder.

It was also noted that there has been a change for ordinary people in Cambodia in that there has been a growth of community organizations and movements and people and organizations are realizing the value of doing things collectively. The mushrooming of community organizations on the ground has helped to promote the participation of people in issues that concern them, creating opportunities for people to meet, dialogue and take action. Again this was reflected in the findings of the WCP with 77.1% of respondents saying that there were more possibilities for ordinary citizens in Cambodia to become active in society through membership of organizations, taking part in campaigns, political affairs and demonstrations. 69.1% of respondents felt the increase in possibilities was due to civil society creating more awareness of the rights of citizens.³⁶

The WCP also found that a high percentage of the respondents, 71.9%, believed that there were more possibilities for NGOs and CSOs to influence the policies and practice of government and companies. Some of the organizations interviewed during the in-depth research also reflected that there was more pressure on the government now due to the combined strength of civil society and the voice of the people and that there was some indication that the government realized it would have to change its ways and become more responsive to the people. The release of the 23 people who were arrested during the January 2014 protests was given as an example of the government acting in a more conciliatory fashion. There was a feeling expressed by interviewees that change was in the air but had not yet been fully realized.

³⁵ Oxfam Novib, July 2014. [Preliminary Results of the Impact Survey in Cambodia.](#)

³⁶ Oxfam Novib, July 2014. [Preliminary Results of the Impact Survey in Cambodia.](#)

3.4. Access and control of Natural Resources

Access to land and resources is crucial for the subsistence livelihoods of many poor rural communities in Cambodia but over the last ten years it has become an increasingly hot and politicized issue. The rapid economic growth experienced by Cambodia is resulting in an ever increasing percentage of the population losing access to the land and forest resources essential for maintaining their livelihoods. According to ADHOC, more than 770,000 people (equal to almost 6% of the population) have been adversely affected by land grabbing from 2000 to 2013.³⁷ Community land is being impacted by the granting of land to private companies as Economic Land Concessions (ELCs). By late December 2012 the Royal Government of Cambodia had granted or reserved at least 2.6 million hectares of land for ELCs, a 16.7% increase from 2011.³⁸ Affected communities are systematically not consulted concerning developments on their land and forest and are disempowered through a lack of information about the projects and possible options for recourse. A very significant number of violations of civil and political rights in Cambodia stem from conflicts over land and natural resources.

There are a number of Oxfam Novib partners working on this issue although the results and impacts of their efforts are somewhat mixed largely due to the sensitivity of the issue and the fact that the highest levels of government are often involved.

3.4.1. Communal land titling for indigenous people

The regulatory framework for the land system in Cambodia is set out by the Land Law. First promulgated in 1992 and amended in 2001, it determines the regime of ownership for immovable properties and establishes a framework for land titling. It distinguishes 5 main categories of land i) private land, ii) state private land (which serves a public interest), iii) state private land, iv) communal land and v) land of indigenous communities.³⁹ Civil society was active at feeding into the land law, particularly concerning the sub-decrees on social land concessions and communal land titling for indigenous land. As noted in the Oxfam Novib 2005 evaluation, six articles (23-28 articles) on tangible assets of the indigenous communities were included in the land law of the RGC. The incorporation of these articles on the Land Law can be linked to the efforts of Oxfam Novib partner, the Non-Timber Forest Products Project.⁴⁰ The 2005 evaluation noted that the challenge would be for civil society to find ways for meaningful and substantial participation in shaping the control, ownership and management of Cambodia's natural resources. Oxfam Novib partners have been active and engaged with the government in efforts to ensure that the law is implemented in a way that is beneficial to communities, particularly indigenous communities.

Since 2004 DPA has been involved in supporting the RGC to implement the application of communal land titles for indigenous communities in the northeast of Cambodia, specifically Ratanakiri and Monduliri. Ministry of Rural Development officials noted that the communal land titling provisions were extremely important to ensure that indigenous communities had the right to land and a good standard of living and that it can ensure the protection of their livelihoods and culture. They also noted that it can help to prevent land grabbing by the powerful and companies and to help control "anarchic" land possession and deforestation. It is worth noting that Cambodia appears to be the only country in the region that is issuing communal land titles to indigenous communities in recognition of their traditional land and forest management systems and so this should be

³⁷ ADHOC, April 2014. Land Situation in Cambodia 2013. Phnom Penh: ADHOC

³⁸ ADHOC, February 2013. A Turning Point: Land, Housing and Natural Resource Rights in Cambodia in 2012. Phnom Penh

³⁹ ADHOC, April 2014. Land Situation in Cambodia 2013. Phnom Penh: ADHOC

⁴⁰ Libunao, Sandra M. et al, 2005. Novib's Pilot Core Country Evaluation. Pilot Country: Cambodia

considered a significant achievement of both the government and civil society involved in developing and implementing the law.

However the process has been long and it has taken 8 years, from 2004 to 2012 to reach the point where the first full communal land title was issued for an indigenous community. This has partly been a result of the lengthy process involving three line ministries, and partly because policy guidelines and a sub-decree were developed simultaneously as the process was trialed in the field. In terms of legislative achievements, in 2009 the National Policy on the Development of Indigenous People was finalized and in 2010 the indigenous people's communal land titling policy and sub-decree was endorsed by the government.

The first step in the communal land titling process is for the community to gain "Indigenous People (IP) Identity" which is conducted by the Indigenous People's Department of the Ministry of Rural Development. This step includes registering the indigenous groups applying for communal land title as a specific ethnic group and completing an application with the thumbprints of all community members. The Ministry of Rural Development then works to help the community to set up a land management plan. The Ministry of Rural Development notes that their assessment of the indigenous identity of the community takes around 1 to 2 weeks, although the whole first step, according to DPA, can take around 1 to 2 years. The second step is IP Entity, which also takes around 1 to 2 years and is the responsibility of the Ministry of Interior. This is the registration of the community as a legal association. The final stage is IP land Registration which is administered by the Ministry of Land Management, Urban Planning and Construction. According to the NGOs involved in the process, this is the most complex step and collaboration is less easy with this Ministry. To date only eight communities have received full communal land title (2 in Ratanakiri and 6 in Mondolkiri). The Ministry of Rural Development reports that 99 communities have reached the first step of IP identity and 76 are in process of being registered by the Ministry of Interior. The Ministry of Rural Development and the Ministry of Interior have issued a joint declaration that has enabled the communities who have completed step 2 of the registration process to be issued with a temporary document at provincial level that can help them to protect their land (and forbid buying or selling of land) until the full registration process is completed.

The Ministry of Rural Development recognizes the role of civil society in contributing to the development of these policies and in assisting with implementing activities in the field. The Ministry works with about 10 NGOs on communal land titling, including Oxfam partners DPA and My Village. The NGOs support the communities to register for communal land title and to complete the research and documentation required for the three steps. The Ministry also acknowledged that the NGOs supported the government in this work through essential financial support (providing the government with the per diem and financial support to enable them to go to the field) and technical expertise.

The NGO Forum membership networks on Indigenous People and Forestry are lobbying government to speed up the process for indigenous communal land titling, and following earlier advocacy the RGC has committed to increase the number of CLT for indigenous communities from 3 to 10 per year to a total of 58 by 2018. The Ministry of Rural Development confirmed that the minimum target for Communal land titles issued per year was 10. However the Ministry of Land Management has recently announced that they have only allocated a budget to support the CLT process for a total of 10 villages regarding the final registration, and a cost of USD 39.90 per hectare will then be introduced. The NGOs, led by NGO Forum are now working to lobby the government concerning this cost as it is beyond the ability of NGOs to cover and will be prohibitive to indigenous communities gaining title. Other issues that have challenged the implementation of the CLT process has been the recent implementation of the Prime Minister's Directive 001, which led to several indigenous communities

who were at stage 2 of the registration process being persuaded to accept individual land titles. This will be discussed further in section 3.4.3. The Ministry of Rural Development also observed that economic land concessions had been granted on the land of indigenous people although they felt that this had now decreased due to the implementation of Directive 001.

3.4.2. Community forestry

Civil society has also been active in collaborating with the government forestry agency and donors to develop a national and legal policy framework for community forestry. A new law passed in 2002 gave Cambodia's Forestry Administration the authority to grant areas of production forest to local community management. In 2003, a community forestry sub-decree officially recognized community forestry as national policy. However, with no guidelines on how to establish and implement community forestry, community forestry sites remained informal and susceptible to the threat of economic land concessions and other encroachment. It was only in 2006 that the Forestry Administration introduced the much-needed community forestry guidelines, called Prakas. These Prakas clearly established the process for identifying, legalizing and managing the forests.⁴¹

DPA, Mlup Baitong and AEC were involved in the development of the community forestry sub-decree and have been helping the authorities to shape the policies and to help communities to set up community forestry both before and after the introduction of the Prakas. They work closely with the Forestry Administration to implement this work. However, as with the communal land titles the process is often slow.

In 2010 the government approved the National Forest program which provides the policy direction and framework for achieving sustainable forest management through to 2030, and earmarks government funding to expand the national program.⁴² Civil society was involved in the development of this framework and in lobbying the government to recognize community forestry as a means of forest protection. However, while the 2010 National Forestry Program has set a target of creating 1000 community forests with official legal status by 2030, in early 2011, 450 sites were in progress but only 100 had achieved legal agreements.⁴³ DPA noted that in Kampot it had taken six to seven years for 2 to 3 communities to receive legal certification. The NGO Forum Forestry network has been lobbying the forestry administration to speed up the process of community forestry recognition. Mlup Baitong noted in its 2013 narrative report that at a workshop on forestry reform in February 2014, the Forestry Administration promised to speed up the process of community forestry establishment.⁴⁴

The National Forest program recognizes community forestry as one of the mechanisms that can protect the forest, but NGO representatives note that community forest registration is normally only given in areas where there is regenerating forest rather than in old growth forests. One NGO representative reflected that before Cambodia had a sea of forest but now it is just forest islands of community forests as all other forest land is rapidly disappearing under illegal land encroachment, deforestation and ELCs.

3.4.3. Moratorium on ELCs and implementation of directive 001

In May 2012 Prime Minister Hun Sen issued Directive 001 (also known as Order 01BB) on "Measures to strengthen and enhance the effectiveness of management of economic land concessions (ELCs)." The Directive proclaimed a moratorium on the granting of new ELCs, a review of existing ELCs and the implementation of a

⁴¹ Recoftc, Community Forestry in Cambodia, accessed <http://www.recoftc.org/site/Community-Forestry-in-Cambodia>

⁴² Recoftc, Community Forestry in Cambodia, accessed <http://www.recoftc.org/site/Community-Forestry-in-Cambodia>

⁴³ Recoftc, Community Forestry in Cambodia, accessed <http://www.recoftc.org/site/Community-Forestry-in-Cambodia>

⁴⁴ Mlup Baitong, 28 March 2014. 2013 Narrative Report to Oxfam.

“tiger-skin” policy, with the aim to allow communities to live side by side with the concessions. In the framework of the implementation of Directive 001, a new land registration campaign was implemented by youth volunteers to speed up the process of land registration.⁴⁵ The campaign was entirely planned, organized and financed by Prime Minister Hun Sen, with no external donor involved in the implementation.

According to the sub-decree no. 146 on ELCs, ELCs were limited to maximum lease duration of 99 years and within a limit of 10,000 hectares. Conditions for granting an ELC included the adoption of a land use plan, the completion of a Social and Environmental Impact Assessment and the provision of resettlement solutions and public consultations with authorities and communities affected by the concessions.⁴⁶ However, the widespread and unregulated granting of ELCs frequently breached these regulations and was leading to displacement and severe deprivation of land and resources for community livelihoods, particularly those of indigenous people. The move by the Prime Minister to announce a moratorium on the granting of the ELCs came on the heels of strong advocacy from civil society, in particular NGO Forum, ADHOC and CLEC concerning the damaging impacts of ELCs and the related human rights abuses.⁴⁷ Thirty-seven ELCs were cancelled by the government in February 2013 and no new ELCs were issued.⁴⁸ The June 2012 moratorium on new ELCs has been included in the Rectangular Strategy of the RGC, phase III, 2014-18.

Around 300,000 land titles were distributed during 2012-13 by the students and over 600,000 hectares of land (485 concessions) as Social Land Concessions (SLC) was provided during 2013 by the 001 Directive to landless families, which compares with 2012 when only 38 Social Land Concessions were issued totaling around 100 hectares.⁴⁹ However the land and titles have not yet been officially distributed and ADHOC has also noted that the procedures and criteria set out in the sub-decree 19 on social land concessions was often disregarded, particularly regarding community consultation, with the result that in several cases land transferred as SLCs was already claimed by other people or in the process of being registered as IP collective land. In addition, large portions of forest land, including protected areas and wildlife sanctuaries were re-classified as state land in order to provide ownership to people.⁵⁰

Civil society has been active in monitoring the impacts of Directive 001. ADHOC has written about the impacts of the Directive in its 2013 report on the Land Situation in Cambodia, and NGO Forum is currently conducting a case study on the effectiveness of the Directive. NGO Forum also invited government officials who were responsible for implementing the Directive to brief NGO members on the implementation and impact of the Directive.

3.4.4. Inputs into the EIA law

The draft Environmental Impact Assessment (EIA) law was initiated by the Ministry of Environment (MoE) in 2011 to try and mitigate negative impacts on the environment, society and culture as a result of private company investment and development in Cambodia. The draft law is being developed by the MoE with the technical support of national and international consultants. NGO Forum has taken the lead in organizing a series of Public Consultation Workshops at national and sub-national levels which CS, researchers, law specialists, academics and representatives from the MOE have discussed, evaluated and commented on the draft EIA law.

⁴⁵ ADHOC, 2013. Land Situation in Cambodia 2013.

⁴⁶ Article 2, Sub-Decree no.146 on Economic Land Concessions, 2005

⁴⁷ ADHOC, February 2013. A Turning Point? Land, Housing and Natural Resource Rights In Cambodia 2012.

⁴⁸ ADHOC, April 2014. Land Situation in Cambodia 2013.

⁴⁹ ADHOC, April 2014. Land Situation in Cambodia 2013.

⁵⁰ ADHOC, April 2014. Land Situation in Cambodia 2013.

The NGO Forum networks also gathered inputs from communities to be incorporated into the draft law. NGO Forum believes that about 50% of the inputs from Civil Society to the EIA law have been accepted. The draft law will be presented in different parts of Cambodia for further comments before being sent to the MoE.⁵¹

3.4.5. Community Mobilizing

In recent years, citizens and communities in Cambodia, as a result of the awareness raising and education work of civil society, have become more aware of their rights and are increasingly demanding justice and accountability. As more communities are affected by encroachment on their land and resources, populations are organizing, mobilizing and forming networks and associations in an effort to demand their legal rights and the just and equitable distribution of resources. In terms of mobilization, awareness raising and providing legal aid around land and resource issues, Oxfam Novib partners working in the land and resources sector have played a big role. Civil society has provided awareness of rights, assisted with mobilization and community organizing, supported communities with advocacy strategies and facilitated meetings between communities, government and private sector. In some cases there has been significant success, in others less so.

AEC in Kompong Chhnang province, for example, has supported communities to unite against the threat of an enormous 315,028 hectare ELC belonging to Pheapimex, a company owned by the wife of a CPP Senator with close connections to the Prime Ministers family.⁵² Working with the Phnom Kuk network that covers 10 communes, AEC supported communities and their leaders to advocate for the return of their land. In large part because of this work, the company stopped its operations in mid-2004, but began operations again in 2009. AEC again supported the community to develop an advocacy strategy to protect their land and resources.⁵³ Under Directive 001 some land was returned to the communities.

CLEC continues to deal with legal cases resulting from communities and families being impacted by the illegal grabbing of land for economic land concessions, for example the conflict in Sre Ambel district, Koh Kong province where 456 families were displaced when their land was taken for an ELC by the Koh Kong sugar company and a partner company connected to the CPP senator, Ly Yong Phat in 2006. The Thai sugar giant, Khon Kaen Sugar Co. Ltd. owns a share in both companies, which by the company's own admission are effectively shell companies created to circumvent the law on a 10,000 hectare maximum. The current concession is nearly 20,000 hectares. 7 years later 200 families continue this long standing fight to win back their land which they claim amounts to 1,365 hectares. During the last year efforts were stepped up to put pressure on the companies involved although a solution has not yet been agreed, with the company preferring to give compensation in cash while the community wants their land to be returned.⁵⁴

3.4.6. Working with the Private Sector

With the increase in economic development and investment in Cambodia which is often impacting negatively on communities, civil society has begun to realize the need to work with the private sector, both in-country and internationally. This has sometimes involved negotiations with companies on the ground, or providing legal advice to communities, or trying to influence internationally. Work is just beginning for civil society in Cambodia to look at Corporate Social Responsibility (CSR) and mechanisms for Free, Prior and Informed Consent (FPIC).

⁵¹ <http://www.ngoforum.org.kh/index.php/en/hot-news/events/187-public-consultation-workshop-on-a-new-draft-law-on-environmental-impact-assessment-eia>, accessed 3rd July 2014

⁵² AEC, Project II Counterpart and Project Description, 130813

⁵³ AEC, Project II counterpart and Project Description, 130813

⁵⁴ ONL, April 2014. Case Study on the Sugar Case.

CLEC has provided legal assistance for many communities displaced or at the threat of displacement, for example the communities impacted by the sugar concessions and by the urban development on Koh Pich Island in Phnom Penh. Some of their legal cases over land and resource rights are still pending after many years. There have also been attempts by civil society at using non-judicial solutions for addressing conflicts between companies and communities and several organizations have been involved in negotiations or alternative dispute resolution to reach some agreements with the companies to provide better compensation or support to the communities impacted by their developments. However, these negotiations are often seen to end in some kind of compromise, with the main losing party being the community. A key challenge faced by civil society working on these mediation and legal cases is the difficulty in actually influencing policy change in terms of ensuring better compensation for affected communities or that the relevant laws are implemented in a fair and transparent way. As one NGO representative reflected, “We want to believe that if we can win one case we can set a precedent, but it is hard to claim that it is a victory if there is no change in policy.”

NGO Forum has invited civil society and people impacted by large scale development projects to meet with local government and companies. An example is the mediation efforts with the Union Development Group, a Chinese owned company with a 45,000 hectare concession for a tourist resort in Koh Kong province. The company has been accused by villagers and civil society of land grabbing and bulldozing villages.⁵⁵ NGO Forum conducted an investigation into the company activities and the impacts on the villagers, and requested the Koh Kong governor to meet with the company, the government, civil society and the community. Community concerns were raised for the company to solve, resulting in about 7 issues out of 20 being addressed by the company. NGO forum has raised the remaining issues with the Ministry of Environment and also conducted a media trip to the area to raise more awareness about the development and the impacts. The conflict between the company and the communities is still ongoing.

National based NGOs are now beginning to look more and more at opportunities for influencing the private sector regionally and internationally. NGO Forum is currently facilitating meetings with member organizations and the Chinese Chamber of Commerce in Phnom Penh to raise awareness about what is happening in Cambodia with Chinese companies regarding land conflicts, illegal logging and human rights violations. As a result of this work it has been observed that China has developed new EIA guidelines for overseas investment and has also set up provincial and regional offices so that there is a space for people to lodge complaints about Chinese investments. Similar efforts have been made to engage the Vietnamese embassy regarding Vietnamese investments and companies working in Cambodia.

NGO Forum, CCC and their members have also started work on Corporate Social Responsibility and the principles of Free, Prior Informed Consent (FPIC), with the assistance of Oxfam. CCC is planning to promote Corporate Social Responsibility during its next 5 year program, 2014-18, and is working in collaboration with a private university, Pannasastra University, to conduct research around private sector knowledge, attitudes and practices concerning corporate social responsibility. They also aim to hold a regular platform between civil society and the private sector to build trust and mitigate negative impacts by private sector developments.

Some cases have also been brought to an international audience. The sugar case in Koh Kong resulted in communities, with the support of CLEC, putting pressure on the sugar giant, Tate and Lyle Sugar through the Bunsucro sugar initiative, a global multi-stakeholder voluntary platform that aims to improve standards in the sugarcane industry and of which Tate and Lyle is a member. In July 2013 the company was suspended from the

⁵⁵ <http://www.cambodiadaily.com/archives/chinese-firm-continues-to-clear-koh-kong-land-53855/>

Bonsucro initiative by the Board until it fulfils a number of conditions or reaches a resolution of the dispute.⁵⁶ As a result, in 2013 Cambodia was selected as a case by Oxfam International on their advocacy work linking sugar production and land grabbing as part of the Behind the Brands Campaign. Oxfam partners were able to feed in evidence from their work in country to the broader campaign, which resulted in both Pepsi Cola and Coca Cola declaring zero tolerance on land grabbing.⁵⁷

3.5. Contextual Factors

3.5.1. Power and Politics

A key constraint to the ability of civil society to achieve more success in their work on land and resource issues is that land and resources are closely tied with the accumulation of wealth and the ability of the ruling political elite to remain in power. The incentive is strong for the elite to maintain strict control over decisions on resources and to allow a minimum of transparency. This leaves the majority of the population, including civil society, excluded from influence over substantial resources that belong to the public and could be used for reforms to guarantee basic rights and more sustainable livelihoods. This results in a lack of commitment to implement laws effectively; a culture of impunity for the powerful who are involved in the exploitation of land and resources; and the relative powerlessness of government officials at sub-national levels.

While the government showed willingness to consult civil society in relation to the laws regulating the control and management of land and resources, and civil society had substantial input resulting in relatively comprehensive laws, these laws are often not implemented adequately or are circumvented to meet the needs of the rich and powerful. As one NGO observer noted, while the government relinquished to national and international pressure to stop forest concessions, the policy of granting numerous ELCs has in effect been more damaging as large swathes of forest have been cut regardless of forestry guidelines. The extremely slow process for granting community forestry and communal land title registration when compared to the rapidity of granting ELCs also indicates a lack of political will.

Positive actions taken by higher levels of government to solve land and resource issues are often believed to be politically motivated. The Directive 001 which was implemented in 2012, the year before the national elections, reclassified and donated land to the rural poor over the course of 2013 with a peak in the first six months of the year, coinciding with the run-up to the election on 28th July 2013, which has led many observers to believe that the policy was executed for political gains.⁵⁸ There have also been cases cited by communities and civil society where promises have been made that people will not be impacted or displaced before election periods, only for these promises to be retracted post election.

Decisions over land and resources are largely made at national level which often over-rides decisions at sub-national level or completely excludes local officials from decision making processes. Local authorities at commune and district level often have little information about large scale development projects and lack influence in the political hierarchy, which can result in a lack of responsiveness or willingness to take responsibility. One organization recalled that they had been setting up a community-based eco-tourism site in Stung Treng province with the community and provincial authorities, but an ELC was granted by national level government for a rubber plantation which covered much of this eco-tourism site and so they had to stop the

⁵⁶ ONL, April 2014. Case Study on the Sugar Case.

⁵⁷ <http://www.oxfam.org/en/grow/pressroom/pressrelease/2014-03-18/pepsico-declares-zero-tolerance-land-grabs-supply-chain>

⁵⁸ ADHOC, 2013. Land Situation in Cambodia 2013

activity. Another organization noted how complaints of company impacts on community land and water resources tend to get batted back and forth between the commune and district level, with neither wanting, or able, to take responsibility.

Related to the power and politics surrounding land and natural resources is the use of intimidation, violence and extra judicial means that have been used to silence people and civil society. Land and forestry activists have been shot and killed, people have been arrested and detained, and the perpetrators go free. Community activists who have tried to document land abuses or forest crimes have been prevented from doing so.⁵⁹ Organizations working with communities on land and resource rights have received verbal warnings and intimidation from the authorities. By the end of 2012, for example, five staff members of ADHOC were facing court charges.⁶⁰ Legal cases frequently fail to succeed due to the lack of an independent judiciary.

Civil society also struggles to gain information on the companies involved in land grabbing and rights abuses as there is an overall lack of openness and transparency around land and resource deals. Meeting with government ministries such as the Ministry of Land Management, Urban Planning and Construction is notoriously difficult, as is making appointments with companies. Companies and government representatives have also been known to try to use divisive tactics in an attempt to divide and split communities who are mobilizing to take action around land and resource abuses.

3.6. What has changed for Cambodian people?

All of the NGOs interviewed who work on land and resource issues noted that the key change that has happened for people is that there is much stronger awareness throughout Cambodia of people's rights around land and resources, and that people are more empowered and braver to talk about these issues. They also realize the value of working collectively with others in solidarity. In many areas of Cambodia there are stronger community networks and local level community based organizations working on land and resource issues. NGOs have supported communities to mobilize, to network and to build their skills in advocacy and in seeking redress for harms.

This is confirmed by the findings of the WCP survey. Respondents noted that the community networks had created stronger solidarity, more secure land title, confidence and ownership. Respondents answered that if their land was taken away from them they would seek support from NGOs, community organizations, file complaints to government authorities, or take action through petitions, demonstrations and rallies. 55% of the partner target groups reported that they had taken action and filed complaints when their land had been taken away from them. However, it appears that when demanding response from relevant authorities there is little change. 71% said that when they had submitted complaints they had received no response from the relevant authorities.

In addition to communities speaking out and taking action on land issues, organizations cited that there had been some relative success in securing land and forest for the people. The fact that some community forest areas and indigenous community land has been registered and titled provides more livelihood security for those communities and protection from outside encroachment.

⁵⁹ Maia Diokno, August 2012. Projects Implemented by Building Community Voices 2010-2012

⁶⁰ Bruchem, Gertjan van, 17 January 2013. ONL Cambodia Annual Report

3.7. Gender Based Violence and Women's Leadership

According to the traditional, hierarchical and social order in Cambodia, women are considered to be of a lower status relative to men and are disproportionately poor and under-educated.⁶¹ Rural women are also more likely to experience gender disparities than urban women.⁶² Unequal access to education, health services and employment opportunities persist and women often have less access to and control of assets. The incidence of domestic violence remains high, affecting 20-25% of women and statistics indicate that rape and sexual assault are on the rise, particularly involving young girls and children. Amnesty International reported that from November 2008 – 09 there were 468 cases of rape, attempted rape and sexual harassment reported to the police, an increase of 2.4% compared to the figure in 2007.⁶³ The reported cases of rape of children rose from 67% in 2008 to 78% in 2009. Despite legal frameworks, a widespread culture of impunity protects perpetrators rather than the victims of violence, corruption and abuse. The hierarchical nature of Cambodian society emphasizes deference to authority and tends to exclude women and other less powerful social groups from processes of public decision making. Women's participation in decision-making has been limited by traditional patriarchal beliefs that women are not well suited to high positions and decision making.

Several long standing organizations have been working on gender and women's rights in Cambodia, including Oxfam Novib partners Women's Media Centre, GADC, and SILAKA, often in collaboration with the Ministry of Women's Affairs (MoWA). Two key issues that these organizations have focused on have been gender based violence, particularly domestic violence, and women's leadership.

3.7.1. The National Frameworks for Gender and Women's Rights

The RGC, led by MoWA, has made significant progress in developing over-arching development strategies and policies which have gender mainstreamed throughout. These include the Rectangular Strategy, the National Strategic Development Plan (NSDP) and the National Plan for Sub-National Democratic Development (NP-SNDD). Within line ministries Gender Mainstreaming Action Groups (GMAGs) have been established with the intention to mainstream gender through the technical work of the ministries. One of the Joint Technical Working Groups focuses specifically on gender and has joint monitoring related to the goals and objectives outlined in the Neary Rattanak, the five year plan of MoWA. In 2003 the RGC adapted the 8 universally agreed Millennium Development Goals to goals specific to Cambodia. Goal 3 is Gender Equality and Women's Empowerment which includes targets to reduce all forms of violence against women and children and to eliminate gender disparities in public institutions.

Several of the NGOs focusing on women's rights and gender, for example GADC, have worked closely with MoWA to assist in the gender mainstreaming processes, in identifying the Cambodian Millennium Development Goals (CMDG) gender benchmarks, and to assist in policy implementation. Civil society has supported the mainstreaming of gender at sub-national level through the establishment of gender focal points and the Women and Children's Consultative Committee and the Commune Committee for Women and Children.⁶⁴

⁶¹ World Bank, 2009. Cambodia: Linking Citizens and the State: An Assessment of Civil Society Contributions to Good Governance in Cambodia. Phnom Penh: World Bank.

⁶² MoWA, 2008. A Fair Share for Women: Cambodia Gender Assessment. Phnom Penh, RGC.

⁶³ Amnesty International, 2010. Breaking the Silence, Sexual Violence in Cambodia. London: Amnesty International Publications.

⁶⁴ Bottomley, Ruth et al. April 2012. Monitoring Aid Effectiveness from a Gender Perspective: Country Report Cambodia. UN Women, ActionAid, AECID

The women's organizations have been active to collaborate and review national policies to ensure that they are gender responsive and mainstream gender throughout. This is often done through consultation workshops with communities and civil society followed by comments being raised at the TWGG. Domestic violence and gender based violence have been key issues that are integrated into the over-arching government development plans.

The NGO Position Papers on Cambodia's Development reflect the CSO views on progress towards the JMIs and NSDP and highlight priority issues and recommendations to the RGC and development partners. The Position Papers in 2009-10 included a paper on gender focusing on the progress to mitigate domestic violence in line with the focus of the JMI at that time on adopting laws and sub-decrees to mitigate all forms of violence and exploitation against women and children.⁶⁵

Recommendations on the inclusion of gender and women's issues into the updated draft NSDP 2014-18 were provided by civil society and some were integrated in to the draft. This included strategies to enhance women's economic situation; promote women in leadership; improving women's access to health and education; and improving legal protection for women.⁶⁶

Women's organizations are also active in two committees, the NGO-CEDAW and CAMBOW. These networks of women's organizations established in 1995⁶⁷ and 2000 respectively, play a role to produce a shadow report to assess the RGC progress in implementing the UN Convention on the Convention to Eliminate all Forms of Discrimination Against Women (CEDAW), which Cambodia ratified in October 1992.⁶⁸ The NGO Shadow reports provide recommendations to the government and the United Nations on how Cambodia can strengthen policy and implementation regarding women's rights. The NGOs have produced shadow reports in 2001, 2005, 2010 and 2013⁶⁹ and are currently working towards the next report. The reports, since 2001, have covered violence against women and women in leadership. From 9 members in 1995 the NGO CEDAW Committee now includes 79 national organizations working on women's rights and related issues throughout Cambodia.⁷⁰

3.7.2. Law on the Prevention of Domestic Violence

The women's organizations have had a significant role to play in the development and passing of the Law on the Prevention of Domestic Violence and the Protection of Victims, which was passed by the National Assembly and Senate in 2005.⁷¹ The draft Domestic Violence Law was written by the then named Ministry of Women's and Veteran's Affairs in 2001 with input from civil society. Civil society also provided feedback on drafts of the law and requested changes to articles that they felt could be ambiguous or have negative consequences for the victims.⁷² The NGOs developed a strong grass-roots lobby to support the passing of the law, and NGOs such as

⁶⁵ NGO Forum, 2010. NGO Position Papers on Cambodia's Development in 2009-10 to the 3rd Development Cooperation Forum 02-03 June 2010. Phnom Penh: NGO Forum

⁶⁶ GADC, 2013. Annual Narrative Report for Oxfam

⁶⁷ NGO-CEDAW was established in 1995 following the Beijing World Conference on Women.

https://treaties.un.org/Pages/ViewDetails.aspx?src=TREATY&mtdsg_no=IV-8&chapter=4&lang=en

⁶⁹ The Cambodian NGO Committee on CEDAW (NGO CEDAW), June 2013 Shadow Report: Assessing the Royal Government of Cambodia's Progress in Implementing the UN Convention on CEDAW. CAMBOW and NGO CEDAW. See also

⁷⁰ The Cambodian NGO Committee on CEDAW (NGO CEDAW), June 2013 Shadow Report: Assessing the Royal Government of Cambodia's Progress in Implementing the UN Convention on CEDAW. CAMBOW and NGO CEDAW.

⁷¹ The Cambodian NGO Committee on CEDAW (NGO CEDAW), 2005. Shadow Report: Assessing the Royal Government of Cambodia's Progress in Implementing the UN Convention on CEDAW. NGO CEDAW.

⁷² <http://www.licadho-cambodia.org/pressrelease.php?perm=35>

GADC also mobilized the Cambodian Men's Network to campaign for women's rights and the passing of the domestic violence law.⁷³

Despite the passing of the Law on the Prevention of Domestic Violence in 2005, many civil society organizations were critical of the time taken for a law to be passed to protect the rights of women, 13 years after the ratification of CEDAW in 1992. The actual process from drafting the law to the adoption of the domestic violence law took almost ten years.

Civil society has also worked closely on the National Action Plans to implement the Law on the Prevention of Domestic Violence. The first National Action was developed for 2009-2012 and the second National Action Plan to Prevent Violence against Women (NAPVAW II) 2013-17. While MoWA has the ultimate responsibility for developing the action plans, the process in both cases has had the contribution of civil society. The process for developing the second action plan involved civil society and women survivors of violence, together with line ministries and development partners in a sub-national TWG. The NAPVAW II was then approved by the TWG-Gender, with most recommendations incorporated. The recommendations included strategies to reduce discriminatory cultural norms; to improve law enforcement through capacity building to relevant authorities; to develop mechanisms to help women avoid pressure to accept reconciliation and to strengthen legal and social services. GADC, WMC and the Cambodian Men's Network organized several consultation workshops for provincial civil society representatives and communities to feed into the draft action plan.⁷⁴ The NAPVAW II will be submitted to the Council of Ministers towards the end of 2014 for approval.

A representative from MoWA stated that the collaboration with civil society to develop the NAPVAW II has been very important as civil society has been able to raise issues and concerns from the field to feed into the plan development. Civil society has also provided feedback on the actual law, with the result that MoWA is currently advocating for some articles in the law to be amended to enable better implementation. The implementation of the NAPVAW II will also be conducted in collaboration with civil society and the local authorities, particularly the police and the dispute settlement committee within the commune councils. The implementation of the first NAPVAW was, according to MoWA, not implemented in a cohesive way resulting in gaps in the process. Based on the lessons learned from this, MoWA is working with civil society to develop a clear plan for implementation and monitoring of the NAPVAW II.

The Law on the Suppression of Human Trafficking and Sexual Exploitation was adopted by the National Assembly in early 2008 and civil society also contributed to these efforts. However, a report by the Ministry of Planning in 2010 noted that most victims of violence still did not seek help, and if they did, they most often sought help from relatives, friends or commune or village authorities rather than from the police, courts or professionals.⁷⁵ Many of the NGOs noted that enforcement of the law was problematic, partly due to lack of capacity of local officials and also due to social and cultural norms.

3.7.3. Women's Leadership

The right of women to participate actively in political, social, economic and cultural life of Cambodia is guaranteed by Article 35 of the 1993 Constitution and Article 34 of the Constitution guarantee women both the right to vote and the right to be elected. However, traditionally there has been an extremely low

⁷³ <http://www.cambodiadaily.com/archives/mens-network-begins-annual-campaign-for-womens-rights-27703/>

⁷⁴ <http://www.gadc.org.kh/kh/index.php/news/78-discussion-workshop-on-recommendations-to-the-ministry-of-women-s-affairs-for-cambodia-s-new-national-action-plan-to-prevent-violence-against-women>

⁷⁵ Ministry of Planning, 2010. *Achieving Cambodia's Millennium Development Goals*. Phnom Penh: Ministry of Planning

representation of women in government both at national and sub-national levels. The 2001 NGO-CEDAW report notes that in the 1998 elected government only 2 out of 24 ministers were women (the Minister of Culture and Minister of Women's Affairs) and in the National Assembly there were only 14 women out of 122 members.⁷⁶ With the identification of the Cambodian Millennium Development Goals in 2003, the RGC set targets for increasing the number of women in politics and leadership positions and MoWA was given responsibility to promote women's leadership, although many of the activities are implemented and developed by NGOs.⁷⁷

The Committee to Promote Women in Politics (CPWP) is a coalition of NGOs working since 2005 to promote women in decision-making at commune and national level. The membership of CPWP has grown from seven organizations to twelve organizations and includes Oxfam Novib partners SILAKA, GADC, COMFREL, WMC and PADEK.⁷⁸ CPWP comprises a secretariat that manages the grant (formerly SILAKA, now GADC) and member organizations who implement the activities at grassroots level. The secretariat is also involved in advocacy at national level. Activities of CPWP include grass-roots empowerment, public engagement, knowledge building, networking, capacity training of women leaders as well as lobbying and advocacy. The CPWP in particular has provided a lot of capacity building support to train and build the confidence of women to stand for election at commune level. They have also worked at provincial and district level to enable them to provide training and support to the commune level. Organizations like WMC have also produced a lot of media programs to persuade political parties to put women on candidate lists at national and sub-national level.

The success has been slow, although recent elections have seen a rise in the number of female candidates and elected political representatives, especially at local levels.⁷⁹ The target set by the CMDG for women in national assembly and senate seats is 30%. However in the 2003 election 19% was reached, 22% in the 2008 election and 20.1% in the 2013 national election. At sub-national level the CMDG target is 25% women in leadership positions and this target has also not been reached. At commune level the numbers increased from 8% in 2003, to 14.6% in 2007. In the 2012 commune elections there was a 1% increase. Despite the slow increase in numbers, there are still fewer women in leadership positions such as commune chief, district chief or provincial governor. Women have been placed in deputy positions, but as there tend to be several deputies there is less decision-making ability. However, in the 9 provinces where CPWP was active in the run up to the 2012 elections, there was an increase in numbers of women on candidate lists and elected compared to the national average. Political parties have also shown more commitment to have more candidates on their list and the three leading parties, CPP, FUNCINPEC and the CNRP had an increase in the number of women on their candidate lists for the 2013 election, despite the fact that the final results actually led to a decrease in the number of women standing compared to the previous election. The reasons for this decrease will be explained in section 3.8.3.

3.7.4. Community education and awareness

A significant amount of work has been conducted by the civil society organizations to raise awareness about gender based violence, domestic violence and women's leadership at the community level. With organizations like GADC this has largely been done through their networks, such as the GAD network and the Cambodian Men's Network. WMC has covered the issue of domestic violence in a wide range of radio station (FM 102) and

⁷⁶ NGO-CEDAW, 2001. Shadow Report: Assessing the Royal Government of Cambodia's Progress in Implementing the UN Convention on CEDAW. NGO CEDAW.

⁷⁷ NGO-CEDAW, 2010. Shadow Report: Assessing the Royal Government of Cambodia's Progress in Implementing the UN Convention on CEDAW. NGO CEDAW

⁷⁸ <http://www.cpwp.net/en/about-cpwp.html>

⁷⁹ World Bank, 2009. Cambodia: Linking Citizens and the State: An Assessment of Civil Society Contributions to Good Governance in Cambodia. Phnom Penh. World Bank.

TV programs and also through their mobile community outreach teams. In terms of domestic and gender based violence, ADHOC has worked on encouraging the direct implementation of the law by working with communities, police and commune councils and assisting in mediating cases or bringing cases to court. Coalition groups such as United Sisterhood, working with factory workers and sex workers have also done a lot to raise awareness about rights within these professions, to educate duty bearers such as factory owners and police to behave more responsibly towards these groups, and to provide safe spaces and health care for victims.

3.8. Contextual Factors

3.8.1. Policy Goals for Gender Equality and Women's Empowerment

Gender equality and women's empowerment is central to achieving the Millennium Development Goals and the government has been active in ensuring that gender is incorporated into national development policies. MoWA has contributed to the development of the Rectangular Strategy, the NSDP, the CMDGs and the NP-SNDD in terms of ensuring the inclusion of gender. Within the CMDG goal on gender equality and women's empowerment, the reduction of domestic and gender based violence and women's leadership are key targets, and they are also two of the main strategic areas of the Neary Rattanak, the five year strategic plan of the MoWA which is the main document guiding the implementation of gender mainstreaming in Cambodia.⁸⁰

This existing framework and interest by the government in achieving gender goals has provided an enabling environment in which civil society has been able to work. The NGOs working on domestic violence and women's leadership have been able to work closely with the MoWA and to contribute significantly to the development of these overarching policies and goals and to ensure that efforts are made to put policy into practice, particularly at the grassroots level.

The inclusion of gender equality and women's empowerment as the third global Millennium Development Goal and the aid effectiveness movement following the 2005 Paris Declaration on Aid Effectiveness, has also promoted the importance of gender equality and women's empowerment in development processes. The Busan Outcome Document, December 2011, commits to the acceleration of efforts to achieve gender equality and women's empowerment in all aspects of development efforts. This has resulted in the continued interest of development partners in ensuring that gender is a key priority within development programs and in funding civil society in Cambodia. Donors have provided substantial support to the women's rights organizations and have insisted on gender as a cross-cutting issue through programs and projects, Oxfam Novib included. During the development and passing of the Law on the Prevention of Domestic Violence and the subsequent action plans a strong donor lobby joined the civil society voices.

According to an interview with a MoWA representative, MoWA is supportive of the role of civil society to engage in the implementation and monitoring of the frameworks and policies for gender equality and women's empowerment.

3.8.2. Weak implementation of laws and policies

Despite the success in having a robust development framework with gender mainstreamed throughout, legislation regarding domestic violence and CMDGs with targets for women's leadership and the reduction of domestic violence, the actual implementation is poor. NGOs noted that female victims of domestic violence and state violence are not being granted justice in the justice system and by the police and that there is still more

⁸⁰ MoWA, 2009. Five Year Strategic Plan 2009-13. Neary Rattanak III. Phnom Penh, RGC.

work to be done to address these barriers. The capacity and knowledge of responsible government officials at local level, such as the police, is often limited. It was also noted that the laws themselves often use a lot of legal terminology which makes it difficult to understand and translate into action at the local level. The development of National Action Plans have assisted with translating the law into practical goals and actions, but there are still constraints in terms of victims being able to access appropriate expertise and legal advice. It was also noted that due to the poor livelihood conditions of many women it is difficult for them to seek legal solutions due to the time and cost. If their spouse is convicted it also creates additional livelihood hardships which often result in women asking for their husbands to be released.

3.8.3. Traditional values and biases

The women interviewed as part of this research noted that although there are commitments both within the government and civil society to improve gender equality and women's empowerment, often this is implemented in terms of reaching numeric goals rather than through a real understanding of the need to have women in positions of decision making or as empowered citizens. In terms of promoting women to leadership it was noted that while women in the CPP receive more support from the party to stand for election, women in the opposition parties often have to face discrimination both in terms of their sex and also their party affiliation. It was also noted that the disappointing decrease in the number of women elected at the recent 2013 national election reflected that when the main goal of the parties is to win the election and it is a tightly fought contest, the priority to put women in positions takes a back seat. It seems even if women were high up on the candidate list they were often removed and replaced by a male candidate because the parties felt they would be stronger and more experienced.

3.9. What has changed for Cambodian people?

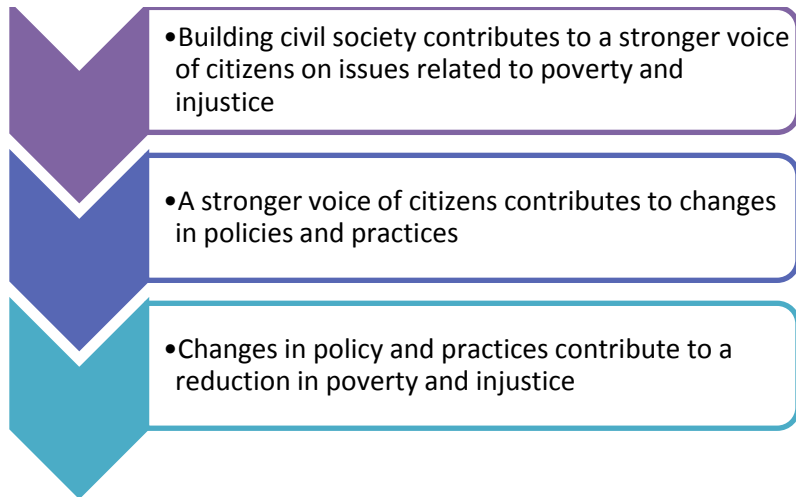
As with civil society space and land and resource rights, the key change that was cited for gender based violence and women's leadership was greater understanding and awareness about the issues among the Cambodian citizens. Organizations felt that there was more understanding at all levels about women's rights and opportunities for women. Women, both rural and urban, were seen to be braver to speak out about their problems and to discuss their rights. In certain cases women have also taken to the frontline to protect their rights, particularly over land and resources, as was seen in the case of the Boeung Kak women who struggled for many years against the government and a private company that planned to evict them from their lake side homes in Phnom Penh. With a greater number of women in the formal workforce, particularly in urban garment factories, these women also have more understanding about their rights and the obligations of their employers. As one respondent, who had worked for over ten years with a women's organization, remarked, "[women] are braver than ten years ago. This is related to a change in freedom of expression. Before women were shy to talk about politics, but now they speak about this."

In relation to women's leadership, it appears that there are more women ready to take on leadership positions and the targets and goals are in place, but there is still more political will required to really ensure that women are given the opportunity to take up leadership positions and for this to be recognized as meaningful by their male colleagues and counterparts. The WCP survey found that 85% of the partner's target group did feel that there were more possibilities for women to take on leadership positions compared to five years ago, and the majority (76%) felt this was due to the efforts of civil society to create awareness on women's rights. 60% of respondents also acknowledged that this was also due to the government having put policies in place to encourage women's leadership.

Regarding domestic violence, the organizations interviewed felt that there had been a change in perception at the local level that domestic violence was not just a family problem and that it was an issue that needed to be dealt with as a criminal offence. It was also felt that there were more avenues for women to seek legal protection or resolution. However, the majority of respondents felt that there was still much more that needed to be done in terms of ensuring the Law on the Prevention of Domestic Violence was fully implemented. This perhaps is also reflected in the findings of the WCP questionnaire. 80% of the target group still said that domestic violence was a problem in their communities, although this is countered with the 74% of people who also stated that there was less gender based violence than 5 years ago, which again was seen to be largely the effort of civil society raising awareness (75%) and government enforcement of laws and regulations (57.5%). So while domestic violence has reduced it still remains an issue in many communities in Cambodia.

4. Analysis of Policy and Practice Changes

The Oxfam Novib theory of change suggests that when civil society is strengthened, this leads to a stronger voice of citizens on issues relating to poverty and injustice. This stronger voice of citizens in turn contributes to changes in policy and practice, and these changes in policy and practice contribute to a reduction in poverty and injustice.



In reality, the process of change in Cambodia is less linear and somewhat complex and can also be impacted by context, particularly changes in the political context.

Donors like Oxfam Novib have contributed to supporting and building civil society in Cambodia, in some cases over a long period of time, and this has allowed civil society to develop, to gain expertise, to expand networks regionally and internationally, and to respond to change within the development context. While originally working very much on service provision and rehabilitation after the war, civil society has in the last ten years moved towards a rights-based approach whereby interventions aim to transform the power relations of the major development stakeholders and to promote the rights of the rights-holders and the accountability and responsibilities of the duty bearers.

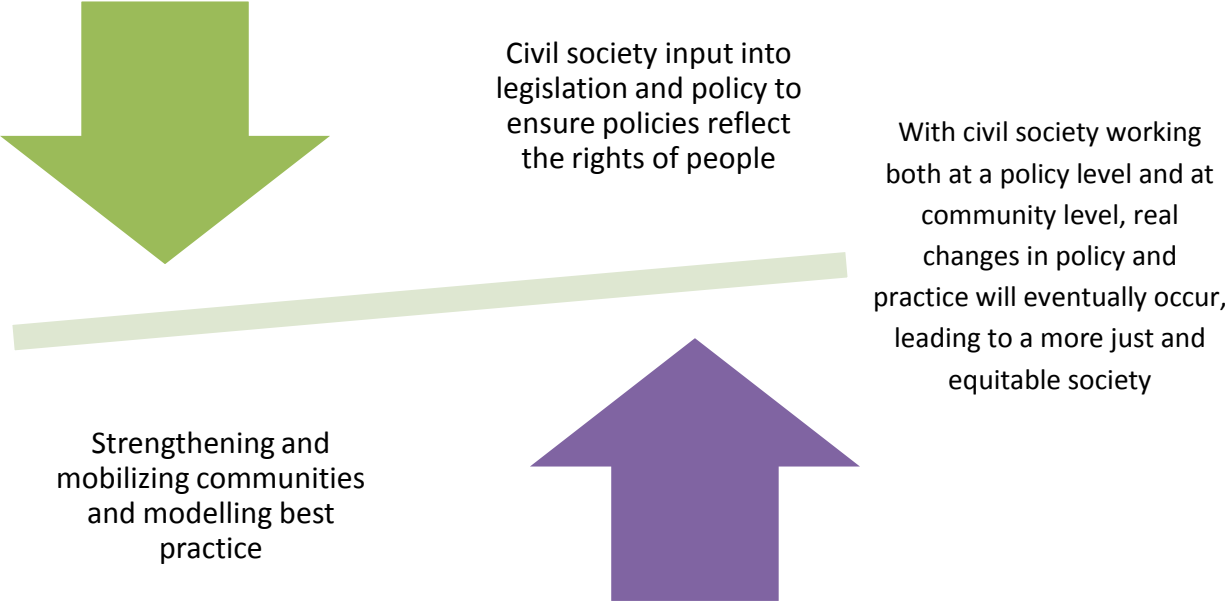
Civil society has had a key role to play in building a stronger voice of citizens, the rights holders. In all three thematic areas the key change observed has been the strengthening of active citizenship at the local level through awareness raising and education, mobilizing, linking for collective action and supporting with strategies for advocacy. Citizens are becoming more active politically and are speaking out about issues such as land grabbing, domestic violence and women’s rights. As seen at the 2013 national elections, people are also openly beginning to demand change from the current political regime. This indicates that there has been a fundamental shift in the self-perception of many Cambodian citizens regarding their relationship to the State and their ability and capacity to influence government.

However, this new voice of the citizens often does not directly influence changes at a policy level and is frequently perceived by the government to be confrontational which sometimes results in intimidation and violence rather than policy change and improved implementation and practice by duty bearers. Lobbying on the LANGO has postponed the implementation of the law, but with concern that the law may now be passed with minimal or no consultation. People’s protests around land grabbing and displacement in the face of ELCs only led to change in policy when it appears there was a political motivation for the change in the lead up to election.

But many cases remain unsolved and communities continue to have land and resources encroached by companies and investors.

Civil society, with contributions from Cambodian citizens, has worked together with government to develop and pass laws that create a framework for a sound regulatory environment. Laws are in place for regulating and managing land and forest and for reducing the incidence of domestic violence. But the implementation of these laws is weak or selective. In the case of land and resources, the laws are often over-ridden by national level decisions, or are implemented at such a slow rate that communities remain vulnerable to exploitation. Weak capacity and lack of real power at sub-national level also prohibits effective implementation.

Having good laws in place and also having a stronger, vocal citizenry are key steps to achieving a more just and democratic society and therefore to reducing poverty and injustice in the longer term. Currently in Cambodia the linking of policy and its implementation in practice have yet to be fully achieved due to the lack of political will to implement the laws and to have a transparent and independent judiciary. However, it is important that civil society continues to strengthen and mobilize communities while still engaging in dialogue with government to improve legislation and policy which can create a framework for a more just society. NGOs noted that Cambodia is reaching a tipping point where it could see the move to a more democratic society or a more authoritarian regime. The more people are able to stand up and hold the government accountable to implement the framework of laws and policies, the more likely the scale will tip in the favour of a more just society.



5. Strategies and Methods

Partners have used a variety of approaches and methods to influence both policy and practice. These range across the spectrum from what are termed “softer” approaches whereby the partners work together with the government at national or sub-national level to assist in feeding into policy, to participate in government led forums, to provide feedback on policies and to assist government departments to implement policy. These approaches are often in “invited spaces” whereby government invites civil society to participate, but sometimes the ability for civil society to influence and raise opinions in these spaces are limited.

At the other end of the scale we have what is termed the hard or hot advocacy, which is often around sensitive issues, particularly land and resources, and where it is either deemed or proved difficult to work with government on the issue and so the stance becomes more confrontational, with civil society placing pressure on government to be accountable and to respond in line with their duties. Strategies and methods include utilizing complaints mechanisms, demonstrations and protests, petitions and campaigns, and critical research on government policy.

Many of the Oxfam Novib partners tend towards a softer approach, although in reality their work falls more to the mid-ground between the softer and harder approaches and there is a lot of work being done to bring the different stakeholders together and creating a space for dialogue. This includes empowering local communities to speak up for their rights, facilitating people’s forums or meetings between officials and communities, monitoring implementation of legal frameworks by the RGC, providing legal support for communities, and negotiating with government and companies.

As the analysis on the theory of change demonstrates, it is important for civil society to work at both ends of the spectrum, and different organizations and groups may take different roles and approaches. The important thing is that the approaches complement rather than conflict. Hotter advocacy approaches can mobilize and bring up the voice of people, put pressure on the government and take risks. This sometimes leads to good results and sometimes leads to confrontations and violence and may result in closing invited spaces for working with government. Softer approaches can result in the better implementation of policy, although may be too slow and time consuming to make a visible difference to the majority of people. The detrimental effects of both approaches need to be analyzed and mitigated. Civil society needs to develop strategies that allow for a combination of approaches that can work together to achieve the desired result. There needs to be flexibility so that approaches can change over time and in relation to context.

This section looks at some of the key methods that have been employed by the partners of Oxfam Novib.

5.1.1. Strengthening and mobilizing the community

Over the last ten years NGOs have re-directed their support from providing assistance and aid to “beneficiaries” to strengthening and building capacity at community level so that citizens can expand their knowledge and skills, understand their rights, and begin to claim their rights as citizens. All organizations interviewed, without exception believe that this is an important strategy and where results can be seen, even though it has taken a relatively long time for the people of Cambodia to feel confident enough to do this. Building knowledge and having access to information is seen to be the most important step, followed by the need to overcome the habitual fear that many poor Cambodians have of confronting authority. Organizations such as ADHOC have provided tools and techniques to communities on how to advocate and write complaints. Messenger Band, of the United Sisterhood, has supported people to use song and performance as a non-violent means of expression

and for raising voices of dissent. Building Community Voices (BCV) has trained community representatives to use media tools such as film and photography to raise awareness within their communities and to document evidence of abuses such as company encroachment on community land.

The strategy of bringing people together through networks and coalitions has demonstrated how working together can have an influence. This has varied from, for example, the Women's Information Centre of United Sisterhood setting up centres for garment workers in compounds where women can meet to discuss their daily challenges and mobilize for collective action, to networks such as the Cambodian Men's Network which has helped to bring together the voice of Cambodian men to support women's rights. The efforts by organizations such as AEC to support community networks in Kompong Chhnang and to link these networks to other provincial and national networks has strengthened the confidence and voice of people to gain their land and forests back from an ELC. DPA has also supported the development of CBOs working on land and resource issues. However, there is perhaps still more that can be done by civil society to further strengthen grassroots movements and networks and collective action for change. The WCP survey results showed that 34% of the target group had participated in collective and community action against injustice and to fight for rights. 55% of the target group had filed complaints when land had been taken away from them. It is hoped that by the time of the next WCP survey in two years time these figures will show an increase in the number of people uniting together to take action against rights abuses.

5.1.2. Legal Advice and Support

The provision of legal advice and support has been an important aspect of working with communities on issues around gender based violence and land and resource disputes. This includes legal awareness education and training, consultation, representation and defense. The Women's Network Union of United Sisterhood provides support to help women sex workers seek legal advice if they are arrested. ADHOC and GADC also link victims of domestic violence to legal advice and support. CLEC has provided legal support to many communities threatened by eviction from their homes and lands. While the provision of legal support is crucial, it does not appear to have a high success rate due to the lack of independence of the judiciary. CLEC in particular expressed frustration that often cases could not be won because of the poor or biased application of the law in the interests of the powerful. A strategy that CLEC have now adopted is to maintain a long-term commitment to the case and to keep case files pending for a time when there will be a change in the justice system. It was noted that working with other NGOs who are supporting these communities and families is important as the long time frame for a solution to cases can create hardship and a loss of motivation for the people claiming their rights. CLEC is also working to increase its ability to rapidly respond to situations where criminalization and pre-trial detention is used to intimidate and scare human rights activists. They are doing this by assigning lawyers and conducting preparation for possible cases in advance.

Micro-justice and alternative dispute resolution have been other strategies trialed by some of the Oxfam Novib partners. Oxfam Novib supported ADHOC and CLEC to work with the University of Tilburg in the Netherlands on alternative dispute resolution which allows out of court settlements with trained mediators. Alternative dispute resolution has been used for both cases of domestic violence and disputes over land between companies and communities. The rationale behind these out of court-resolutions is that it can perhaps lead to the resolution of the dispute in a shorter time and without having to pay court costs and legal fees. There has been some success although also criticism of these approaches. Out of court solutions for domestic violence have been criticized by some of the women's rights organizations who believe it may leave the victim open to further abuse if the case is not dealt with through legal mechanisms. The mediation with ELC or resource extraction companies has

led to some successful outcomes for communities in terms of getting some land back or the company agreeing to provide some basic infrastructure to the community, although as one NGO representative noted, often it is just a compromise, and there is a sense that the negotiation is being conducted with the thieves.

5.1.3. Working with authorities

Many of the Oxfam Novib partners work with authorities either at the national or sub-national level which proves both challenging and has mixed success rates.

Organizations like Mlup Baitong and DPA have to work closely with government departments to implement the Communal Land Title and Community Forestry process, although both admit it is often challenging to work with the authorities. DPA noted that some ministries do work in a cooperative way while others are much harder to work with. Mlup Baitong noted that there was often the need for compromise and that progress was frequently hampered by powerful interests. AEC, who has worked quite closely with provincial authorities in Kompong Chhnang said that they felt working with the local authorities had given the authorities a deeper understanding of the community issues and that they were pleased when the communities had approached them for assistance on how to address the issue with the company. BCV cited different experiences where authorities at commune and district level had been unable or unwilling to respond to the community complaints, even when photographic evidence was produced of damage to community resources caused by the company operations.

Organizations working on gender based violence and women's leadership appear to have had easier relationships with the authorities. At national level CPWP and its members have worked closely with MoWA and the Ministry of Interior on the issues of women's leadership. At local level they work with local government, particularly the commune councils in their efforts to promote female leadership at the sub-national level. CPWP noted that their experience has taught them that it is important to work at both sub-national and national level. If momentum is built at sub-national level but no provisions or policy is in place at national level, then it makes it very difficult to achieve success. Organizations working on gender based violence have also worked closely with local authorities to raise awareness regarding the Law on the Prevention of Domestic Violence and to try and ensure responsiveness and a proper follow up to reported cases. United Sisterhood has also made efforts to work with state hospitals to ensure health care for sex workers and with the police regarding their treatment of sex workers.

Some organizations mentioned that while in the past they used to work more collaboratively with the authorities, they now feel less inclined to do so as they perceive there is more need to work with the villagers, the unions and the workers who are marginalized by the power-money-authority dynamic. Both ADHOC and CLEC began working with authorities, either in educating around human rights or assisting the government to establish institutions such as the Arbitration Council, but they have since moved to work almost exclusively with the people. Organizations also noted that they sometimes felt that there was not sufficient engagement or commitment on the side of the government and that the government hierarchy continued to have more influence over the actions of civil servants at all levels, which meant that orders tended to be followed at the expense of respecting the law or the rights of the people.

Organizations working on civil society space often work closely with the government. COMFREL has worked with the National Election Committee over many years to try to improve regulations and procedures for elections in Cambodia by proposing concrete amendments which government can easily review and endorse. COMFREL and WMC have used the strategy of facilitating public forums to bring government and citizens together, allowing people to raise the agenda and ask for a response from the local officials. Both organizations

believe that the forums help to create useful dialogue between the people and the authorities and enhance an understanding of accountability on both sides.

Several organizations spoke of the need to be aware of opportunities in government work where there would be possibilities for civil society to play a role and to continue to promote the idea of people demanding accountability of government officials. It was noted by several interviewees that the government plans to implement a social accountability framework at the district and commune level which will invite citizens to feedback on services and performance at commune level. It was believed that this would provide space for civil society to work more with the Cambodian population to demand accountability from government officials.

CCC and NGO Forum also work closely with the government at national level to try and ensure that civil society can continue to have input into government policies and legislation through the development forums and technical working groups.

Government officials interviewed from the Ministry of Rural Development noted that if government and civil society can cooperate together to reduce poverty there can be good results. They explained that the government appreciates the NGOs that help the government to progress by providing constructive criticism, but they are less receptive to NGOs who are overly critical of government policies. Interestingly, the officials also said that NGOs were important in the development of Cambodia both in terms of collaborating with the government and providing technical and financial support, but also in terms of providing jobs to Cambodian citizens.

5.1.4. Information Communication Technology

There is growing use of information communication technology (ICT) by civil society and citizens to assist with efforts to influence policy and practice. Organizations such as WMC have used the traditional media of radio and TV to raise awareness and educate on issues of importance to women. They have also used mobile broadcasting units to reach remote areas which have little or no access to media. With the widespread use of mobile phones in Cambodia they have developed call-in shows where citizens are able to call in and talk about issues that concern them or ask questions of policy makers.⁸¹ They also use mobile phones for monitoring the understanding of their programs, asking people to text in answers to multi-choice questions. WMC also have a project to promote health care using an Interactive Voice Recording System where people can call and receive information about health issues. CLEC has also used radio and talk shows to raise awareness on legal issues.

However, the use of ICT is expanding, not only in terms of the type of media but also in terms of how the media is used. While in the past media has been used largely for education and awareness raising purposes, civil society in Cambodia is now beginning to tap into the use of media for other purposes such as for advocacy and platforms for sharing, reporting evidence from the grassroots, for assisting in monitoring and watchdog roles and for allowing safer communication for human rights activists.

At national level civil society and community groups have been making greater use of Youtube to broadcast demonstrations, campaigns, protests and subsequent crackdowns by the authorities. Social media was used extensively, particularly by young people in the run up to the 2013 elections to express their political opinions and to raise awareness about human rights abuses happening around the country.

⁸¹ Libunao, Sandra M. et al, 2005. Novib's Pilot Core Country Evaluation. Pilot Country: Cambodia

Activists and civil society in Cambodia have also successfully used social and traditional media to reach a wider international audience and to overcome the limited circulation and bias of the domestic newspapers and television. CLEC has trained citizen journalists who can report about events and incidents at the grassroots, and are using ICT such as social media and smart phones to allow them to share information online which enables them to pass on information more safely. BCV also provides technical support to communities in using ICT, such as photography and video, which can then be shared on social media or used as evidence in campaigns and complaints.

In the recent elections COMFREL made use of ICT for election monitoring. Election monitors were provided with mobile phones which allowed them to report immediately on the situation at polling stations, allowing COMFREL to use this information for press releases and to brief the National Election Committee. Oxfam Novib has facilitated meetings between COMFREL, One World UK and Butterfly Works to share knowledge and skills on ICT methodology and COMFREL have plans to increase their use of ICT with offline phones, social media and electronic score card systems.

Oxfam has also supported partners to introduce technology into schools. One World UK has been successfully working with local partners and the Ministry of Education to introduce an interactive electronic version of the new Life Skills curriculum used in secondary schools. According to Oxfam, the Ministry is very receptive to the electronic version, which has made the curriculum more interesting for both students and teachers to use. The project has also helped to introduce this computer technology into rural schools. Included in the curriculum is information on sexual and reproductive health and gender equality. The electronic version is being developed by Butterfly Works and will include a mobile question and answer service targeting youth using facebook, SMS and email (using a free number provided by the Ministry of Post and Telecommunications) and mobile podcasts.

While the WCP survey indicated that in provincial areas the majority of information is still obtained via more traditional means of media such as radio and TV, and through word of mouth, it is likely that there will be a rise in the use of alternative ICT among civil society and community groups in the coming years. The influence of social media by human rights activists and civil society in Cambodia over the last couple of years has already made an impact and raised concern within the government, as indicated by their move to introduce a new Cyber Crime law which it is thought will try to limit the use of ICT for lobbying and advocacy efforts.

5.1.5. Using creative collaborations to influence

Civil society has shown that there are opportunities for creative collaborations to further the voice and influence of citizens and to influence common causes. Some of the examples given by organizations included:

- The mobilization of men to support women's rights, for example the Cambodian Men's Network mobilized to support the passing of the Law on the Prevention of Domestic Violence and CPWP engages male colleagues and co-workers at district and commune level to promote women in decision making.
- Organizations with technical skills have also supported communities and other NGOs and organizations to advance their work. BCV, for example, provided support to Equitable Cambodia and communities in Ratanakiri who were impacted by rubber plantation concessions, by producing a video in Khmer and ethnic languages about how to prepare a petition to the International Finance Corporation of the World Bank. CLEC provides legal support to communities that are often working with other NGOs. DPA provides technical support to smaller groups and CBOs at community level, and the Messenger Band provides support to people's movements in how to use songs and drama for non-violent advocacy efforts.

- SILAKA and COMFREL are both working to engage young people more in activities and to try to bridge the gap between generations so that older and younger generations can work together towards the same cause.
- GADC and NGO Forum are beginning to engage with universities to explore opportunities in furthering work on gender and women's studies and social corporate accountability.
- Some organizations talked of engaging with government or private sector champions who can help to provide information to civil society and could play a role in instigating change by becoming "best practice role models" for other companies or investors.

6. Role of Oxfam Novib

This section considers the role of Oxfam Novib and what added value the support of Oxfam Novib provided civil society in Cambodia. It is considered in relation to four main themes: choice of partners, funding and reporting, capacity building and tools, and approach and strategy. The final section considers the potential added value that Oxfam could have as a donor in the future, based on the recommendations and suggestions of the people interviewed.

6.1. Choice of partners

Evaluation reports have noted how Oxfam Novib has combined a portfolio of “old and steady” NGOs with “relatively small, experimental NGOs”.⁸² A primary example in Cambodia of a young organization that Oxfam Novib supported in its very early days is ADHOC, one of the partners who participated in this research. The Executive Director of ADHOC is very clear on the role that Oxfam Novib played in helping him to set up the first human rights organization in Cambodia in the early 1990s. He believes that the support, moral and financial, to enable him to set up and develop ADHOC opened the door for civil society and for the political factions from the border to be integrated into government. ADHOC has since been a leading organization in promoting human rights throughout the country (they work in 24 provinces), in monitoring political intimidation and lobbying for the International Criminal Court for the Khmer Rouge trials to take place in Cambodia. ADHOC is now an established “old and steady” partner with a great deal of professional expertise and experience in its sector. Another example is the support provided by Oxfam Novib to the Non-Timber Forest Products Project (NTFP) in Ratanakiri province, a small organization that was working on indigenous people’s land and forest rights in the late 1990s (and is still working on these issues today). This organization supported the first application for community forestry in old growth forest areas in Ya Poey commune and the mapping of indigenous community land with the perspective of providing recognition of communal land ownership, work that later informed the recognition of communal land title in the 2001 land law.⁸³

In recent years an example of a more experimental organization that has received support from Oxfam Novib is the United Sisterhood, a coalition of organizations working at grassroots level with garment workers and sex workers. Oxfam Novib also supports partners such as DPA specifically because they work to build the capacity and strength of grassroots organizations and Community-Based Organizations.

The majority of Oxfam Novib partners are, however, more established NGOs. These NGOs often have significant sector expertise and have been able to show a fair amount of political leverage at national level, for example, COMFREL, CPWP, NGO Forum and CCC. The choice of more established partners was also taken largely due to practical reasons as Oxfam Novib staff, until recently, were based in the Hague and were managing and monitoring the partner portfolio from a distance. The partners therefore needed to be able to manage reasonable sized grants, to have sound systems in place and to be able to work with minimal support. Oxfam Novib believes that this way of working was both more efficient and was based on relationships of trust and respect, something that was also acknowledged by the partners. One interviewee noted that they were treated as credible organizations that were trusted to deliver what they said they could do. However, the disadvantages that were raised about this approach by both partners and Oxfam Novib staff, was that it meant Oxfam Novib was perhaps less well positioned to connect with some of the emerging people’s movements that

⁸² Libunao, Sandra M et al. 2005. Novib’s Pilot Core Country Evaluation: Pilot Country: Cambodia.

⁸³ Based on author’s own experience of working with the NTFP Project in 1997 and 1998.

have gained prominence over recent years and some partners also felt that they would have preferred more direct hands-on support and structured capacity building.

In May 2013 Oxfam Novib decentralized and now has an Associate Country Director in Cambodia and a small team of Cambodian staff. This decision to decentralize was largely due to the move of Oxfam globally to a single management structure and Oxfam Novib being selected as the lead affiliate in Cambodia. This required an in-country presence to work with the other Oxfam affiliates, all of whom had an existing presence in country. The decentralization of Oxfam Novib has allowed more opportunities for Oxfam Novib to support partners who are based in the provinces and also to provide one-off grants to grassroots initiatives. Partners are generally receptive to the decentralization of Oxfam Novib as they feel it allows easier communication with program staff who speak Khmer and that it is more convenient to communicate with Oxfam Novib on a day to day basis.

From the policy and practice analysis it can be seen that Oxfam Novib did support organizations that really became strong leaders in their fields and were influential in shaping policy and in leading the way in advocating and demonstrating better practice and implementation in the field. While in the future Oxfam Novib may not shift to focus on grassroots movements, it aims to challenge its NGO partners to open up and empower new developments and movements. The strategic selection of partners such as NGO Forum and CCC who have an umbrella function and membership to bring civil society together to work more effectively around issues is one such example of this.

6.2. Funding and Reporting

The partner organizations interviewed all appreciated the fact that Oxfam Novib provided core institutional funding support rather than specific project support. It was noted that this is very much in line with the principles of aid effectiveness and the Busan agreement on donor funding. This approach to funding was possible due to the solid block grants from the Dutch government which at the time covered 70-80% of Oxfam Novib funds.

There is some evidence that the core institutional support helped some partners to become institutionally strong and to become leaders in their particular field or sector. Organizations like COMFREL and ADHOC have thrived on this type of funding and have been able to take on confrontational positions and to feel supported, respected and trusted. COMFREL noted that they were able to develop their own workplan and work on what they felt was effective for the current situation. Smaller organizations like Mlup Baitong noted that before receiving Oxfam Novib funding they had been juggling a lot of small grants and projects with different donors, but the Oxfam funding really helped them to expand and to manage their program more effectively. The 2005 Oxfam Novib evaluation also noted that the good financial base allowed partners to develop workable models in Cambodia.⁸⁴

The long term funds and the thematic approach of Oxfam Novib fitted with the priorities of many of the organizations and allowed them to diversify and to use the funds in a way that fitted the needs of people in Cambodia. It was noted that advocacy and influencing policy and practice takes a long time and often requires a flexible use of funds, and it was felt by many of the partners that the core support provided by Oxfam Novib allowed them to do this. As one respondent stated, "If you really want to influence policy and practice it takes a long time and you need to follow the government and find the opportunities." However, Oxfam Novib has

⁸⁴ Libunao, Sandra M. et al, 2005. Novib's Pilot Core Country Evaluation. Pilot Country: Cambodia

reflected that there were some drawbacks to this approach to funding, with some organizations becoming too reliant on Oxfam funds for their core costs and having difficulty to diversify their donor base.

A common problem in Cambodia is that the funding of civil society organizations is usually tied to fairly stringent donor criteria and rules which are not standardized between donors and often result in organizations adjusting their rules and procedures to donor requirements inhibiting them from setting up strong local institutions with their own systems. NGOs in Cambodia are frequently criticized for being more accountable to donors rather than to the people they work to support and serve. Partners noted that this was not the case with Oxfam Novib who is much more open to following the schedules of the partners regarding fiscal and project periods, and reporting requirements were also seen to be reasonable with reports only required two times a year and with flexibility over the reporting format. There was a general consensus from the partners interviewed that Oxfam Novib did not drive the program and projects or interfere with strategic and program development, but rather that they provided guidance and advice.

6.3. Capacity Building

Despite working remotely from Cambodia, Oxfam Novib has introduced some interesting capacity building initiatives in Cambodia, some of which appear to have had more impact than others.

6.3.1. Toolbox Approach

The toolbox approach was introduced by Oxfam Novib in 2003 as an approach for assessing new projects of existing and new partners. It comprises part of the contractual agreement with partners. The toolbox focuses on two levels of results. The first are the (SMART) outcomes to which the partner can be held accountable and which serve as the main reference for monitoring on the basis of annual milestones. Possible risks are identified that could be a barrier to reaching the desired outcomes and the annual review allows organizations to measure progress and to see how they have managed to minimize negative risks. The second level results are Policy and Practice Changes (PPC) to which the partner intends to contribute. Normally partners cannot be held accountable to the achievement of the PPCs as they also depend and are influenced by factors beyond the control of the partners. The consideration of possible outcomes in terms of contributing to changes in high level policy and practice relates to the Oxfam Novib Theory of Change whereby changes in policy and practice lead to a broader impact on people's lives. The process is usually conducted by Oxfam Novib together with the partner at the beginning of the project cycle, and reviews are undertaken each year.

Oxfam Novib believe that partners are generally positive about the toolbox approach, that it is transparent and clear and helps identify risks. It was also noted by Oxfam Novib staff that some NGOs in other countries have adopted a similar system to use with their CBOs, although this was not mentioned by any of the Cambodian partners interviewed. The partners interviewed felt that it was a useful tool particularly in terms of identifying risks and setting milestones which provided targets to measure progress. The usefulness of the tool in measuring outcomes in terms of influencing policy and practice was not mentioned by partners, and perhaps this is an area that could be explored more by Oxfam Novib with their partners, particularly in cases where several partners are working towards similar PPC goals. Some partners mentioned that other donors required them to use similar tools, which indicates that different donor tools, however useful, can become an extra work burden for organizations if they are not coordinated and this could also limit the extent to which the partner really uses and reflects on the findings from the tools.

6.3.2. The 5 Capabilities tool

The 5 Capabilities (5C) tool was a tool introduced by the Dutch government in 2010 to allow a more systematic way of measuring the results of organizational capacity development of Oxfam Novib partners worldwide.⁸⁵ In addition some countries, including Cambodia, were selected for a more comprehensive annual assessment of civil society strengths and weaknesses. While a requirement of the Dutch government, it is felt by Oxfam Novib that the 5C tool is in fact a useful tool for practical capacity development. The application of the 5C tool begins with a joint assessment of organizational capacity between Oxfam Novib and the partner. It investigates five core areas: Capability to commit and act; capability to relate; capability to achieve development results; capability to achieve coherence; and capability to adapt and self-renew. These core areas reflect both the hard and soft aspects of an organization including systems, finance, people and culture.⁸⁶ The assessment is conducted and recorded online, so that both Oxfam and the partner can see each other's scores and to enable direct aggregation of the data and visualizing of the data in graphs. Respondents can see their own data as well as the aggregated country data. Following the assessment is a period of dialogue between Oxfam Novib staff and partners to discuss the results and the priorities for capacity development. It is then anticipated that a tailor made approach to capacity development results from the dialogue. Funding for the capacity development is agreed and incorporated within overall project funding. The assessment takes place every two years with the idea that progress can be mapped over a longer period of time. A baseline was conducted with Oxfam Novib Cambodia partners in 2011, and the follow up was conducted in 2013, although the results are yet to show any substantial difference or change. This could be due to factors such as the complex political context in Cambodia which hampers progress, and organizational issues such as staff turnover which weakens both institutional memory and staff capacity building efforts.

Partners in Cambodia appeared to be relatively non-committal about the value of the tool, perhaps because it requires further follow-up discussion in country and the development of concrete plans to address the capacity gaps identified. Some noted that they felt it could be adapted more to the Cambodian context in relation to organizational structures, advocacy and communication. Oxfam Novib in country hope that there may be possibilities to identify joint training for partners based on the assessments, which would also help to bring the partners together and initiate further dialogue on the tool and the results.

Once again partners mentioned that they were applying similar tools from other donors, such as the Forum Syd Octagon tool. CCC also feels that there are a lot of overlaps with the Governance and Professional Practices self-certification requirements, all of which suggests that there is a need for continued consideration by Oxfam, its partners and other donors about the best tools and approaches to employ for analysis of partner capacities and capabilities that can assist in identifying the areas for improvement and allow tailored capacity support to assist the overall strengthening of civil society.

6.3.3. Gender Action Learning System (GALS) tool

Gender is one of the non-negotiable criteria that Oxfam Novib requires of partners and in the past they have provided gender mainstreaming training with partners in many countries. More recently Oxfam has developed the Gender Action Learning System (GALS), a tool that has been developed to mainstream gender at household

⁸⁵ Huisman, Peter & Ruijschoot, Lieke. 2013. Using the Five Capabilities (5C) Model: Making a virtue of necessity, in *Development in Practice*, 23:2, 299-311

⁸⁶ Huisman, Peter & Ruijschoot, Lieke. 2013. Using the Five Capabilities (5C) Model: Making a virtue of necessity, in *Development in Practice*, 23:2, 299-311

level. GADC and Oxfam Quebec have been working to develop gender road map guidelines that will allow GADC to train up to ten Oxfam partners to use the tool. Thirteen Oxfam partner organizations have expressed interest to apply the GALS tool and participate in the one year capacity building trajectory facilitated by GADC. The first three to register were Oxfam Novib partners ADHOC, PADEK and AEC. GADC noted that the tool was very effective in that it clearly showed areas where problems could occur at a household level and facilitated proactive problem solving and decision making within households.

6.3.4. Linking partners to partners

Recently Oxfam Novib has also assisted organizations in Cambodia to link with and learn from organizations working in ICT and social media, for example the UK organization, One World, and the Dutch organization Butterfly Works. The effort to link partners with other organizations who can share innovative technological ideas and solutions has been much appreciated by organizations like COMFREL. COMFREL is hoping to make greater use of technology to reach young people and to encourage their political involvement in elections and in holding duty bearers to account. COMFREL also noted that they are interested in the offline android survey method that was used for the WCP survey, and they are considering developing an offline android score card for election monitoring.

DPA, CLEC and ADHOC have also benefited from being linked to organizations that can provide expertise and new skills. DPA received training from the Humanitarian Response Forum on humanitarian assessment tools and gender in humanitarian response. Oxfam also supported some of the partners to attend Corporate Social Responsibility training in Bangkok in 2014. CLEC and ADHOC were linked to the University of Tillburg in the Netherlands for training on and development of alternative dispute resolution mechanisms.

6.4. Program Approach

Claiming social and political change takes more than one actor and the majority of organizations interviewed mentioned the need to drive change collectively rather than working in isolation, and focusing on real social and economic impact rather than project impact.

The program approach of Oxfam Novib has been to work with organizations grouped under broad themes. While many of the organizations have been leaders in their own particular field, it appears that there was not a significant attempt made by Oxfam Novib to bring partners together to discuss or work around issues collectively. This was noted by several of the partners interviewed and was also a finding of a 2013 thematic evaluation on land, which stated that Oxfam Novib does not appear to have an active role with regard to facilitation or exchange of knowledge between partners about issues related to a theme.⁸⁷ However, there are exceptions to this, for example the Oxfam Novib support to the secretariat of the Committee to Promote Women in Politics, an alliance of different NGOs working together at both national and sub-national level to advance women's leadership in Cambodia. More recently Oxfam also provided office space for the Situation Room NGOs to meet during the 2013 elections. During the course of their work it appears that some of the partners did work together of their own accord, for example the Women's Media Centre often brought representatives from other Oxfam partners to be part of their expert panels on their TV and radio shows.

However, all partners interviewed stated that Oxfam Novib could add value by bringing organizations together on a regular basis to share information and learning and to work to develop cohesive strategies around common

⁸⁷ Haagsma, Ben and Groverman, Verona, August 2013. Struggle for Land, Water and Food: Final Report thematic evaluation for Oxfam Novib.

issues. The rights-based organizations are aware of the critical need to align, coordinate and work towards a collective civil society strategy. The Oxfam Novib presence at country level offers a promising platform to increase knowledge exchange and learning and it is also anticipated by Oxfam that there will be more opportunities to bring partners together around land rights, migration and resilience, in addition to linking with the partners of the other Oxfam affiliates so that the outcomes and impacts can be seen as part of a broader civil society effort rather than the effort of individual NGOs.

6.5. Potential Added Value of Oxfam

The partners interviewed were asked to provide their recommendations as to how Oxfam (Novib and the other country affiliates) could bring more added value as a donor to civil society in Cambodia in the future. The following recommendations have been developed based on their ideas:

- **Oxfam should allow and facilitate opportunities to encourage synergy between the partners of all the affiliates to strengthen civil society cohesion and drive change collectively.** This reflects a recommendation in the 2005 evaluation, to ensure the systematic complementarity of programs at the commune, district and provincial level, and the observation from the 2013 thematic evaluation on land, water and food that Oxfam could do more to facilitate the exchange of knowledge between partners working on similar issues.⁸⁸ Oxfam Novib has supported partners who can demonstrate that their work links local level issues to the national level, and there are some good examples of where Oxfam has brought together partners or outside organizations to enable a sharing of skills and resources or the application of a technical approach or methodology to address an issue. These approaches should be continued, ensuring that NGOs at the national level are well-connected to the grassroots movements and networks and that partners with specific technical skills and expertise can support the work of other partners. However, the partners are also requesting a more systematic and strategically planned approach to supporting and strengthening the ability of civil society to work together around key issues, something that can perhaps be achieved through the joint strategizing of the Oxfam affiliates.
- **Oxfam should provide support and facilitation assistance to help civil society organizations address challenges and identified weaknesses in the strategies being used by civil society.** For example, private sector engagement was seen as a crucial strategy for future work, but an area that civil society in Cambodia has relatively little experience in and needed support and advice to consider the available options for engagement.

A recommendation to promote corporate social responsibility was included in the 2005 evaluation⁸⁹ with respect to tapping companies for funds, donated services and technical expertise, or to promote responsible behavior in business. CSR is relatively new in Cambodia and as noted in section 3.4.6, civil society is beginning to focus on this issue with support from Oxfam and other international organizations. However, engagement with the private sector in Cambodia requires tackling CSR in its broadest sense, including legal compliance, implementation of safeguards and standards and ensuring transparency, consultation and the rights of people who are affected by economic investments. It also requires strategies for holding companies, both national and international, to account when laws, standards and rights are violated. This engagement with the private sector is also complicated by the

⁸⁸ Libunao, Sandra M. et al, 2005. Novib's Pilot Core Country Evaluation. Pilot Country: Cambodia and Haagsma, Ben and Groverman, Verona, August 2013. Struggle for Land, Water and Food: Final Report thematic evaluation for Oxfam Novib.

⁸⁹ Libunao, Sandra M. et al, 2005. Novib's Pilot Core Country Evaluation. Pilot Country: Cambodia

country context whereby the rapid growth in investment is closely entwined with the political and personal power of the ruling elite. Supporting civil society to develop strategies to engage with the private sector therefore remains a crucial but challenging need.

- **Oxfam should continue to support civil society organizations to strengthen their own democratic processes, systems and accountability.** This also reflects a recommendation in the 2005 evaluation where it noted that there needs to be a strengthening of management systems and capabilities to conduct social reporting and ensure accountability.⁹⁰ Civil society in Cambodia has addressed its own accountability through the GPP mechanism and international organizations are beginning to encourage their partners to apply for the certification. However, it appears that while there is recognition within civil society that their accountability is important, further discussion is required on how this is best achieved. The Oxfam Novib partners have different perceptions on this. While some are already certified with the CCC Governance and Professional Practices voluntary certification, others are not and have questions about the process by which the GPP is implemented. More work also needs to be done on reviewing the process and the added value of the 5 Capabilities tool in supporting civil society strengthening. Such approaches also need to be discussed with other donors to try and develop joint approaches that meet the needs of the partners and can be implemented practically and constructively without creating an additional burden.
- **Oxfam should work to create synergies and strategic planning between donors working with the same partners and thematic areas in terms of donor support and requirements, capacity building, accountability processes.** Oxfam Novib already encourages partners to have annual donor meetings and this can be something that they continue to promote to ensure better donor coordination which will also lead to a strengthened and more accountable civil society. Ensuring synergy between the Oxfam affiliates in Cambodia regarding partner support and requirements will be the first important step towards this.
- **Oxfam should continue to support civil society to link to regional and global initiatives and advocacy to continue to strengthen capacity and to enable Cambodian civil society to strengthen their advocacy approaches.** As one NGO representative noted during the panel discussion at the partner workshop, there is a need to strengthen alliance networks at all levels and to create new ones from community, regional, international and global level. Again Oxfam is in an advantageous position to be able to facilitate this, with a number of affiliates working at a regional level and Oxfam International engaging in advocacy internationally.

⁹⁰ Libunao, Sandra M. et al, 2005. Novib's Pilot Core Country Evaluation. Pilot Country: Cambodia

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Annex 2: List of People Interviewed

Civil Society		
ADHOC	Mr. Thun Saray	Executive Director
AEC	Ms. Sor Sat	Executive Director
	Mr. Heang Sokun	Program Coordinator
	Mr. Monyrom	Local Authority Facilitator
	Mr. Prey Chantom	IT and facilitator
BCV	Pry Phally Phuong	Executive Director
CCC	Mr Soeung Saroeun	Executive Director
Former CCC/now NPA	Mr. Lun Borithy	Development Program Manager
CLEC	Mr. Yeng Virak	Executive Director
COMFREL	Mr. Kol Panha	Executive Director
DPA	Mr. Mam Sambath	Executive Director
GADC	Mrs. Ros Sopheap	Executive Director
Mlup Baitong	Mr. Va Moeurn	Executive Director
NGO Forum	Mr. Tek Vannara	Executive Director
Oxfam Novib	Gertjan van Bruchem	Associate Country Director
Oxfam Novib	Hean Bunhieng	Program Officer
Silaka	Ms. Thida Kus	Executive Director
United Sisterhood	Ms. Leng Leakena Ms. Keo Sochivaka Ms. Sok Thareth Chan Reksmey Chrek Sophea	MB Member MB member WIC Assistant Coord WIC Coordinator SAC Coordinator
WMC	Mr. Tep Bunthan Mrs. Vuon Soviry	Program Manager Advisor
Royal Government of Cambodia		
Ministry of Rural Development	H.E. Hap Omary	Under Secretary of State
Ministry of Rural Development	Mr. Yim Chung	Indigenous People's Department
Ministry of Women's Affairs	Ms. Ket Marady	Legal Protection Department

Annex 3: Partner Summary

ADHOC: The Cambodian Human Rights and Development Association (ADHOC) was founded by a group of former political prisoners in December 1991 after the signing of the Paris Peace Agreements on October 23rd 1991. ADHOC works to address the absence of basic rights, freedoms and liberties in Cambodia by providing people with knowledge and understanding of human rights, law and democracy and of how to defend these rights and freedoms themselves. ADHOC has been a partner of Oxfam Novib since 1991.

Action for Environment and Communities (AEC): AEC was established in 1998 in Kampong Chhnang province. Initially AEC's activities focused on community organizing, protecting natural resources and helping women in difficult situations. When communities AEC was working with were threatened with the impact of a large economic land concession, AEC worked to help the communities learn about their rights and to develop a network in 6 communes and 3 districts. Since then AEC has continued to work on land rights and community forestry. They also work on the empowerment of women and economic development through savings groups and handicraft production groups. AEC has been a partner of Oxfam Novib since 2012.

Building Community Voices (BCV): BCV was created in 2008 to enable the production of media by communities and marginalized groups impacted by land evictions and other human rights abuses. BCV provides community organizing, community media and network capacity building support to communities and community organizations throughout Cambodia to help them communicate with each other and with outside stakeholders. BCV has been a partner of Oxfam Novib since 2009.

Cooperation Committee for Cambodia (CCC): The CCC is the longest-established membership organization in Cambodia. Since 1990 it has played a unique role in strengthening the cooperation, professionalism, accountability, governance and development effectiveness of civil society organizations working across diverse sectors in Cambodia. The CCC NGO Governance and Professional Practices program aims to develop accountability in the NGO sector through a voluntary NGO certification process. CCC has been a partner of Oxfam Novib since 2012.

Committee for Free and Fair Elections (COMFREL): COMFREL developed from the Task Force on Cambodia, which was an independent, non-partisan domestic monitoring team during the May 1993 elections. In 1995 COMFREL was established as a permanent election monitoring organization. It was recognized by the National Election Committee in 1998 for its role in observing and monitoring elections. COMFREL works to create an informed and favourable climate for free and fair elections through lobby and advocacy for a suitable legal framework, voter education and monitoring activities before and during elections. It also works to encourage citizen participation in politics, decision making and lobbying for electoral reforms that increase the accountability of elected officials. COMFREL has been a partner of Oxfam Novib since 1996.

Community Legal Education Centre (CLEC): CLEC was established in 1996 as a legal resource centre, promoting the rule of law, justice and democracy in Cambodia. CLEC legal empowerment activities combine legal awareness, training, legal aid services and advocacy support. CLEC has been involved in advocacy on a number of significant law reform issues including the 2001 land law, the sub-decree on indigenous communal land titling, the establishment of the Arbitration Council, the election dispute resolution process and the drafting of the Peaceful Assembly Law. Since 2004 CLEC has embarked on high impact public interest legal advocacy, particularly regarding land and resources and labour. Legal representation, legal defense and consultation are core aspects of CLEC's current work. CLEC has been a partner of Oxfam Novib since 2007.

Development and Partnership in Action (DPA): DPA localized from an international organization, CIDSE. The organization has been active in Cambodia for over 30 years, working on issues as diverse as building capacity of community leaders, gender equality, natural resource management, health and education, food security and climate change. DPA currently has 3 programs; Integrated Community Development Program, Partnership Program and Development Education and Advocacy Program. The Partnership program supports Community NGOs, Community Based Organizations and Agricultural Cooperatives. DPA also works on advocacy related to land, logging and extractive industries, and has been implementing communal land titling with indigenous communities. DPA has been a partner of Oxfam Novib since 2011.

Gender and Development Cambodia (GADC): In 1996 a Gender and Development (GAD) team was proposed to conduct a special project for the CCC to provide gender training for civil society organizations and the government. GADC continues to work in cooperation with the government and civil society to advocate for gender sensitive programs, national laws and policies. GADC supports gender networks such as the GAD network and the Cambodian Men's Network. GADC is a member of CPWP and has also focused on the prevention of domestic violence. Oxfam Novib supported GADC from 2010 until 2013, although GADC will continue to work with Oxfam Novib on the Gender Action Learning System.

Mlup Baitong: Mlup Baitong was established in February 1998 as a project of Global Witness, to address the problem of deforestation in Cambodia with a focus on educating the general public on conservation of natural resources. The organization was localized in 2001. It continues to work to increase environmental awareness and conservation through community forestry, community-based eco-tourism areas, school education and environmental organizing. Oxfam Novib supported Mlup Baitong from 2001 to 2013.

NGO Forum: NGO Forum has its origins in an international NGO campaign in the early 1980s to end the aid embargo imposed on Cambodia. In 1993 it began to work on broader issues and in 1997 began to include more Cambodian civil society representation. In 2006 it moved to full Cambodian leadership. NGO Forum facilitate eight membership networks covering different issues in Cambodia related to development issues, the environment and land and livelihoods. They also work on research and information. NGO Forum has been a partner of Oxfam Novib since 2009.

SILAKA/Committee to Promote Women in Politics (CPWP): SILAKA was registered in 1997 as a local NGO providing training and consultant services to support civil society capacity building. SILAKA has also been the secretariat of the CPWP which was formed in 2005 and works to enhance women's participation and representation at all levels of politics in Cambodia. The CPWP has grown from 7 member organizations in 2005 to 12 organizations, including GADC, WMC and COMFREL. The CPWP has worked to promote women in decision making at the commune and sangkat level and to promote women in political positions at national level. SILAKA was a partner of Oxfam Novib from 2009 to 2013.

United Sisterhood: United Sisterhood emerged in 2010 from an Australian organization called the Womyns Agenda for Change. It comprises four coalition organizations: the Workers Information Centre (WIC) which works for the rights of garment workers; the Messenger Band which supports community movements and advocacy through artistic expression; the Women's Network Union (WNU) which works to support the rights of sex workers to better services, particularly health and education; and the Social Action for Change (SAC) which provides technical support to the other association members and tries to create space for women from different backgrounds to have a voice and speak out. United Sisterhood was an Oxfam Novib partner from 2010, initially

supported through ActionAid and then through direct support in 2012. In 2014 the partnership was taken over by Oxfam Belgium

Women's Media Centre (WMC): WMC derives from the Cambodian Women's Committee for Non-Violence and the Election, which was set up during the 1993 elections in Cambodia to increase the participation of women in the election and drafting of the constitution. They launched media campaigns throughout the country to educate women about voting. In 1995 the WMC was established to deliver national awareness and educational programs on a diverse range of issues affecting Cambodia, with a special focus on the roles and rights of Cambodian women. WMC was a partner of Oxfam Novib from 1995 to 2013.