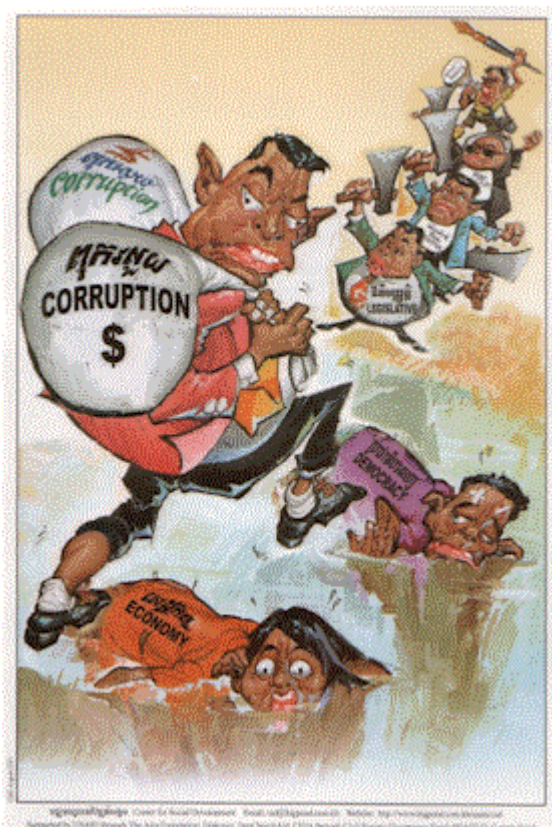


Civil Society and Democracy in Cambodia

Changing roles and trends

The Fifth Report of the
Sida Advisory Team on Democratic Governance



SPM Consultants

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ACRONYMS

ADB	Asian Development Bank
ADHOC	Cambodian Human Rights and Development Association
APWLD	Asia Pacific Forum on Women, Law and Development
AHRC	The Asian Human Rights Commission
BAC	Bar Association of Cambodian
BONGO	Business-Owned Non-Governmental Organisation
CAR	Council for Administrative Reform
CC	Commune Council
CCC	Cooperation Committee of Cambodia
CDP	Cambodian Defenders Project
CDRI	Cambodia Development Resource Institute
CG	Consultative Group
CICP	Cambodian Institute for Cooperation and Peace
CIDA	Canadian International Development Agency
CIHR	Cambodia Institute for Human Rights
CLEC	Community Legal Education Centre
COHCHR	Cambodian Office of the High Commission for Human Rights
CoM	Council of Ministers
COMFREL	The Committee for Free and Fair Elections in Cambodia
CPP	Cambodia People's Party
CS	Civil Society
CSD	Centre for Social Development
CSO	Civil Society Organisation
DANIDA	Danish International Development Agency
DCS	Development Cooperation Section
DESA	Division for Democratic Governance (Sida)
DFID	Department for International Development (UK)
DONGO	Donor-Owned Non-Governmental Organisation
EC	European Commission
FTUWKC	Free Trade Union of Workers of the Kingdom of Cambodia
GAD	Gender and Development
GAP	Governance Action Plan
GONGO	Government-Owned Non-Governmental Organisation
GTZ	German Technical Cooperation
ILO	International Labour Organisation
IMMF	Indochina Media Memorial Foundation
JICA	Japan International Cooperation Agency
KAF	Konrad Adenauer Foundation
KID	Khmer Institute of Democracy
KWVC	Khmer Women's Voice of Cambodia
KYA	Khmer Youth Association
LAC	Legal Aid of Cambodia
Licadho	Cambodian League for the Promotion and Defence of Human Rights
L&J	Legal and Judicial
MoC	Ministry of Commerce
MoEF	Ministry of Economy and Finance
MoI	Ministry of Interior
MoJ	Ministry of Justice
MoWVA	Ministry of Women and Veteran Affairs
NGO	Non-Governmental Organisation
NORAD	Norwegian Agency for Development
PRSP	Poverty Reduction Strategy Paper

SAT	Sida Advisory Team
SEAPA	Southeast Asian Press Alliance
SEKA	Department for Cooperation with Non-Governmental Organisations and Humanitarian Assistance
Sida	Swedish International Development Co-operation Agency
TAF	The Asia Foundation
ToR	Terms of Reference
UNDP	United Nations Development Programme
Unicef	United Nations Children's Fund
UNTAC	United Nations Transitional Authority in Cambodia
USAID	United States Agency for International Development
WFP	Women for Prosperity
WTO	World Trade Organisation

EXECUTIVE SUMMARY

The Sida Advisory Team on Democratic Governance (SAT) has been asked by Sida to provide a description of the Cambodian civil society, analyse its role for democratic development, and give recommendations to Sida on its future support to democratic governance through civil society. Special emphasis is given to the cooperation with the Swedish NGOs Forum Syd and Diakonia.

The SAT visited Cambodia from January 27 to February 14, 2003 and the Mission consisted of Dr. Jan Rudengren (team leader), Mr Pär Sköld and Mr Long Panhavuth.

The report starts from the theory that civil society in fact has a potential to foster democracy. In the case of Cambodia, it is concluded that civil society is weak. The traditional forms of civil society were destroyed and the general socio-economic situation, characterised by great poverty, low literacy levels, gender inequality, etc., function as a serious hinder for the development of a strong civil society.

Cambodia is a good case to illustrate the point that development of NGOs does not necessarily equal development of civil society. The 1990s saw a dramatic development in terms of civil society organisations (CSOs). It is no exaggeration to talk about an ‘associational revolution’. Most civil society organisations in Cambodia are public-benefit organisations of the NGO-type (and most of these are implementing NGOs). Their origin, their structure and their objectives are strongly connected with support provided by international donor agencies. Their future depends largely on the policies of these international donors. Thus, there are many NGOs, but the low degree of voluntary participation, the lack of democratic structures and the low sustainability are important signs of their weakness.

The level of civiness and democracy within civil society as a whole is not as strong as it ought to be in order for civil society to be an important force for democratisation by fostering a democratic culture. We do think that the awareness raising and training activities of the CSOs contribute positively to a democratic culture. However, we believe that organisations that are set up and run in accordance with basic democratic principles are more effective in fostering democratic culture.

Despite these weaknesses, Cambodian CSOs have managed to play, and continue to play, a positive role for democratic governance. Looking at the partners of Forum Syd and Diakonia we conclude that they have contributed mainly by monitoring and restraining the Government’s exercise of power and thereby demanding accountability, by training and empowering broad sectors of the public and of civil servants in human rights, by recruiting and training new political leaders, especially women, and by delivering essential services to protect and promote the respect for human rights.

But heavy dependence on international support continues to be a major problem. Without continued international attention and support we believe the strength of civil society would be reduced drastically, both in terms of numbers and activities, as in terms of access to Governmental institutions and possibilities to influence political processes.

Among the positive signs we see the increasing number and strength of mutual-benefit organisations. This promising tendency can especially be seen among community-based organisations, labour unions and professional associations. These mutual-benefit organisa-

tions show some degree of voluntary participation, a more democratic structure, and a higher potential for sustainability. We think that these types of mutual-benefit organisations have a potential for widening democratic space, promoting women's participation, and fostering democratic culture. However, few may be regarded as truly indigenous organisations since their founding and development to a great extent has been dependant on outside support. Despite of this, they are in the view of the Mission more likely to develop sustainability than most NGOs.

Two concurrent trends concerning the Government and civil society can be seen in Cambodia today. On the one hand, it is clear that there has been a growing awareness of peoples' rights, peoples' participation in decision making and communities organising themselves. On the other hand there is a consolidation of power of the economic and political elites. Recently, this consolidation might also be reflected in a possible power struggle within the ruling party.

Even if the CSOs for the most part are allowed to operate freely by the Government, there are signs that space is now getting more limited as elections are approaching. The Mission's analysis and conclusion of these trends is to focus initiatives on the creation of an environment that is conducive to a positive and constructive dialogue between civil society and the Government and the ruling elite.

The Mission has noted some clear trends in current donor support to the CSOs in the area of democratic governance:

- More result-oriented project support, which demands considerable resources by the CSOs to write applications and reports. Donors have their own procedures, although efforts for streamlining have been made;
- Reduction in core and long-term support;
- Pronounced support to advocacy and high profile NGOs – sometimes provoking the RGC and hindering a constructive dialogue and cooperation.

There is no doubt that international attention and support is crucial if civil society is to continue and strengthen the role it plays for democratic development in Cambodia. We therefore conclude that Sida should continue its cooperation with Forum Syd and Diakonia in this field. This cooperation has proven productive in the past and we believe it will continue to be. However, some changes should be considered for the coming years:

- More attention should be given to organisations that can stimulate political participation of, and that serve to aggregate and represent the interests of, Cambodians in general. Higher priority should be given to organisations that serve as 'schools of democracy' and thereby foster democratic culture and social capital. In practice this would mean more attention to mutual-benefit organisations that are organised and run in accordance with basic democratic principles. (This might require new Sida partners, in addition to Forum Syd and Diakonia.)
- In terms of sectors, we would emphasize human rights (empowerment, protection, and advocacy) – with special attention given to women's rights, labour unions and (possibly) youth organisations. Cooperation with organisations that are instrumental in supporting provincial and community-based organisations should be given high priority. Transparency can be regarded as a cross cutting issue.
- Legal and judicial reforms are crucial for any serious development of democratic governance. While awaiting an articulated commitment from the Government of

Cambodia it is important to provide support in the legal area. Instead of cooperating directly with the Government we see several opportunities to promote the rule of law and raise legal awareness. One would be to support a potential initiative from the Cambodian civil society to establish a partner group/think tank for legal and judicial reforms.

- It must be highlighted that the decentralisation process opens up possibilities, not only for the advancement of democratic governance in general, but also for the civil society to function more efficiently as a channel between citizens and their public representatives. These new opportunities to stimulate participation and empowerment should be systematically used in all activities possible.
- Promoting regionalisation of Cambodian civil society actors may be a way to make civil society stronger. Strengthening networks of CSOs in the region has the potential of facilitating efficiency as well as sustainability of the organisations. In case Forum Syd and Diakonia were to concentrate or limit their support to Cambodian NGOs, a possibility for continued support to important NGOs would be using existing regional organisations (with which Sida has previous contacts) as channels.

1. INTRODUCTION

1.1. *The Sida Advisory Team-SAT*

In February 2001, SPM Consultants was awarded a contract by Sida to provide a Sida Advisory Team (SAT) in relation to Sida's work on Democratic Governance in Cambodia. The second phase of the SAT started in mid 2002 and the team consists of four core team members: Dr. Jan Rudengren, SPM Consultants, Stockholm (team leader), Ms Elisabet Fura Sandström, Advokatfirman Vinge, Mr. Pär Sköld, PNYX, Göteborg, and Dr. Joakim Öjendal, Padrigu, University of Göteborg. A local consultant - Mr. Long Panhavuth - is also a member of the SAT. In addition, specialists in specific required areas may be associated to team on short term basis¹.

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

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

During its first phase, the SAT concluded three missions and it is envisaged that the team will undertake five major missions during the second phase – on average two per year. The fourth SAT mission, that was conducted in August 2002, was special as the mission participated in the ADB appraisal of its proposed support project to the Commune councils².

1.2. *The Assignment – the fifth SAT Mission*

The Fifth Mission coincided with a few turbulent days when the anti Thai riot shook Phnom Penh, with burning and looting of the Thai embassy, hotels and businesses. The ruling party blamed the riots in Phnom Penh on the civil society, while the Mission's analysis of the events does not support such a conclusion. However, these events coloured the work of the Mission as it represented a set-back to the stability, rule of law, human rights and democracy in Cambodia.

¹ Mr. Lennart Gustafsson has already been identified to complement the core team on decentralisation matters:

² Proposed Loan and Technical Assistance Grant to the Royal Government of Cambodia for the Commune Council Development Project.

The current fifth SAT mission has a focus on the civil society (CS) in Cambodia its role and recent trend. SAT should make an analysis, identify key issues and recommend how Sida's support to the Cambodian civil society to strengthen democratic governance can be developed during the next few years. The Mission assignment had a strategic focus on its three main tasks as follows:

- To provide an analytic description of Cambodia's civil society of today. The analysis should encompass issues such as: a description of the contemporary Cambodia civil society and its role in democratic processes and human rights including strength and weaknesses
- To identify trends of how Cambodia's civil society will develop during the next few years including issues such as its changing role, its relation to the state and its sustainability.
- Describe and analyse the involvement and strategic focus of the international donors and their plans for the next few years to support the Cambodian civil society.

Based on the strategic analysis the Mission shall assess and give recommendations on how Sida can improve and change its support to the civil society in order to increase its impact on the democratic processes and the respect for human rights in Cambodia. The full Terms of Reference (ToR) are attached as Appendix 1.

The fifth SAT Mission visited Cambodia from January 27 to February 14, 2003 and consisted of Dr. Jan Rudengren (team leader), Mr. Pär Sköld and Mr Long Panhavuth. Extensive discussions were held with representatives from the Royal Government of Cambodia (RGC) institutions, NGOs, labour unions, political parties and media. Discussions with donor agencies concentrated on their views on CS and to establish areas of interest, ongoing and planned initiatives and possibilities for cooperation. A list of the people met is attached as Appendix 2.

1.3. The Report

This SAT reports can be seen as a continuation of the previous ones, with a strong focus on the civil society. The report starts with discussion on the civil society, how to define the concept and how it relates to democracy. Section 3 deals with the civil society organisations (CSOs) in Cambodia, followed by an assessment of the CS in Cambodia (Section 4) and the Swedish support to the CS (Section 5). Section 6 discusses some major trends in donor support to the civil society in Cambodia. Section 7 highlights a few strategic considerations of importance for the DESA democratic governance portfolio. Based on the analysis in the previous sections the report draws conclusions and makes recommendations in Section 8, and concludes in Section 9 with a strategy for Sida/DESA in its support to democratic governance in Cambodia.

2. POINTS OF DEPARTURE ON CIVIL SOCIETY

2.1. *What is Civil Society?*

It has been said: “The most precise statement one can make about civil society is that it is an extraordinarily vague idea”.³ The term has been given many different meanings since it was originally used by Marcus Tullius Cicero more than 2000 years ago.⁴ Present day use of civil society was stimulated by the dissident movements in Eastern Europe (particularly in Poland and Czechoslovakia) in the 1980s.⁵ The first time the concept was used in an official international document connected to development, was in the declaration of the Earth Summit in 1993.

In this SAT report we take as a point of departure the definitions proposed by Sida/DESA in its study *Participation in Democratic Governance*, where civil society is defined as:

“...the realm of networks and associations that is voluntary, self-generating, at least partially self-supporting, largely autonomous from the state, and bound by a legal order or a set of shared rules. In this study, however, the definition is broadened to include associations that are not voluntary, but where the individual was born into the group.”⁶

2.2. *Civil Society and Democratic Governance*

It is often stated that civil society is important for the transition to and consolidation of democracy. One of the most quoted scholars is Larry Diamond, who writes:

“Civil society can, and typically must, play a central role in building and consolidating democracy. Its role is not decisive, not even the most important, at least not initially. However, the more active, pluralistic, resourceful, institutionalized, and internally democratic civil society is, and the more effectively it balances the tensions in its relations with the state (...), the more likely democracy will be to emerge and endure.”⁷

The potential role of civil society is slightly different in the transition phase compared with the consolidation phase. As Cambodia has developed into what can be called an *electoral democracy*, it is most relevant to concentrate the discussion below on the potential role of civil society in consolidating electoral democracy and developing a more constitutional democracy.⁸

Basically, two main functions of civil society may be distinguished. One would be to foster pluralism and thereby help counter-balance the state. The other would be to foster democrats by fulfilling an educational function. The pluralist aspect is concerned with the external relations of civil society actors, while the educational function is more concerned with its internal characteristics.⁹

³ See Heinrich and Naidoo (2002).

⁴ Kaviraj and Khilnani (2001).

⁵ Carothers (1999).

⁶ Sida (2002b), pp 9f. Sida's definition is mainly inspired by the works of Larry Diamond. See Diamond (1999), pp. 221ff.

⁷ Diamond (1999), pp. 259f.

⁸ For a more theoretical discussion of these terms, see Sida (2002c).

⁹ Sida (2002b), p.21.

Based on these two basic functions we have identified six, slightly more specific, functions that civil society can play when it comes to promoting a deeper and more consolidated democracy in Cambodia, as follows:

- Checking, monitoring and restraining the Government's exercise of power, and advocating for changes, and thereby demanding accountability;
- Training and empowering broad sectors of the public and of civil servants in human rights;
- Recruiting and training new political leaders;
- Serving as channels by which the ideas, concerns and demands of ordinary Cambodians can reach relevant decision makers (i.e. aggregating and representing interests);
- Stimulating political participation¹⁰ of Cambodians in general, and;
- Serving as "schools of democracy and human rights" and thereby fostering democratic culture and social capital.

The above functions not only serve to foster democracy, but may also serve to foster human rights in general as well as good governance. An additional way in which civil society organisations promote human rights is by providing essential services. Such services may for example take the form of legal aid. In the case of Cambodia, where the capacity of the public sector in providing services is weak, civil society organisations have come to fill important functions as service providers. Thus, a seventh function may be added where civil society may contribute to the development of democratic governance:

- The delivery of essential services to protect and promote the respect for human rights.

When civil society and democracy is discussed, it is sometimes taken for granted that civil society organisations are themselves democratic. However, in accordance with the definition above, civil society may well be made up of non-civic organisations with undemocratic goals and methods.¹¹

Even if political parties are usually not seen as part of civil society, understanding the role of parties and their relations to civil society organisations is important in order to understand the civil society's potential role in promoting democracy. For a short discussion on this, see Appendix 3.

This is not the place for a thorough theoretical discussion on civil society and democratic governance. Let us just highlight one issue of great relevance for the case of Cambodia – the role of support from an indigenous constituency. Diamond writes:

"Without question, civil society makes its deepest, most organic, and most sustainable contribution to democracy when it cultivates a significant base of financial support among a broad and indigenous constituency."¹²

¹⁰ Participation in democratic governance is seen as "the process through which people take part in, and influence, public decisions that affect their lives." See Sida (2002b).

¹¹ See Boussard (2002) and Hedlund Thulin (2001)

¹² Diamond (1999), p. 257.

Even if we subscribe to this view, we want to note that civil society organisations may play a role for democratisation even if they are heavily dependant on international support.

3. CIVIL SOCIETY ORGANISATION IN CAMBODIA

Below, we present a short overview of existing civil society organisations in today's Cambodia. They are divided into two broad categories: Mutual-benefit organisations and Public-benefit organisations (followed by a third category of Pretenders).¹³ In addition, a quick glance is given of media organisations and political parties, which, by definition, are not considered civil society organisations.

3.1. *Mutual-Benefit Organisations*

Definition: These are organisations formed by individuals in which they, as members, derive benefits. Thus, the general purpose of the organisation is to serve the members.

Typical examples are faith based organisations, community-based organisations (indigenous and introduced), trade unions, professional associations, employers associations, social movements, student organisations, and recreational and cultural organisations.

Among the faith based organisations, Buddhist institutions and Wats¹⁴ naturally dominate, even if there are also Muslim and Christian congregations. As mentioned below, Buddhist organisations have been re-established after practically being wiped out in the 1970s. The Wats function independently from one another and the activities of each Wat much depend on the Abbot and the possibilities of the villagers to raise funds. There are no strong structures on the national level. Traditionally, Theravada Buddhism has served as an autonomous moral check on abusive power. There are some signs that Buddhist monks are reclaiming this tradition.¹⁵

The number of community-based organisations (CBOs) is growing. However, few are indigenous, i.e. organised by local communities themselves. International and Cambodian NGOs have been instrumental in helping setting up and strengthening community-based organisations. They often serve to handle sup-

¹³ These concepts are used by CIVICUS, an international alliance dedicated to strengthening citizen action and civil society throughout the world. CIVICUS is based in Johannesburg, South Africa, and it is supported by Sida. (www.civicus.org) See Holloway (2002). Two main types of structures may be identified among Cambodian civil society organisations: associations and NGOs. Non-profit associations generally reflect what we call mutual-benefit organisations, while NGOs are public-benefit organisations. However, in the case of Cambodia, many of the groups that are called associations, such as student associations, are in effect managed like local NGOs. See Mansfield and MacLeod (2002). It should be noted that the bulk of this report deals with the more formally organised civil society organisations. Civil society also consists of people coming together in non-formalised ways. Spontaneous demonstrations may be one type of manifestation of non-formalised civil society activity. Self-help groups in a village may be another type.

¹⁴ A Wat is a Buddhist temple, or temple-monastery, headed by an Abbot. A Wat usually serves three to eight villages. The Wat Committee is the main link between the pagoda and its surrounding villages. In addition to the religious functions, the Wats also have social and cultural roles. There are close to 4 000 Wats in Cambodia.

¹⁵ See Gyallay-Pap (2002).

port provided by external actors. The growing number of CBOs can be seen as a reaction to growing threats against the survival of these communities, coming mainly from different kinds of business interest.¹⁶ Among the indigenous organisations there are house construction groups, well digging groups, etc., often quite loosely organised.

An interesting development during the last years in Cambodia is the growing number and institutionalisation of labour unions. The first labour union (the Free Trade Union of Workers of the Kingdom of Cambodia - FTUWKC) was formed in 1996. This union today has some 30 000 members, mainly young women working in garment factories. The garment and textile sector is the most unionised with some 60 percent of the workers being members in one of the unions. The number of factory level unions and union federations has grown steadily. From 1998 to 2002, the number of union federations increased from 4 to 12. The large number of federations can partly be explained by an attempt by political interests to weaken the labour movement.

There are several non-garment unions in Cambodia, including teachers, construction and restoration of Angkor Wat workers, commercial sex workers, tourism, Naga Casino, hotel workers, shoemakers, and wood forest workers including rubber plantation workers.¹⁷

The employers have set up their own organisations. The Garment Manufacturer's Association of Cambodia was established in 1997. It has close to 200 members. The Cambodian Federation of Employers and Business Association is an organisation set up to unite employers and businessmen covering more than ten sectors of activities. It unites the voices of some 700 enterprises.

There are several more or less active professional associations including the Bar Association, the Cambodia Teachers Association, the Association of Nuns and Laywomen of Cambodia, the Khmer Writers Association, business associations like rice millers' associations, etc.

A recent study by Forum Syd shows that there are some 50-60 youth organisations in Cambodia. The great majority is concentrated to Phnom Penh. The Khmer Youth Association is thought to be the strongest.

In the category of recreational and cultural organisations we may place the Girl Guide Association of Cambodia, the Cambodia Cricket Association and others.

3.2. Public-Benefit Organisations

Definition: These are organisations formed by an individual or a group of individuals to benefit other groups of people, often with support from third parties. The people who govern or are members of the organisation are not the targets of the organisation. Thus, those whose interests are served do not, as with mutual-benefit organisations, set the mandate of the organisation.

¹⁶ I.e. forest concessionaries, fishing companies, etc.

¹⁷ Mansfield and MacLeod (2002).

Typical examples are private or public philanthropic bodies, faith based organisations, and NGOs.

In Cambodia there is no tradition of philanthropy in the Western sense of the word, even if an organisation like the Cambodian Rotary Club can be included to the extent that it raises funds for charity or similar purposes. However, it can be argued that charity within the Buddhist tradition (for example, charity as a way of making merit) is a form of philanthropy.

Faith based organisations can be included in this category as well in case they extend services and assistance to those that are not members of the organisations.

Many of the above mentioned youth organisations partly or wholly function as public-benefit organisations.

The dominant type of public-benefit organisation in Cambodia is the NGO. NGOs are usually intermediary organisations that collect resources from one group of people (donors) in order to provide services to another group who are targeted because of their poverty, powerlessness or need for services.

NGOs can work in a variety of roles, none of which are exclusive of the others. One may make an overall division between the following roles:¹⁸

- Implementation NGOs¹⁹
- Advocacy NGOs²⁰
- Networking NGOs²¹
- Research and think tanks²²
- Capacity-building NGOs²³
- Representative NGOs²⁴

¹⁸ For a more elaborate definition of these terms, see Holloway (2002).

¹⁹ This term is used to describe an NGO which main task is to carry out “grassroots” activities to improve the lives of the target group. None of Forum Syd’s or Diakonia’s partners in Cambodia are pure implementation NGOs, as they also serve other functions. However, most partners do deliver services and carry out activities typical of implementation NGOs.

²⁰ None of Forum Syd’s or Diakonia’s partners may be described as pure advocacy NGOs, as they also serve other functions. However, in the last few years advocacy has become more and more in focus. The Electoral Monitoring Organisations (EMOs) are examples of organisations that have developed their advocacy skills and advocacy activities considerably over the years. With some success, it should be added. See Mansfield and MacLeod (2002).

²¹ This term is used to describe NGOs which main activity is to coordinate other NGOs that work in a particular geographical area or field of work. The NGO Committee on the Rights of the Child (NGOCRC) may be mentioned as one example. However, when this organisation has tried to get registered as a network instead of an NGO, it has run in to problems.

²² The Cambodian Institute for Cooperation and Peace (CICP) may be mentioned as one example of this type of organisation.

²³ This term is used to describe NGOs set up as specialist support-organisations to help less developed NGOs build their institutional, organisational and technical capacities. Star Kam-puchea may be mentioned as one example of an organisation that to a high extent serve this purpose.

²⁴ This term is used to describe NGOs that serve the purpose of being a liaison between NGOs and Government. An example of a controversial organisation of this type is the NGO Coordinating Committee set up ahead of the 2002 communal elections. An organisation like the NGO Forum on Cambodia also serves this representative function.

In Cambodia there are over 1 000 NGOs registered, the great bulk of which can be categorised as being mainly implementation NGOs. These NGOs, as most NGOs in Cambodia, were usually created with the help of an original (often foreign) founder or donor agency and can thus be described as introduced NGOs rather than indigenous NGOs. The voluntary aspect of traditional non-profit organisations is often absent and, at best, nascent.²⁵

Among the NGOs in Cambodia with which Forum Syd and Diakonia are co-operating, the following can be mentioned: The Committee for Free and Fair Elections (COMFREL), The Neutral and Impartial Committee for Free and Fair Elections in Cambodia (NICFEC), Amara, Women for Prosperity (WFP), Khmer Women's Voice Center (KWVC), Cambodian Defenders Project (CDP), Community Legal Education Center (CLEC), Center for Social Development (CSD), Gender and Development (GAD), Khmer Institute for Democracy (KID), Cambodian League for the Promotion of Human Rights (LICADHO), and Open Forum.²⁶

3.3. Pretender Organisations

Definition: Some types of organisations could be called Pretender organisations or private-benefit organisations. These would be organisations pretending to be independent organisations, when really they are something altogether different. These organisations may have begun life as genuine public-benefit organisations, but they have evolved into employment and income generating vehicles for their founders. Among pretender organisations we would find Government-Owned Non-Governmental Organisations (GONGOs), Business-Owned Non-Governmental Organisations (BONGOs), and Donor-Owned Non-Governmental Organisations (DONGOs).²⁷

Unfortunately, the number of GONGOs and DONGOs in Cambodia can be estimated to be quite substantial. The politicised climate, the destruction of civil society during the regimes of Pol Pot (and Heng Samrin), and abundance of international donors who need local organisations to carry out their programmes, are factors contributing to this. Civil society organisations owned by the business community may, for example, be found among labour unions. It is not always easy to draw the line between genuine public-benefit organisations and those only pretending. In this report we choose not to point out individual pretenders.

²⁵ Mansfield and MacLeod (2002).

²⁶ The former seven are partners of Forum Syd while the latter five are partners of Diakonia. (However, Forum Syd also cooperates with some of Diakonia's partners through the programme of advisers.) In addition to these NGOs, Forum Syd and Diakonia cooperate with a few organisations that are structured more as associations than as NGOs. These are: Khmer Youth Association –KYA- and the Cambodian Human Rights and Development Association –ADHOC-. The organisational status of Star Kampuchea is not known to mission members.) Forum Syd (2002), and Diakonia (2002b).

²⁷ DONGO refers to "shell NGOs" set up by donors to carry out their programs. The donor may also find a compliant NGO-for-hire that will do whatever the donor contracts the NGO to do.

3.4. Media Organisations

The media sector in Cambodia is quite small. There are several newspapers but they are not widely distributed and read. Few can be regarded as independent and professional. There is a great need for a more professional journalism. Press freedom is generally respected, but cannot always be taken for granted, as arbitrary interventions and threats of interventions, happen from time to time.

Broadcast media has a much wider audience than the press. All television channels and most radio stations are controlled by the Government or the CPP. Broadcast media is in great need of independence and diversity.²⁸

3.5. Political Parties

There are three political parties of importance in Cambodia: the ruling Cambodia People's Party (CPP), the FUNCINPEC (coalition partner in Government), and the Sam Rainsy Party, which constitutes the opposition.

Many new political parties are usually founded when elections are approaching. This tendency can already be noted in the running up to the July 2003 parliamentary elections. Some of these should be regarded as just as genuine as other parties, while others are thought to be formed for strategic reasons by already existing parties.

²⁸ See Edman (2000) and Eng (2001).

4. ASSESSING CIVIL SOCIETY IN CAMBODIA

4.1. Methodology

To obtain a picture of the overall state of civil society we will use the so called Civil Society Index developed by CIVICUS.²⁹ Four dimensions of civil society, each of which are made up of several sub-dimensions, are assessed.

Ideally all dimensions and sub-dimensions are thoroughly assessed, and scores are given, in a participatory process where broad sectors of civil society takes part. Unfortunately, space and time have not permitted us to do a full scale exercise. We have limited our study to using the most relevant sub-dimensions below in order to make an overall assessment based on interviews and desk studies.

The dimensions and sub-dimensions are as follows:

Environment

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

Structure

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

Values

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

Impact

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

4.2. Environment

Looking at the history of Cambodia, prospects for developing a strong and vibrant civil society seem bleak. None of the regimes that have dominated Cambodia since independence have favoured civil society development. During the 1970s, the civil society was destroyed. The Pol Pot regime made every effort to break up all intermediary bodies between the state and the individual, including the family. Distrust and suspicion became entrenched into the psyches of the Cambodians, and many claim that this spirit of mistrust remains to a large extent to this day. From childhood, people are taught to obey and respect those

²⁹ See Holloway (2002).

with authority. Students are given little, if any, opportunity to think independently.³⁰

However, contrary to what is sometimes stated, there are some strong ancient traditions of civil society that can serve as a basis for overcoming the many obstacles to civil society development. Traditionally people in villages have come together in mutual self-help groups. But there is also a strong tradition of more organised structures connected with the Wat. The Wat is not only a religious centre, but also a social, cultural and often educational centre. The Wat Committee, mainly consisting of laymen, is the link between the pagoda and the people in the surrounding villages. The quick restoration of Wats in Cambodia from 1979 is a sign of the ability of the Cambodians to voluntarily come together for a common purpose.³¹ One may also point out that Theravada Buddhism in itself constitutes a favourable basis for crucial values such as inclusiveness, tolerance and pluralism.³²

The 1990s saw a dramatic development in terms of civil society organisations. It is no exaggeration to talk about an 'associational revolution'. Most categories of civil society organisations (CSOs) have grown even if the most obvious example is the remarkable expansion of NGOs funded by international donors.

The Government's attitude towards CSOs has basically been sceptical, with the possible exception of NGOs involved in delivery of social services and investments. The presence of international actors and the attention and support they have given Cambodian NGOs, has greatly contributed to the fact that the Government today works and communicates with many of the civil society organisations. But as a result of the strong international support there is, in the cases of the well established NGOs, an imbalance between the NGOs and the Royal Government of Cambodia (RGC) regarding institutional capacity, skills and education and particularly salary levels. This imbalance has been lessened in recent years as more international assistance cooperation has been directed towards government capacity building (see further Section 6). Since many NGOs have access to expertise and other resources that the Government is in need of, the latter has found it to be in its interest to have an overall good working relationship with the NGO community. An exception to this general pattern is the Government's relationship with NGOs working in the field of human rights and democracy. Here there seems to be more of mutual distrust.

Civil society organisations are allowed to operate for the most part without Government hindrance, despite of the Government's basically sceptical attitude. There are, however, some signs that space is now getting somewhat more limited as elections are approaching. Many organisations are seen as mere in-

³⁰ See O'Leary and Nee (2001).

³¹ In 1969 there were an estimated 3,369 active Wats and 65,062 monks. Few Wats survived the Khmer Rouge, and there were no monks left. In 2000, there were again 3,731 Wats and 50,873 monks. UNDP (2002). See also Collins (1998).

³² William Collins write: "In the post-Angkorean era, probably the most significant process in the development of Cambodian civil society has been the conversion of the mass of the Khmers to Theravada Buddhism. This world religion (...) provided the elements of a broadly accepted 'civility' that was inclusive, tolerant, pluralistic, rule-centered, and rational." Collins (1998), p. 7.

struments of the political opposition. Others are formed or controlled by the Government to counteract and balance the oppositional ones.

A recent report from a reliable source states that there were increasing incidents of trade union rights violations in Cambodia during 2002. The violations include trade union representatives losing their jobs for carrying out union activities, union officials arrested and kept in custody for long periods, union representatives denied access to workers at workplaces, and general harassment of union representatives.

The situation concerning the rule of law and the slow pace of legal and judicial reform in Cambodia is well known.³³ The present state of affairs constitutes an inhibiting factor for the development of civil society.

The general socio-economic situation, characterised by great poverty, low literacy levels, gender inequality etc, also function as a serious hinder for the development of a strong civil society.

The present media situation in Cambodia is far from ideal. As mentioned above, broadcast media is in great need of independence and diversity. Broadcast as well as printed media has still a long way to go before it may be called professional. Furthermore, arbitrary interventions in the freedom of the media can still be seen. Recent arrests of several editors, some in connection with the burning of the Embassy of Thailand³⁴, are worrying signs. A study on the access to information in Southeast Asia shows that in the case of Cambodia, the Government and the civil and military bureaucracy are "authoritarian and secretive". Thus, there is a great lack of transparency. In the study it is concluded that

"...major improvements in information access appear impossible unless a more democratic leadership comes to power in Cambodia."³⁵

These important limitations concerning the freedom of expression and information, and the professionalism of the media, are serious constraints for the advancement of democracy in Cambodia. Specifically they constitute constraints for civil society's possibilities of monitoring and restraining the Government's exercise of power. A professional, independent and investigative media sector, and free, open and independent flows of information are indispensable foundations for civil society's monitoring functions.

Using the Civil Society Index where the four basic dimensions are given scores of 0 to 3 (0 meaning the worst and 3 the best possible environment for civil society) we give the Cambodian environment a score of 1.

³³ See UNHCHR (2003).

³⁴ In a joint press release Amnesty International and Human Rights Watch commented: "Attempts to silence free speech and opinion do not bode well for free and fair elections later this year. (...) We are concerned that Mom Sonando's arrest was intended to shut down his radio station in the run-up to the upcoming elections. It is virtually the only independent voice in Cambodian broadcasting, which is otherwise controlled by the government." Amnesty International (2003).

³⁵ Eng (2001), pp. 42ff.

4.3. Structure

The great number of civil society organisations does not indicate that civil society is strong. In many aspects the civil society in Cambodia must be regarded as weak. The low degree of voluntary participation, the lack of democratic structures and the low sustainability are important signs of this weakness.

Most civil society organisations in Cambodia are public-benefit organisations of the NGO-type. Their origin, their structure and their objectives are strongly connected with support provided by international donor agencies. Their future depends largely on the policies of these international donors.

As has been mentioned above the number of mutual-benefit organisations has been growing the last few years. This promising tendency can especially be seen among community-based organisations, labour unions and professional associations. These mutual-benefit organisations show a higher degree of voluntary participation, a more democratic structure, and a higher potential for sustainability. However, few may be regarded as truly indigenous organisations since their founding and development to a great extent has been dependant on outside support. Despite of this, they are in the view of the Mission more likely to develop sustainability than most NGOs.

Many civil society organisations, mutual-benefit as well as public-benefit, are politicised. Some claim that more than half of all registered NGOs are, in a more or less direct way, run by the CPP. Others claim that all outspoken democracy and human rights organisations can be linked to the opposition.

Cambodia is no doubt a politicised society, and no actors in civil society act in a vacuum. It is definitely of importance for civil society organisations to have certain independence. However, we think there is a need to point out that links between civil society organisations and political parties also have positive sides, as long as some independence is preserved.³⁶

Cooperation between civil society organisations must generally be regarded as quite limited, even if cooperation has slightly increased over the years. In a recent report it is stated that:

“Within the Cambodian context, areas of weakness include lack of efficiency and solidarity in networking...”³⁷

Considering the origin of the organisations and the great dependency on donor support, it is not hard to realize why there is a tendency of competition between organisations working in the same sector.³⁸ Networks like the NGO Forum, the Cooperation Committee of Cambodia (CCC) and Medicam, have contributed to closer cooperation. Occasionally networking is inefficient, like in the case of women’s networks, of which there are around eight to ten.³⁹ Examples within some sectors show that closer cooperation within civil society is possible.

³⁶ See Hughes (2002).

³⁷ Mansfield and MacLeod (2002), p. 1.

³⁸ Vijghen (2002).

³⁹ Mansfield and MacLeod (2002).

However, the constraints are obvious and competition between NGOs might be further stimulated if donor support to the NGO sector is decreasing.

It can also be noted that political links of civil society organisations complicate cooperation. Many human rights and democracy NGOs are, for example, a bit hesitant to have any relations with labour unions, since they are seen as too politicised.

Many civil society organisations, especially in the field of democratic governance, are concentrated to urban areas like Phnom Penh and Battambang. However, the decentralisation process is likely to provide new and better opportunities for organisational development also in rural areas.

To sum up, we see some important weakness in the structure of the Cambodian civil society. In case the international community would no longer give the same attention and support to Cambodian CSOs, we believe that this sector would be reduced drastically, both in terms of numbers and activities, as in terms of access to Governmental institutions and possibilities to influence political processes. This is, however, not as much a sign of the Government's attitude, as a sign of the weak sustainability and the low degree of popular support and participation within civil society organisations. But, as has been mentioned above, there are also some promising signs of a growing and stronger civil society.

Using the Civil Society Index where the four basic dimensions are given scores of 0 to 3, we give the structure of the civil society in Cambodia a score of 1.

4.4. Values

One of the potential functions of civil society organisations is to serve as 'schools of democracy' and thereby fostering democratic culture and social capital. In order to serve this function the CSOs should themselves manifest the values they are supposed to teach.

We have not studied this issue in depth, but have the impression that most CSOs in Cambodia reproduce within themselves hierarchical tendencies of the wider society: vertical structures of authority and flows of information and asymmetrical patterns of exchange between patron and clients.⁴⁰ Prejudices held among Cambodians in general, manifested for example in discrimination of people of Vietnamese origin, can be found also within civil society organisations.

However, there are examples of organisations working in a more open, equal, and democratic fashion, and the development seems to be going in the right direction.

⁴⁰ In a recent study on "Southern Civil Societies" prepared for the Ministry for Foreign Affairs of Finland, it is said: "One weakness in the donor's thinking is that civil society organisations are usually seen as self-evidently interested in democratic policies. The donors tend not to acknowledge the problem that new Southern organisations have been formed for getting 'easy-coming' development funds." Institute of Development Studies (2002).

The popular base of Cambodian democracy and human rights NGOs must be considered as weak. Even if the organisations reflect the prevailing cultural patterns in their set-up, etc, they do not necessarily reflect the values and interests of the Cambodians they are supposed to serve. Typical of public-benefit organisations is that those whose interests are served do not set the mandate of the organisation. We would claim that the majority of these organisations are more representative of the values and interests of international donors and the leaders of the NGOs, than of the values and the interests of the population. In the best of cases, these interests coincide.

The level of civicness and democracy within civil society as a whole is not as strong as it ought to be in order for civil society to be an important force for democratisation by fostering a democratic culture. We do think that the awareness raising and training activities of the CSOs contribute positively to a democratic culture. However, we believe that organisations that are set up and run in accordance with basic democratic principles are more effective in fostering democratic culture. These could be community-based organisations, labour unions, youth associations, professional associations (of employees as well as of businessmen), etc.

Using the Civil Society Index where the four basic dimensions are given scores of 0 to 3, we give the values of the civil society in Cambodia a score of 1.

4.5. Impact

There are a great number of civil society organisations in Cambodia. Over the years, they have been given important financial and moral support by the international community. This fact, seen in the context of weak public institutions, lead to the conclusion that civil society in Cambodia definitely has contributed to solving social, economic and also political problems. On the micro as well as on the macro level, civil society must, despite its many weaknesses, be regarded as a force for development.

In the social and economic arenas this is best manifested by implementation NGOs, many of which have definitely contributed to the well being of individual Cambodians on the micro level.

In the political arena civil society organisations have succeeded in initiating a number of legislative agendas such as the labour code and the domestic violence law. More important however, is that the CSOs have contributed to increasing public expectation of elected officials and public servants.⁴¹ In the Sida commissioned evaluation of human rights and democracy organisations in Cambodia it is stated that:

“...the awareness training courses over a period of five or more years have reached a large number of people (...) at least two-thirds of the population now has some idea of their rights.”⁴²

⁴¹ Mansfield and MacLeod (2002), pp. 30f.

⁴² Vijghen (2002), p. 15.

The fact that the CSOs have had an impact should not be interpreted as a sign of a strong civil society. The impact is rather a sign of the strong presence of the international community and the weak public institutions. One important way in which CSOs in the political arena have an impact is by serving the international community with information that donors and others in their turn may use in discussions with Government.

A weakness that should be noted in this context is that many CSOs have limited capacity for long-term strategic planning, which of course is not helped by the often short-term and project-oriented support from donors. This limited capacity affects the quality and clarity of goals set and of methods formulated to reach the goals. This, in turn, decreases the potential for high impact but also makes it more difficult to measure impact.

Using the Civil Society Index where the four basic dimensions are given scores of 0 to 3, we give the impact of the civil society in Cambodia a score 2.

4.6. Conclusions and Trends

In order to illustrate how we assess the health of civil society in Cambodia, we have scored the four dimensions (environment, structure, values and impact) on a scale of 0 to 3. The final result may be illustrated graphically in the form of a Civil Society Diamond (solid black line) as in Figure 4.1 below.

Thus, we find that the Cambodian civil society scores quite badly when it comes to its structure and values and the environment in which it operates. However, despite these constraints civil society can show some significant impact of its activities.

Looking at the overall picture, the Mission has noticed two concurrent major and contradictory trends in the Cambodian society concerning the Government and civil society. On the one hand, it is clear that there has been a growing awareness of peoples' rights, peoples participation in decision making and communities organising themselves against power elites' land grabbing and intrusion of perceived traditional right to natural resources. In a recent study it is stated that:

“As communities become increasingly frustrated with the lack of effective Government action and their situation becomes more desperate, they are increasingly taking matters into their own hands to put a halt to violations.”⁴³

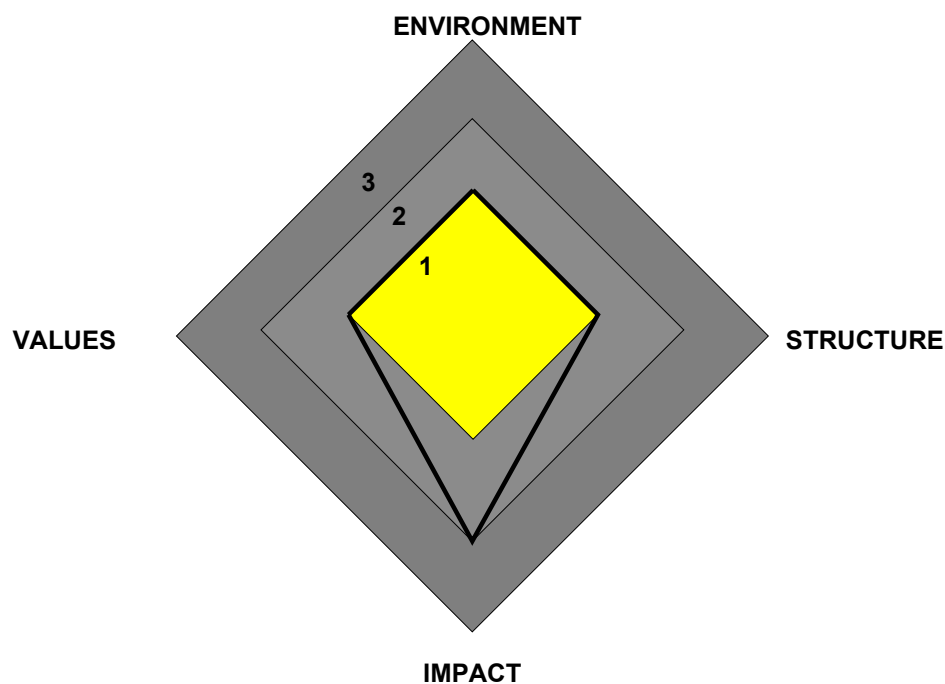
On the other hand there is a consolidation of power of the economic and political elites. Recently, this consolidation can also be reflected in a possible power struggle within the ruling party. These two trends are most likely confrontational and are to some extent augmented by donor interest in supporting high profile NGOs and opposition party organisations.

The current stronger tendency by the ruling elite to control opposition and be less tolerant towards critical voices may be a short term phenomena explained by the upcoming election in July 2003. However, it may as well be a more long

⁴³ Mansfield and MacLeod (2002), p. 30.

term trend. If the latter interpretation is correct then there is a risk that the decentralisation process will be captured by the ruling elite to consolidate their power.

Figure 4.1: Civil Society Diamond



Note Figure 4.1: This so called Civil Society Diamond illustrates the health of the Cambodian civil society, seen as a whole. Looking at the four dimensions, impact shows the best state of health.

The mission's analysis and conclusion of these trends is to focus initiatives on the creation of an environment that is conducive to a positive and constructive dialogue between civil society and the Government and the ruling elite. A confrontational development is not seen as a good way of promoting democratic governance, especially in light of the Cambodian history of violence as a 'solution' to societal conflicts. Another conclusion is the important role that a vital CS needs to play as power balancing and checking factor on the elites and to demand and maintain democratic development.

Cambodia is a good case to illustrate the point that development of NGOs does not equal development of civil society.⁴⁴ The low degree of voluntary participation in CSOs is not a healthy sign. However, there are some positive developments.

The political parties and the labour unions are practically the only examples of big membership organisations in Cambodia. The increasing level of unionising is one of the most encouraging signs within the civil society sector. We think that labour unions have a potential for widening democratic space, promoting

⁴⁴ For a discussion of this point, see Carothers and Ottaway (2000).

women's participation, fostering democratic culture and protecting worker's rights. However, the fact that this sector is rather politicised must be taken into consideration.

Another encouraging sign is the growth of community-based organisations. This development has been fostered, and to a large extent initiated, by the international and Phnom Penh based NGO community. As with the unions, we think there is a potential in many of these organisations that should be taken advantage of.

As shown above, Cambodian CSOs are for the most part allowed to operate freely by the Government. There are, however, some signs that space is now getting more limited as elections are approaching. The Government has a basically sceptical attitude towards NGOs in the democracy and human rights area. Their voices much depend on the backing of the international community. Thus, the future impact of the CSOs will very much depend on the policies and the resources of international donors.

Finally, it should be noted that the decentralisation process opens up possibilities, not only for the advancement of democratic governance in general, but also for the civil society to function more efficiently as a channel between citizens and their public representatives, first of all at the local level.

5. ASSESSMENT OF PRESENT SWEDISH SUPPORT TO CIVIL SOCIETY

5.1. *Conclusions on the Democracy Programme*

Sweden began giving aid to Cambodia in 1979. Since the mid-1980s, Swedish aid has had more long-term ambitions. The current co-operation agreement between the countries, which runs until 2006, has the following specific objectives:⁴⁵

- To help the rural population improve and influence living conditions for themselves and their children.
- To promote democratic development and increase respect for human rights.

The Swedish NGOs Forum Syd and Diakonia have been working in Cambodia since 1993. A special cooperation programme (called the Democracy Programme) was established between Sida and these two organisations in 1997. The overall aim has been to promote democracy and human rights by supporting Cambodian civil society organisations. The coming phase of this Democracy Programme will cover the years 2004-2006.

Experience shows that NGOs like the partners of Forum Syd and Diakonia have contributed to the promotion of democratic governance in Cambodia. In the theoretical discussion in Section 2.2 above, we presented seven specific functions that civil society can play in promoting democratic governance. Our assessment⁴⁶ points to the conclusion that the present program of Forum Syd and Diakonia has mainly contributed by promoting the following four functions:

- Checking, monitoring and restraining the Government's exercise of power and thereby demanding accountability;
- Training and empowering broad sectors of the public and of civil servants in human rights;
- Recruiting and training new political leaders, especially women, and;
- Delivering essential services to protect and promote the respect for human rights.

Potentially democracy-promoting functions where the present programme of Forum Syd and Diakonia does not seem as efficient are the following:

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

⁴⁵ Ministry for Foreign Affairs (2002).

⁴⁶ Our assessment is based on reports like Vijghen (2002), Edgren (2001), Mansfield and MacLeod (2002), and Sida (2001), on interviews and on past experience. It is still a bit early to confirm the contribution in the form of recruitment and training of new political leaders. However, we still think there are grounds for including this point together with the other three points above.

Which is the main reason why Forum Syd and Diakonia have not fully succeeded in promoting also these latter three functions? We believe that the main explanation can be found in the selection of partners. The basic structure of an organisation very much affects its potential for aggregating and representing interests, for serving as a “school of democracy”, etc. Most partners have a structure more similar to consultant companies than to membership based associations. An organisation of the former type may hardly be transformed into an organisation of the latter type. Thus, even if Forum Syd and Diakonia have specific budget lines for organisational development activities, they can hardly be blamed for not succeeding in promoting more fundamental organisational changes.

Claiming, as we do, that Forum Syd and Diakonia have not fully succeeded in promoting all seven above mentioned functions should not be interpreted as a critique. For obvious reasons there are limits to what may be expected. However, we believe that some adjustments should be made in the coming programme. Our recommendations in this report point in the direction of strengthening the latter three functions, while at the same time maintaining the first four functions.

5.2. Selecting Partners and Promoting Organisational Changes

One important strategy for accomplishing this would be to give more emphasis to mutual-benefit organisations in the coming programme, possibly at the expense of cooperation with public-benefit organisations, i.e. NGOs. Support for such a shift may also be found in recent research. Carothers and Ottaway concludes:

“When they attempt to strengthen civil society as a means of promoting democracy, aid providers (...) end up concentrating on a very narrow set of organisations: professionalised NGOs dedicated to advocacy or civic education work on public interest issues directly relating to democratisation, such as election monitoring, voter education, governmental transparency, and political and civil rights generally. (...).the assumption of NGO’s centrality is questionable. Other kinds of civil society groups frequently drive political change (...) ..aid providers should continue to expand the range of organisations they seek to assist in civil society programmes.”⁴⁷

As shown above, most of the organisations with which Forum Syd and Diakonia are cooperating resemble consultant companies more than organisations that are formed as a result of people coming together to work for a common cause. Thus, there is a clear democratic deficit within these organisations. Forum Syd and Diakonia are well aware of these problems and have developed plans to tackle them. However, we are not convinced that more resources will have the expected effect. Some improvement may be achieved, for example regarding increased transparency within the organisations, but expectations for major changes should be limited.

This does not necessarily mean that organisations with slim prospects of developing internal democracy should be phased out of the programme. We believe

⁴⁷ Carothers and Ottaway (2000), pp. 11 and 295ff.

that Sida's position on this issue, expressed in the decision for the 2001-2003 period, is too inflexible.⁴⁸

The main reason for this opinion is the fact that there is still a great need for civil society organisations to provide crucial services that would otherwise not be provided. One example would be the legal aid organisations. As the Government cannot and will not provide legal aid to those who do not have the possibility to pay themselves, this service will have to be provided by CSOs/NGOs for the foreseeable future. Even if the legal aid NGOs do not and probably will not live up to the criteria of being democratic organisations, we believe that support to these organisations should still be regarded as of high priority.

Looking into the motives for promoting internal democracy within the organisations, we may make a distinction between the motive of increasing efficiency and the motive of fostering a democratic culture. Both are relevant. The directors of the Cambodian NGOs tend to see internal democracy in terms of efficiency⁴⁹. While we think that Forum Syd and Diakonia rather put emphasis on the value of democratic culture.

It could be argued that a distinction should be made between organisations that primarily aim at promoting democracy, and those that primarily aim at promoting human rights. For the former type of organisations, internal democracy could be seen as more important than for the latter. The argument would be that the former would benefit more in terms of more legitimacy and more credibility if they exercise what they preach. Even if there could be some truth in this, we do not want to emphasise this distinction. All types of organisations can contribute to democratic culture by being internally democratic, no matter what the aim of the organisation is. Furthermore, we believe that organisations may very well contribute to democratic development even if they are not democratic organisations themselves.

As for the issue of developing the management capacity and the general effectiveness of the partners, odds are much better than for promoting democratic structures. This is due to the greater willingness of the leadership within the organisations to promote change.

We believe that support to the traditional democracy and human rights NGOs (the present partners) is still necessary to promote the conditions for the development of civil society and also to deliver some crucial services. However, these NGOs will not in the long run themselves constitute the basis of Cambodian civil society. For the development of a more genuine civil society, organisations that are set up within a more democratic framework, by people coming together to defend their interests, must be supported.

⁴⁸ "Sidas stöd bör vara långsiktigt, men i ökad utsträckning koncentreras till organisationer som visar vilja och förmåga att systematiskt arbeta med organisationsutveckling i de avseenden som nämns i promemorian. På basis av utvecklingen den närmaste tvåårsperioden, bör dialog med Forum Syd och Diakonia föras om utfasning av övriga organisationer." Sida, (2001), Bedömningspromemoria, Fortsatt stöd till demokrati och mänskliga rättigheter i Kambodja 2001-2003 i samarbete med Diakonia och Forum Syd, bilaga till beslut DESO 0226/01 av 2001-03-29, s. 13.

⁴⁹ Vijghen, John (2001), p. 45.

Our general conclusion is that in order to promote a democratic culture in Cambodia through civil society organisations, it is much more efficient to choose partners where there are some basic conditions for internal democracy, than putting in resources to reform basically non-democratic structures. One problem is of course the limited number of organisations that exhibit these basic democratic structures. As shown in other sections of this report, some openings and possibilities may be identified.

Ideally, the partners of Forum Syd and Diakonia should fulfil the tasks of: 1) efficiently delivering services that are expected to promote democracy and human rights; 2) advocating effectively for democratic governance, and; 3) being organised, run and controlled in a manner that in itself promotes democratic culture. As these organisations are not abundant, a high performance in fulfilling one of the tasks might in many cases suffice. If new partners are included into the programmes for the coming period, we recommend that special attention is given to organisations that score high on fulfilling task number three above.

Looking at Diakonia's centrally established criteria for selection of partners, it is clearly spelled out that the partners should have a democratic structure.⁵⁰ We are aware of the difficulties of living up to these criteria in Cambodia but think that there are possibilities of reaching a better coherence between policy and activities.

5.3. Sweden's Role

The crucial role of international actors has been highlighted in every section of this report. There is no doubt that Sweden has played, and can continue to play, a role for democratic governance in Cambodia. In addition to Sweden's support to civil society organisations in cooperation with Forum Syd and Diakonia, the support to a think-tank like CDRI and the cooperation with the COHCHR should be mentioned. Likewise, the long-term support to local empowerment and participation through the Seila programme and other initiatives in support of decentralisation and local governance (e.g. ADB decentralisation support project) should be mentioned.

However, other forms of support to civil society might be just as important. We want to emphasize the crucial role Sweden and other international actors can play by monitoring and promoting an overall enabling environment for civil society in terms of freedom of the media (including broadcast media⁵¹), the right to information, the right to dissent, the rule of law, etc.

⁵⁰ "De kriterier som utvecklats för valet av partner är att organisationen skall: dela vision och övergripande problemanalys med Diakonia (...), ha en vilja att samordna sig och koordinera verksamheten.. (...), ha en demokratisk struktur som ger den primära målgruppen utrymme till inflytande över organisationens arbete (...)." Diakonia, *Verksamhetsplan för 2000-2003*.

⁵¹ A more liberal climate for community-based (as well as national level) broadcast media (especially radio) is thought to be crucial. With the words of Michael Vatikiotis: "In a developing civil society there is no stronger agent for encouraging popular participation after conferring basic democratic rights than offering people a place to air their views." Vatikiotis (2002), p.149

Furthermore, Sweden and other international actors in Cambodia has provided, and may continue to provide, a low budget, high impact support to civil society by monitoring that relevant civil society actors are given attention and access to information and meetings, that are open to/accessible for international actors. However, it should be clear which body is responsible for providing access and information.

Lastly, Sweden and other donors may also facilitate for civil society by assuring that labour unions and other relevant civil society actors are included when bilateral/multilateral development cooperation programs are planned and designed.

6. ENGAGEMENT IN CIVIL SOCIETY BY INTERNATIONAL DEVELOPMENT AGENCIES

Many donors are actively supporting civil society in Cambodia and it is mostly done through NGOs that basically may be categorised as implementing NGOs. However, in the field of democratic governance there are only a few actors. Sweden (**Sida**) and the United States (**USAID**) play the major role. Other actors are **CIDA** and **UNDP** in support to the National Assembly, and public sector reform. **COHCHR** has been involved in the training of judges, capacity building in ministries and NGOs, and translation and dissemination of laws. The office also works for the promotion and protection of human rights (HR) in Cambodia and functions as a protector of HR NGOs. **France** and **Japan** support in legal reform by assisting the formulation of the criminal and civil codes. **The World Bank** is the coordinator of the Donor Working Group on Governance, but their initiative to assist the RGC in the establishment of a strategy for legal and judicial reform (L&JR) has been stalled and instead the Danish Centre for Human Rights are now supporting the work of creating a vision for the L&JR. A few other bilateral donors, such as **New Zealand**, **The British Embassy**, **Danida**, **Norad** and **the Netherlands**, are supporting NGOs in the field of democratic governance. Interestingly enough, **DFID** does not have a programme in direct support to the civil society, but indirectly through fund the support project to the Seila programme in cooperation with Sida and UNDP.

As mentioned above the NGOs are almost totally dependent on financial assistance from the international donor agencies. This dependency has many aspects. There are only a few donors that provide core support to the NGOs, which make long term strategic planning difficult since predictability of funds does not exist. The fact that The Asia Foundation (TAF) in Cambodia got its Cambodian funds drastically cut by USAID in 2002/03, and thereby had to cut support to many partners, provides a vivid example. Many Cambodian NGOs have experienced considerable fund cuts, which in reality had an even more serious effect on their operation as TAF provided core funding. It is ironic that the donors demand strategic planning from their partners, while at the same time they will only commit yearly project support.

A common view is held that there is an imbalance between the Government and the CSOs. The latter having a much higher support and thereby higher capacity. Some donors, including Sida, has tried to find possible areas for cooperation directly with the RGC in the area of governance, as they perceived their portfolio too much concentrated towards support to the NGO community. However, the Mission now sees a shift in favour of the RGC as more donors have opted for direct Government cooperation. At the same time some support to the civil society is being cut. The share of the total development assistance to the civil society - from being the dominate mode - has during the last years become small as a result of the great increase in development assistance to the RGC⁵².

⁵² According to estimates from the Council for the Development of Cambodia, aid channelled through the NGOs in 2001 was some USD 50 million, equivalent to roughly 10% of total de-

The civil society is still fragile and needs continued support as a counter force to the political and economic elite and to fulfil the other pro-democracy functions described above. In view of the great increase in development assistance to the RGC also including capacity and institutional building, the non-commitment of the government to L&J reform, the fragility of the civil society organisations and the need for strong civil society to promote democratic governance in broad terms, the Mission is of the opinion that a continued support to the CSO are needed and may even be augmented.

The Mission has noted some clear trends in current donor support to the CSOs in the area of democratic governance:

- More result oriented project support, which demands considerable resources by the NGOs to write applications and reports. All donors have their own procedures, although efforts for streamlining have been made.
- Reduction in core and long-term support
- Pronounced support to advocacy and high profile NGOs – sometimes provoking the RGC and hindering a constructive dialogue and cooperation.

These trends will, as is elaborated in Section 9, have an impact on the proposed Sida/DESA strategy in the area of democratic governance in Cambodia.

7. STRATEGIC CONSIDERATIONS

In this Section we will discuss a few central issues in Sida's development assistance policies that will have a strategic bearing in terms of focus and scope on the DESA's project portfolio in democratic governance.

7.1. *Poverty and Democratic Governance*

A positive correlation between poverty alleviation and democratic governance is a basic assumption in our analysis and conclusions. It is also envisaged that Sida's development assistance to Cambodia will continue to be poverty focused and support the recently (February 2003) approved the National Poverty Reduction Strategy (NPRS). The Mission will, as elaborated below, recommend that the civil society becomes more involved in promoting democracy and rule of law at commune and village levels by training of commune councils in democratic values and legal issues and assisting the poor with legal aid and awareness raising of their rights.

The new commune councils need extensive training and capacity building in, among other things, democratic processes, legal aspects and the rule of laws and human rights. There are several NGOs such as CDP, KID, CLEC, AD-HOC, Licadho, GAD, etc. that might provide this type of capacity building and awareness raising⁵³. Concurrent Sida is supporting capacity building at commune level through the Seila programme and the new ADB project to support to the Commune Councils (CC) that Sida is co-financing. The DESA support to the NGOs could in this respect serve as a valuable complement and support to the two other programmes that are implemented through the RGC.

In this way an interface between civil society and government would be created at the local (commune) level in support for the decentralisation reform policies, capacity building and changing of attitudes towards a democratic values. In addition a logical link between two of Sida's programmes in Cambodia (Natur and DESA) would be established and hopefully synergy effects created.

7.2. *Partnership to Promote Legal and Judicial Reforms*

As elaborated in previous SAT reports, a dialogue and cooperation between the RGC, civil society and the donors need to be established to foster and promote reforms in democratic governance and especially to accelerate the pace of the L&J reform. The current apprehension to increased transparency and involvement of the civil society from the Government's side - and to some extent from some international bilateral donor agencies - needs to be exchanged for a real dialogue also involving the political parties.

As was recommended already in the first SAT report, a radical change from the current situation must become a reality. In fact few positive signs have been

⁵³ Some of these organisations have conducted training and awareness programmes at the Commune Councils and some have branches in the provinces. For example, WFP is working with women commune council members.

noticed in the L&J reform area, especially related to judicial reforms. Positive indications are that work on criminal and civil codes are progressing, that a dictionary of legal terms (Khmer, English, French) is being prepared, that judges' salaries have been raised to USD 300-600 per month, and that the Royal School for Judicial Training and School for Lawyers have been established. However, the L&J strategy has been stalled and instead the RGC is working on a vision of the L&J reform. In total, although there are some positive developments, the situation is still fragile and the Government has not shown a commitment to L&J reforms.

The donor group on governance has not managed to promote the L&J reform agenda, reasons being that the group's mandate is too big and that there is no committed interlocutor within the RGC. Legal and judicial matters need to get higher priority within this group. The creation of sub-working group especially dedicated is proposed by the Mission as an avenue to strengthening donors' coordination and promotion of the L&J reform. Furthermore, in the civil society there is no professional group that could function as a think-tank and dialogue partner representing several CSOs, neither is there a clear commitment from RGC. Consequently, there are currently no strong dialogue partners in Cambodia, representing any of the key stakeholders in the L&J reform area.

In light of recent development, or rather lack of development, it is the conclusion of the Mission that resolute efforts must continue to be made by all major actors to establish partnership, dialogue and coordination to move the L&J reform process. However, until real commitment from the RGC is shown Sida should not commit funds to the RGC in the L&J area. The Mission recommends that Sida support a potential initiative from the Cambodian civil society to establish a partner group/think tank for legal and judicial reforms. In discussion with the COHCHR they were positive to such a group and prepared to provide suitable support.

While awaiting an articulated commitment from RGC concerning the L&J reforms it is still important to provide support in the legal area. Instead of cooperating directly with the government the Mission could see several opportunities to promote the rule of law and raise legal awareness in the country:

- Provide legal aid through organisations like CDP, CLEC and LAC. This is an important area to promote the rule of law and at the same time assist the poor people to get access to legal aid, which they otherwise will be deprived of.
- The majority of the cases where legal aid is provided are land related. Thus, legal aid can be considered a pro-poor activity
- Raise awareness of peoples' rights through support to NGOs.
- Some donors are withdrawing from legal aid as they argue currently legal aid often is directed to poor people that does not involve high profile cases that confronts the Government. However, as legal aid to the poor is a valuable pro-poor activity Sida, Forum Syd and Diakonia should continue supporting, and possibly increase support to, organisations providing legal aid.
- Training in HR of government staff

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- Advocacy of rights and rule of law
 - Legal training of the proposed legal units in each ministry

7.3. *Deeper versus Wider DESA Support to Democratic Governance*

An important strategic aspect is whether Sida/DESA should concentrate and deepen its support to a few areas or if the support should be widened to encompass more aspects of democratic governance. As we conclude and recommend in the next section there are several areas that Sida might consider supporting. If the strategic decision of giving more attention to mutual-benefit organisations is adopted, this would open up for potential cooperation with business organisations, trade unions, etc., but this shift might also require new partners besides Forum Syd and Diakonia.

There are many reasons for concentrating the present programmes. Some have to do with making cooperation more efficient, partly by specialising in the comparative advantages of Forum Syd and Diakonia respectively. Another argument for concentrating the present programme would be to open up space and release resources for increasing cooperation in new areas. In this report we have argued for an increased cooperation with, and support to, mutual-benefit organisations. If Forum Syd and Diakonia, with the support of Sida, choose to develop in this direction, a certain amount of diversity should be accepted for the years to come, as new partners and new forms of cooperation are tried. Thus, even if it could be argued that concentration is a goal in itself, we think that reaching out to new organisations should be allowed and encouraged even at the cost of less clarity and more diversity.

The concentration within the present programmes could take two forms. Firstly, the number of sectors in which Forum Syd and Diakonia are today active (human rights, democracy, gender, media, elections, etc) should be limited somewhat. Secondly, there is scope for increased cooperation with some of the partners. In the case of Diakonia, the organisation could choose to cover a greater share of some of the partners' budgets. We believe that such an expanded cooperation would serve efficiency, as more output may be expected while not substantially increasing administrative costs. Thus, the present level of support could be upheld or increased, but concentrated to fewer partners. Naturally, one would have to be careful expanding cooperation with partners where it is unclear if cooperation will be long-term. If a phasing-out of cooperation is foreseen within the coming years, it might do more harm than good to expand cooperation in the short term.

8. CONCLUSIONS AND RECOMMENDATIONS ON FUTURE SWEDISH SUPPORT

8.1. Conclusions

We have departed from the theory that civil society has a potential to foster democracy. In the case of Cambodia, civil society must be regarded as weak. The traditional forms of civil society were destroyed and the socio-economic and political conditions for rebuilding and strengthening civil society are far from ideal. There are many NGOs, but the low degree of voluntary participation, the lack of democratic structures and the low sustainability are important signs of their weakness.

However, despite this weakness, Cambodian civil society organisations have managed to play, and continue to play, a positive role for democratic governance. Looking at the partners of Forum Syd and Diakonia we conclude that they have contributed mainly by monitoring and restraining the Government's exercise of power and thereby demanding accountability, by training and empowering broad sectors of the public and of civil servants in human rights, by recruiting and training new political leaders, especially women, and by delivering essential services to protect and promote the respect for human rights.

But heavy dependence on international support continues to be a major problem. Without continued international attention and support we believe the strength of civil society would be reduced drastically, both in terms of numbers and activities, as in terms of access to Governmental institutions and possibilities to influence political processes. A reduction in international support for Cambodian NGOs might have some long term positive effects. Some inefficient organisations may have to close down, NGOs working in the same field might be forced to unite in order to survive, while some NGOs might succeed in developing income-generating activities, etc. However, we believe that a decreased support from Forum Syd and Diakonia would have much more negative than positive effects.

Among the positive signs we see the increasing level of unionising and the growth of community-based organisations. We think that these types of mutual-benefit organisations have a potential for widening democratic space, promoting women's participation, and fostering democratic culture.

Even if we argue in favour of cooperation with mutual-benefit organisations we want to emphasize that there are difficulties and risks involved in this type of cooperation. There are examples, in Cambodia as well as world-wide, where donor money has destroyed organisations. There is an obvious risk of donor money weakening the need for self-generation of funds. This would make the leadership less dependent on the members and more dependent on the external donors, thus weakening prospects for sustainability and independence and possibly also prospects for internal democracy. As with any organisation there is also a risk that donor money might stimulate corruption and inefficiency within the organisation. Cooperation with mutual-benefit organisations will often have to take a different form than cooperation with NGOs. Typically it would, at least in the initial stage, involve more work and less money.

Two concurrent trends concerning the Government and civil society can be seen in Cambodia today. On the one hand, it is clear that there has been a growing awareness of peoples' rights, peoples' participation in decision making and communities organising themselves. On the other hand there is a consolidation of power of the economic and political elites. Recently, this consolidation can also be reflected in a possible power struggle within the ruling party. Even if the CSOs for the most part are allowed to operate freely by the Government there are some signs that space is now getting more limited as elections are approaching.

The work of Forum Syd and Diakonia to promote core funding is important. There is a need for core funding in a short term to compensate for the Asia Foundation fund cut. The exact amount has to be determined. In a longer term the Cambodian NGOs must find ways to finance their core activities through broadening the funding base, especially from those prepared to fund core activities. Forum Syd's and Diakonia's policy on long term partnership is appreciated also in this respect.

Forum Syd and Diakonia promote much needed donor coordination and harmonisation of conditions, cooperation among Cambodian NGOs, as well as cooperation between Forum Syd and Diakonia themselves. This is important and should be encouraged. Sida should look into the possibilities to have a closer coordination between DESA and SEKA activities in Cambodia, as their programmes may be seen as two sides of the same coin.

8.2. Recommendations

8.2.1. Sida, Forum Syd and Diakonia

- Short term increase of Forum Syd's and Diakonia's funding for core support should be seriously considered in order to compensate for the fund cuts of the Asia Foundation.
- Concerning the level of Forum Syd's and Diakonia's support to their NGO-partners, a maximum share of around 30 percent of the partners' expected expenditures is regarded as wise. However, a share under 15 percent is generally considered a bit too small (even if there are always exceptions).
- A rights-based approach should be encouraged among CSOs not traditionally working with human rights.

8.2.2. Partners of Forum Syd and Diakonia

- When new partners are chosen, more attention should be given to organisations that are organised and run in accordance with basic democratic principles. Thus, in the hypothetical choice between organisations working with service delivery, working with advocacy or working in a manner that promotes democratic cultures, the best is of course if the organisation fulfils all criteria. All are crucial. However, we recommend

that in the coming programme, higher priority is given to the last criteria.

- When Forum Syd's organisational advisers are recruited we would recommend that higher priority is given to Cambodian organisations which feature basic democratic structures, thus organisations that have a potential to seriously function as promoters of democratic culture. The coming placement of an organisational adviser within Licadho and Nicfec is not fully in line with this thinking. Organisations like Star Kampuchea and the Khmer Youth Association might be good candidates for possible future organisational advisers.
- Concerning the great emphasis given to organisational development (including democratic structures) in Sida/DESA's decision for the 2001-2003 period – we find it a bit too rigid. We regard it as fully justified to continue supporting CSOs which deliver crucial services, like for example legal aid and human rights protection, even if they do not develop good democratic internal structures.
- Links with a political party is no reason in itself to refuse a promising partnership, nor a sufficient reason to end a functioning partnership. (For a more thorough discussion, see annex 3.)

8.2.3. *Regional Partnership*

- A more active regional approach to support civil society in Cambodia is encouraged. Sida today cooperates with regional organisations like the Asian Forum for Human Rights and Development (Forum-Asia), the Asia Pacific Forum on Women, Law and Development (APWLD) and the Asian Human Rights Commission (AHRC). All of these have members or close partners among Cambodian NGOs supported by Forum Syd and Diakonia. Similar links also exist in the areas of election monitoring and media. A more active regional approach could take many forms. One would be to strengthen the regional contacts as a way of facilitating a greater use of regional expertise and experience in Cambodia. Another way would be to channel funds to the Cambodian NGOs through the regional organisations. This would strengthen the regional organisations, which would be an aim in itself. Furthermore, if Cambodian CSOs were to receive funding and support from regional, indigenous organisations, their legitimacy might increase, as they would not to the same extent be regarded as agents of western donors. Whether Sida should continue direct cooperation with the regional organisations or if this cooperation could be “adopted” by Forum Syd and/or Diakonia could be discussed.
- The proposed regionalisation should generally be seen as a medium-long-term strategy, to prepare for a possible scaling down of Forum Syd/Diakonia D/HR-support in Cambodia. The strategy should be tested during the 2004-2006 period to see if it can be expanded for the post-2006 period. However, regionalisation can also serve as a more short-term strategy, for example to continue support to Comfrel and Nicfec if Forum Syd decides to phase out this type of support.

8.2.4. Areas of support

General

- In terms of sectors we recommend continued emphasis on human rights (empowerment, protection and advocacy), with special attention given to women's rights. In addition we recommend increased cooperation with mutual-benefit organisations, which could be community-based organisations, labour unions, youth organisations, etc. Cooperation with organisations that are instrumental in supporting provincial and community-based organisations should be given high priority. Transparency should be regarded as a cross-cutting issue.⁵⁴
- It is always more difficult to conclude which sectors should be given less priority. There are so many crucial areas that would be in great need of international support and attention. However, we believe concentration of activities is of importance, and that the comparative advantages of Forum Syd and Diakonia must be taken into consideration. Our findings point to the conclusion that the areas of election monitoring and media should be given less attention within the FS/D-programme. Possibly these areas can be supported through regional initiatives (see above).
- The new opportunities to stimulate participation and empowerment offered by the decentralisation process should be used in all activities possible.
- Priority should be given to CSOs that promote constructive dialogues between the CS and the state in terms of human rights and the rule of law.

Legal and Judicial sector:

- Support and stimulate awareness creation regarding rule of law.
- Support the creation of a think tank CSO in the field of legal and judicial reform.
- Concerning human rights protection through legal aid, it is important that advocacy activities are not given priority at the cost of legal aid to individuals.

Labour unions:

- Concerning labour unions, the initial steps taken by Forum Syd in establishing some cooperation are encouraged. (Cooperation with labour unions should be coordinated with ILO, ACILS and LO/TCOs biståndsnämnd).
- The cooperation between the Swedish Teachers Association (STA) and CITA should be encouraged.
- If Forum Syd finds it to be within their mandate, the organisation could consider recruiting an organisational adviser within this sector. (Possibly as a part of the STA-CITA cooperation?)

⁵⁴ Regarding transparency as a cross-cutting issue implies that, in addition to supporting activities directly aimed at increasing transparency in society, attention is given to mainstreaming transparency in the behaviour and activities of partners, as well as of Forum Syd and Diakonia.

- Sida should consider supporting a continued ILO programme in the area of worker's education and assistance to Cambodian labour unions.⁵⁵

Other sectors:

- The rights of the child is given a relatively low profile in Sweden's cooperation with Cambodia seen as a whole (with the important exception of the support in the educational sector). Any initiative from the regional office of Save the Children (Sweden), to expand activities in Cambodia within the SEKA-framework should be encouraged.
- Sida's support to CDRI is essential as the institution is a well recognised research organisation and think tank. CDRI also serve as an important dialogue partner between civil society and the RGC in many areas such as reconciliation, pro-poor policy implementation, human rights, etc. The Mission is of the view that it would be valuable if think tanks like CDRI would be establish in support of the legal and judicial reform (see above).
- Despite much consideration over the years, Swedish cooperation in the media sector has not materialised. This is unfortunate, as the sector is crucial for the further development of democratic governance. Regional approaches through the Southeast Asian Press Alliance (SEAPA) and the Indochina Media Memorial Foundation (IMMF) should be used as much as possible. Sida/Kultur&Media should be encouraged to assess additional possibilities.
- A recent study by Forum Syd shows that there are some 50-60 youth organisations in Cambodia, mainly in Phnom Penh. If the right partner is found, this type of cooperation has a high potential. However, great caution should be used when potential partners are identified.
- An assessment of the possibilities to expand present civil society support to the private sector can be considered. If the right channels and counterparts can be found, a fruitful cooperation may very well be established with associations like the Rice Millers Associations, the Association of Rural Electricity Enterprises or the Brick and Tile Associations. The majority of these are rural based and with a democratic set-up, although embryonic.
- Anti-corruption initiatives are important for a sustainable long term economic development and poverty alleviation in Cambodia, moving away from the current exploitative short term orientation of the economy. The much anticipated anti corruption law does not seems to be adopted in a near future, as it is not in the interest of the ruling elite to institute and enforce such a law. However, there are other positive initiatives in the anti corruption area which includes the Coalition for Transparency with a base in CSD. This coalition is loosely connected to Transparency International and has some 100 members representing, business, police, military, government, NGOs, etc. The coalition does

⁵⁵ The ILO programme is called Worker's Education Assistance to Cambodian Trade Unions. The first phase of this Danida financed programme covered the years 1998-2000 and the second phase will finish in 2003. Danida has recently cut its funding and the future of the programme is unclear.

not have a secretariat and no secure funds. A support to this coalition should be further investigated.

- A way to promote the legal and judicial reform is through its link with economic development. Sustainable long term economic development requires functioning legal and judicial systems. Cambodia's effort to become of WTO serve as a lever to L&J reform, as membership requires development of legal and judicial system. Sida support in this area should be considered as the SAT recommended in its 3rd report.

9. TOWARDS A SIDA/DESA STRATEGY ON DEMOCRATIC GOVERNANCE IN CAMBODIA

In the previous sections we have analysed the civil society in Cambodia and made conclusion and several recommendation of possible areas for future Sida support. These recommendations need to be operationalised into a DESA strategy on Democratic Governance. We have found that the civil society is fragile and needs further support to be able to function as a promoter of democracy and human rights. The strategy will have poverty alleviation as the base and will aim at how an efficient assistance can be delivered given the present political and economic circumstances in Cambodia. Especially from the perspective of the ruling elite consolidating its power at the expense of the rule of law, democracy and poverty alleviation.

There is no doubt that international attention and support is crucial if civil society is to continue and strengthen the role it plays for democratic development in Cambodia. We therefore conclude that Sida should continue its cooperation with Forum Syd and Diakonia in this field. The support to civil society is not regarded as too large, and may even be increased. This cooperation has proven productive in the past and we believe it will continue to be. However, some changes should be considered for the coming years:

- More attention should be given to organisations that can stimulate political participation of, and that serve to aggregate and represent the interests of, Cambodians in general. Thus higher priority should be given to organisations that serve as “schools of democracy” and thereby foster democratic culture and social capital. In practice this would mean more attention to mutual-benefit organisations.
- In terms of sectors, we would emphasize human rights (empowerment, protection, and advocacy) – with special attention given to women’s rights, labour unions and (possibly) youth organisations. Cooperation with organisations that are instrumental in supporting provincial and community-based organisations should be given high priority. Transparency can be regarded as a cross cutting issue.
- Legal and judicial reforms are crucial for any serious development of democratic governance. While awaiting an articulated commitment from the Government of Cambodia it is important to provide support in the legal area. Instead of cooperating directly with the Government we see several opportunities to promote the rule of law and raise legal awareness. One would be to support a potential initiative from the Cambodian civil society to establish a partner group/think tank for legal and judicial reforms⁵⁶. In discussion with the COHCHR they were positive to such a group and prepared to provide suitable support.
- Sida should continue supporting several Cambodian NGOs that provide essential services in the field of democracy and human rights. Services

⁵⁶ A proposal to establish such a group was submitted to the SAT 3 mission in 2002. There is still an interest, but no group has taken any concrete steps to form such a think-tank. To imitate the formation of a group, Sida and its partners (Forum Syd and Diakonia) could invite key actors in L&J reform area among the CSOs for a brainstorm around the already submitted proposal.

which the state authorities fail to provide. Capacity building support to increase efficiency should be provided where relevant. Transparency and democratic management styles should always be promoted and encouraged. Where possible, support should be based on long term engagement. Special attention should be given to CSOs that develop and promote dialogues between the state and the civil society.

- It must be highlighted that the decentralisation process opens up possibilities, not only for the advancement of democratic governance in general, but also for the civil society to function more efficiently as a channel between citizens and their public representatives. These new opportunities to stimulate participation and empowerment should be used in all activities possible.
- Promoting regionalisation of Cambodian civil society actors may be a way to make civil society stronger. Strengthening networks of CSOs in Southeast Asia has the potential of facilitating efficiency as well as sustainability of the organisations. In case Forum Syd and Diakonia were to concentrate or limit their support to Cambodian NGOs, a possibility for continued support to important NGOs would be using existing regional organisations (with which Sida has previous contacts) as channels. (See 8.2.3 above.)

Within the above mentioned strategic approach, the following short and medium term action is highlighted:

In the short term:

- Provide financial means to compensate the prioritised NGOs for the decreasing support from the Asia Foundation. Among the critical NGOs we find legal aid organisations and promoters of a dialogue between the civil society and the state.
- Increase the funding to Forum Syd and Diakonia for the next three-year period starting 2004, especially to the critical NGOs indicated above.

In a **medium term**, depending on the outcome of the 2003 election and the RGC's commitment to legal and judicial reform, the following is suggested:

- Actively work in the donor group on governance to make it functional and focusing on judicial reforms.
- Support an initiative to create and finance a civil society (NGO) working group, dialogue partner and advocator on legal and judicial reform.
- Capacity building of Cambodian CSOs in areas of effective service delivery and transparency.
- Provide core funding to key CSOs based on a mutual understanding of and respect for minimum standards of efficiency and democratic management styles.

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Appendix 1: Terms of Reference

TERMS OF REFERENCE

Specific Terms of Reference for the fifth main mission by the Sida Advisory Team (SAT) on Democratic Governance in Cambodia February 2003

1. INTRODUCTION

With reference to the General Terms of Reference of the advisory team (dated 28 June 2002) these Specific Terms of Reference shall guide the fifth mission (out of ten) of Sida's Advisory Team (SAT) for democratic governance in Cambodia⁵⁷.

2. BACKGROUND

In the area of democratic governance Sida⁵⁸/DESA⁵⁹ has, in co-operation with two Swedish non-governmental organisations, Diakonia and Forum Syd, provided support to a number of Cambodian organisations (a total of 20 in 2001) working on democracy and human rights issues. Sida has also been a major funding partner to the UN's Cambodia Office of the High Commissioner for Human Rights (COHCHR), which has played a key role in enhancing respect for and protection of human rights in Cambodia since the 1993 elections. The Cambodia Development Resource Institute (CDRI) has been supported by Sweden since its establishment in the early 1990s, to assist the Cambodian Government in training civil servants and building capacity for policy research in socio-economic issues. The national elections in 1998 and the commune elections in February 2002 received support from Sida, channelled through Forum Syd, COHCHR and United Nations Development Programme (UNDP). Sida is also preparing support through UNDP and COHCHR for the general elections in 2003.

The civil society⁶⁰ in Cambodia is dominated by organisations, created in the beginning of the 90s, after the signing of the peace agreement and the arrival of the UN (United Nation) mission in Cambodia. Some figures show that there are as many as 1000 organisations in the country. Today, more than ten years later, parts of civil society in Cambodia has reached some kind of breaking point. Several organisations have internal organisational, management and financial problems. It is becoming more difficult to obtain funding since the international donors are changing their priorities. Several organisations have disappeared, and questions are raised concerning who and what some of the Cambodian organisations really represent.

⁵⁷ The role of the Sida Advisory Team (SAT) is to serve as a continuous technical advisor to Sida in order to strengthen the quality of Sida's follow-up and dialogue in the area of democratic governance in Cambodia. In 2001, the SAT presented to Sida and its partners in the following reports:

- *"The Rule of Man"*, looking at e.g. the legal sector, human rights, good governance and civil society;
- *"Report on a Meta-Evaluation"*, analysing the completed evaluation of two Swedish organisations' (Diakonia and Forum Syd) cooperation with Cambodian NGOs;
- *"Supporting Democratic Governance and Decentralisation"*, a technical review of the existing Sida support as well as a look into strategic issues relating to the on-going *decentralisation reform*.

⁵⁸ Swedish International Development Cooperation Agency

⁵⁹ Division for Democratic Governance

⁶⁰ If doubts concerning the definition of civil society would arise during the mission, then SAT should be guided by Sida's paper "Participation in Democratic Governance", July 2002

In collaboration with Forum Syd and Diakonia, two Swedish non-governmental organisations (NGOs), Sida has provided support to local organisations in Cambodia since 1993. Initially the support was given to local election monitoring organisations and in 1998 a programme giving special democracy –and human rights support to Cambodian organisations was developed by Diakonia and Forum Syd. In 2001-2002 the support involved as many as twenty local organisations, but in 2003 the programme has been concentrated and involves 15 organisations (Forum Syd 9 and Diakonia 6).

Sida intends to continue its support to Cambodian organisations working on democracy and human rights issues for another three year period. Sida is presently considering what the framework of the support should be. The next programme period (2006) ends at the same time as Sida's present country strategy for Cambodia 2002-2006. In the preparation process of new support during 2003, Sida will discuss with Forum Syd and Diakonia possible adjustments and changes of the programme that might be necessary for the next three year period in order to adjust the programme to the changing realities in Cambodia in general and for the Cambodian organisations in particular. In those discussions this SAT report will be an important input. Other important input will be an assessment of Forum Syd on the fulfilment of their programme goals and results during 2001-2002, and Diakonia's meeting with all its partners to discuss the future.

3. SCOPE OF THE ASSIGNMENT

The SAT shall, based on an analysis of today's civil society in Cambodia and trends for future developments, analyse and identify how Sida's support to the Cambodian civil society to strengthen democratic governance can be developed during the next few years. Based on this analysis SAT shall give recommendations to Sida on possible changes and improvements of its present support to the Cambodian democracy and human rights organisations.

4. TASKS OF THE ASSIGNMENT

- A. To provide an analytic description of Cambodia's civil society of today. This "mapping" should give an idea of the whole civil society but have a focus on organisations working with democratic governance issues. This should encompass the following questions, among others⁶¹:
- (i) What does the civil society of Cambodia today consist of? Which fields have active organisations and where are they absent?
 - (ii) Which role does the civil society play in today's Cambodia?
 - (iii) Which role does it play in the democratic process and the strengthening of human rights in the country?
 - (iv) Does it contribute to and has an impact on the democratic process in the best possible way?
 - (v) Which are its strengths and weaknesses?
 - (vi) Which interests does it represent in today's Cambodia? Does member based organisations exist?
 - (vii) Where do the civil society organisations exist, only in Phnom Penh or also in towns and rural areas?
- B. To identify trends of how Cambodia's civil society will develop during the next few years. This should encompass the following questions, among others:

⁶¹ The questions mentioned in points A, B and in the recommendations are not exhaustive, but should be seen as some of the questions that needs answering or commenting upon.

- (i) Is the role of the civil society in Cambodia changing and how and why is it then changing?
- (ii) Which is likely to be and which should be its main tasks during the next few years? Will it for example focus on service delivery or advocacy work?
- (iii) The organisation's relations to the state, contacts and possibilities of dialogue and exchange of experience, how is this relation developing?
- (iv) Which will be the organisations possibilities of funding their work?

C. Describe and analyse the involvement and strategic focus of the international donors and the plans for the work in the next few years to Cambodian civil society.

Based on the elaboration on the issues under A., B. and C. above, the SAT shall analyse and give **recommendations** on:

- How Sida can improve and change its support to the civil society in order to increase its impact on the democratic processes and the respect for human rights in Cambodia.

This should encompass the following questions, among others:

- (i) *How can Sida, through its support to civil society, contribute to further strengthening the state in Cambodia?*
- (ii) *Do the organisations that Sida, Forum Syd and Diakonia support have an impact on the strengthening of democracy and human rights in Cambodia?*
- (iii) *Should the work be focused on one or several thematic fields (for example local governance, women's issues, peoples participation, the legal sector)?*
- (iv) *Should Diakonia and Forum Syd continue to have a certain focus on the local organisations internal management and internal democracy?*
- (v) *Is advocacy an issue that should be further focused?*

The analysis of the civil society in Cambodia in its totality shall be limited to at desk study of already existing reports and other relevant documents. Parts of points A and B can be made through a desk study, using existing reports and studies of Cambodian civil society and its development in Cambodia. Additionally to the desk study, SAT shall interview representatives from Forum Syd, Diakonia, the local organisations receiving Swedish support, other organisations, relevant representatives from the public sector, relevant donors, representatives from COHCHR and CDRI and other persons that SAT find it important to interview.

The recommendations need to take the following into consideration:

- The major issues (problems and needs) concerning democracy and human rights in Cambodia at present.
- That the purpose of Sida's support to Cambodia is twofold: (i) the strengthening of the civil society in itself as a way to strengthen a democratic development in Cambodia, (ii) to support democracy and human rights work in Cambodia through different competent channels, of which the Cambodian organisations is one.
- That Sida intends to continue its support within the field of democracy and human rights organisations.
- Sida's country strategy which clearly states that Sida in its support to civil society must address the imbalance in competence, capacity and financial resources, between the organisations and the state. Therefore one important aim of the support is to strengthen the state in its capacity to deal with these issues.

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- Sida's need to have a focused support to civil society in Cambodia.
 - The possibilities of synergy effects with Sida's and particularly DESA's other supports in Cambodia.
 - The realistic level of ambition for Sweden's support, given Sida's, Forum Syd's and Diakonia's limited organisational and financial resources.

The recommendations should focus on Sida's existing programme with Forum Syd and Diakonia. However, this does not exclude recommendations of new support through other channels, even though this is secondary for Sida. Sida has the intention to continue its support to organisations through Forum Syd and Diakonia and does not intend to change its programme completely. Both Forum Syd and Diakonia has long term perspectives in the partnership with their partner organisations, and the intention is not to replace all organisations. However, there is room to make adjustments and improvements of the existing programme, some may be possible from the start of 2004, while others must take place gradually during the next three year period. The SAT needs to take these factors into consideration as well.

5. REPORTING

Before the team leaves Cambodia it shall debrief Sida/DCS and also have a separate briefing with Forum Syd and Diakonia. A report on the main findings and recommendations should be presented at the debriefing. A draft of the Final report shall be presented to Sida/DESA no later than 3 March 2003. Within one week after receiving comments from Sida, the consultants shall submit a Final report. The report shall be copied and printed by the SAT and provided to DCS and Sida-HQ, as well as on diskette written in Word 6.0 for Windows.

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

If Sida finds it necessary, one of the team members should be at Sida's disposal to present the report at a Sida workshop in Phnom Penh 25-26 March 2003.

Enclosure: - General Terms of Reference, SAT in democratic governance, 28 June 2002.

- Kristina Hedlund Thulin's paper: "Tankepapper om det civila samhällets roll i utvecklingssamarbetet", okt-01
- Sida's paper on "Participation on Democratic Governance", July 2002

Appendix 2: People Met

Institution	Name of Person	Position
Constitutional Council	Say Bory	Member
Council for Administrative Reform	Sum Manit Alain Benicy Kong Sophy	Secretary General Principal Advisor Director, Governance Project
Ministry of Interior	Sak Setha	General Director
Legal and Judicial Reform	Suy Mong Leang	Chief of Project Management Unit
CIDA	Faruque Sarkar	Representative
COHCHR	Michael Barton Margo Picken Henrik Alffram	Civil Society Fund Coordinator Director Chief of MPU
DFID	Daniel Arghiros	Head of Office
EC	Aldo Dell' Ariccia Sylvine Devaux	Head of Office Programme Officer
GTZ	Thomas Engelhardt	Representative
ILO	Nuon Rithy	National Project Officer
Sida	Claes Leijon Agneta Danielsson	Counsellor Senior Program Officer
TAF	Nancy Hopkins Kouy Neam	Assistant Representative Program Officer
UNDP	Beate Trankmann Ernesto Bautista Sara Ferrer Olivella	Team Leader, Governance Cluster Governance Advisor Legal and Judicial Reform and Human Rights Specialist
USAID	Kevin Rushing Bradley D. Bessire Rath Sophoan	Head of Office Democracy and Human Rights Specialist Democracy and Governance Project Management Specialist
World Bank	Bonaventure Essama	Resident Representative
Diakonia	Anna Edgren	Regional Representative
Forum Syd.	Ouch Sarak Chetha Lars-Erik Mackhe Louise Wahlström Petra Pettersson	In Country Representative Resident Representative Program Officer Program Officer
Konrad Adenauer Stiftung	Ith Pov Peter Koppinger	Program Officer Representative
NGO Forum	Russell Peterson	Rep.
Funcinpec Party	Norodom Sereyvuth Sun Chanthol Pou Sothirak	Secretary General Deputy Secretary General Deputy Secretary General

Sam Rainsy Party	Sam Rainsy Saumura Tioulong Phi Thach Ou Bun Long Sam Chhun Doeun	President Member of Parliament Chief of Cabinet Senator Member of Parliament
CDRI Centre for Advanced Study	Eva Mysliwicz Roger Henke	Director Institutional Development Specialist
ADHOC Amara Buddhism for Development Cambodia Association for Protection of Journalists	Chun Sath Ung Yok Khoan Heng Monychenda Um Sarin Khiev Phirum Kong Youthana Lor Chandara Sok Ratha Khem Sokha	Deputy Director Director Director President Editor Reporter Journalist Journalist Director
Cambodia Centre for Human Rights Cambodia National Human Rights Commission CDP	Oum Yin Tieng Ouk Vannarith SOK Sam Oeun Stuart Coghill Chhoeung Yovuth Son Sokhon	Chairman Deputy Chairman Director Legal Advisor Fundraising Officer Director
Chivit Thmey CICP CIHR CLEC Comfrel Cosecam CSD FTUWKC	Kao Kim Hourn Neou Kassie Yeng Virak Kol Panha John Vijghen Chea Vannath Chea Vichea George Mcleod Ross Sopheap	Executive Director Director Director Director Coalition Coordinator Director Director International Liaison Officer Executive Director
GAD Independent Teachers Association KID KYA KWVC Licadho Open Forum Ptea Teuk Dong Silaka Star Kampuchea Village Support Group WFP	Rong Chhun Keath Sukun Yong Kim Eng Yim Nimola Kek Galabru Huot Rattanak Siev Lay Hoy Thida Khus Ngep Sarin Hong Say Pok Nanda	Director Director Director Director President Director Director Director Director Deputy Director Director

Appendix 3: Political Parties and their Relations with Civil Society

First of all it should be stated that political parties and civil society organisations share most features. The important difference is that parties control, or have the ambition to get the control of, government. No matter how strong and vibrant, civil society can never substitute for political parties. Nor is civil society as vital for democratic consolidation as political parties. With the words of Larry Diamond:

”...the single most important and urgent factor in the consolidation of democracy is not civil society but political institutionalization.”⁶²

Civil society can often play a complementary role to political parties, providing services or education, stimulating participation and cooperation, serve as an arena for democratic training, and function as a channel for individuals and groups who want to voice their concerns. Some of the Cambodian civil society organisations play this role.

However, it can also be argued that civil society may pose a threat to democratic consolidation by hindering political institutionalisation:

“...one may question the thesis that a strong civil society is strictly complementary to the political and state structures of democracy. To the extent that interest groups dominate, enervate, or crowd out political parties as conveyors and aggregators of interests, they can present a problem for democratic consolidation.”⁶³

In the case of Cambodia the limited possibilities to reach progress in some areas by cooperating with the Government, has led the international donor community to initiate and expand cooperation with civil society organisations, mostly NGOs. The balance thus created between the civil society and the Government, in terms of resources, division of labour, etc, has exposed some well known problems. By noting this, we want to point out that the limitations in the way that Cambodian political parties serve as channels of people’s demands and concerns, and the space thereby given to civil society organisations to fill this function, may contribute to an unhealthy balance between civil society and political parties, that may be hard to overcome in the future.

We are definitely not suggesting that political parties should be included as partners of Forum Syd or Diakonia. But we do think that the scepticism often seen among international donors when it comes to links with political parties, is not always productive.

Cambodia is no doubt a politicised society, and no actors in the NGO-community act in a vacuum. It is definitely of importance for civil society organisations to have a certain independence. However, we think there is a need to point out that links between civil society organisation and political parties also have positive sides, as long as some independence is preserved. It is obvious that political parties have an interest in good contacts with civil society organisations. The links can serve to increase the legitimacy – and the number of votes – of the party. The CSOs give the party access to citizens/voters that would otherwise not be reached by the parties. The examples of these links in Cambodia are many and obvious. The links between the Sam Rainsy Party and some trade unions is but one example.

⁶² Diamond (1999), p. 259. See also Randall and Svåsand, (2002).

⁶³ Diamond (1999), p. 259.

Not as often discussed is the way that the political parties can serve the CSOs. Actors in civil society that aim at influencing public policy are dependent on links with the so called political society. Government and government institutions are part of the political society, but so are political parties. Links with political parties may serve as an important way for actors in civil society to channel their ideas and demands and have them taken into consideration within decision making institutions. The case of the Sam Rainsy Party and the Free Trade Union of Workers of the Kingdom of Cambodia (FTUWKC) shows that both parties benefited from the relationship.⁶⁴

We will not develop this topic further. Our aim is to explain why we think that a real or alleged link with a political party is no reason in itself to refuse a promising partnership, nor a sufficient reason to end a functioning partnership.⁶⁵

Furthermore we think that Sweden and other international actors in Cambodia can contribute to strengthening the positive role of political parties, by continuing giving attention so that all parties are included and given access to documentation, discussions, and channels for influencing policy.

⁶⁴ Hughes, Caroline (2002), pp.165ff. The ILO contributed greatly to break up the relationship between the two parties. Hughes argues that “pressing for a separation of trade unions from political parties (...) discourages further political party reform.” Giving the parties chances to reach out through civil society organisations, creates opportunities for the emergence of more representative parties, according to Hughes.

⁶⁵ This note is partly initiated by a discussion in Forum Syd’s application for 2003. Forum Syd (2002).