

RECTANGULAR STRATEGY AND CIRCULAR POLICIES



Technical Review of the DESA Project Portfolio in Cambodia

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

SPM Consultants

Stockholm and Phnom Penh
November 2004

Table of contents

Acronyms and Abbreviations
Executive Summary

iii
v

1. BACKGROUND.....	1
1.1. THE SIDA ADVISORY TEAM-SAT.....	1
1.2. THE ASSIGNMENT – THE SEVENTH SAT MISSION	1
1.3. THE REPORT.....	2
2. DEMOCRATIC GOVERNANCE, DECENTRALISATION AND DECONCENTRATION AND THE RECTANGULAR STRATEGY	3
2.1. INTRODUCTION	3
2.2. STRUCTURAL PROBLEMS WITH DEMOCRACY IN CAMBODIA.....	3
2.3. TRENDS AND ISSUES	6
3. A TECHNICAL REVIEW AND FOLLOW-UP STUDY OF THE SIDA/DESA SUPPORT	10
3.1. DIAKONIA AND FORUM SYD	11
3.1.1. <i>Diakonia</i>	14
3.1.2. <i>Forum Syd</i>	18
3.2. CAMBODIA DEVELOPMENT RESOURCE INSTITUTE	22
3.3. DOCUMENTATION CENTRE OF CAMBODIA.....	27
3.4. CAMBODIA OFFICE OF THE HIGH COMMISSIONER FOR HUMAN RIGHTS (OHCHR/CAMBODIA).....	29
4. FOLLOW-UP OF THE COMMUNE COUNCIL DEVELOPMENT PROJECT	34
4.1. CCDP.....	34
4.2. STRATEGIC MATTERS CONCERNING CCDP AND D&D.....	35
5. CONCLUSIONS AND RECOMMENDATIONS	36

Appendix 1: Terms of Reference

Appendix 2: Persons Met

Appendix 3: References

Acronyms and Abbreviations

ADB	Asian Development Bank
ADHOC	Cambodian Human Rights and Development Association
AWPB	Annual Workplan and Budget
CB	Capacity Building
CBO	Community Based Organisation
CAR	Council for Administrative Reform
CARERE	Cambodia Area Rehabilitation and Regeneration Project
CC	Commune Council
CCSP	Commune Council Support Project
CDC	Commune Development Committee
CDF	Commune Development Fund
CDP	Cambodian Defenders Project
CDRI	Cambodia Development Resource Institute
CIDA	Canadian International Development Agency
CIHR	Cambodian Institute for Human Rights
CLEC	Community Legal Education Center
COFFEL	Coalition for Free and Fair Elections
COHCHR	Cambodian Office of the High Commissioner for Human Rights
COMFREL	Committee for Free and Fair Elections in Cambodia
CoM	Council of Ministers
CPD	Centre for Peace and Development (CDRI)
CPP	Cambodia People's Party
CRD	Cambodian Researchers for Development
CSD	Centre for Social Development
DANIDA	Danish International Development Agency
DC-CAM	Documentation Centre of Cambodia
DCS	Development Cooperation Section (Sida)
D&D	Decentralisation and Deconcentration
DESA	Division for Democratic Governance (Sida)
DFID	Department for International Development (UK)
DFT	District Facilitation Team
DoLA	Department of Local Administration
EU	European Union
EWMI	East West Management Institute
FS	Forum Syd
GAP	Governance Action Plan
GTZ	German Technical Cooperation
IBRD	International Bank of Reconstruction and Development (World Bank)
IDRC	International Development Research Centre
IPRS	Interim Poverty Reduction Strategy
LAC	Legal Aid Cambodia
LDF	Local Development Fund
LICADHO	Cambodian League for the Defence and Promotion of Human Rights
M&E	Monitoring and Evaluation
MoEF	Ministry of Economy and Finance
MoI	Ministry of Interior
MoJ	Ministry of Justice
MoLM	Ministry of Land Management
MoWVA	Ministry of Women and Veteran Affairs
MRD	Ministry of Rural Development
NATUR	Department of Natural Resources Management and Environment (Sida)
NGO	Non-Governmental Organisation
NCSC	National Committee for Support to the Communes
NRM	Natural Resources Management
OD	Organisational Development
ODI	Overseas Development Institute

OHCHR	Office of the High Commissioner for Human Rights
PFT	Provincial Facilitation Team
PLG	Partnership for Local Governance – Seila support project
PoLA	Provincial Office of Local Administration
PPTA	Project Preparatory TA
RGC	Royal Government of Cambodia
SAT	Sida Advisory Team
SEDPI	First Social and Economic Development Plan
SEKA	Department for Cooperation with NGOs and Humanitarian Assistance/Sida
SNEC	Supreme National Economic Council
Sida	Swedish International Development Co-operation Agency
SWAp	Sector Wide Approach
SWOT	Strengths, Weaknesses, Opportunities, Threats
TA	Technical Assistance
TAF	The Asia Foundation
ToR	Terms of Reference
UNCT	United Nations Country Team
UNDP	United Nations Development Programme
UNHCHR	United Nations High Commissioner for Human Rights
UNTAC	United Nations Transitional Authority in Cambodia
USAID	United States Agency for International Development
VDC	Village Development Committee

EXECUTIVE SUMMARY

The Sida Advisory Team (SAT) was asked by Sida to focus its SAT 7 mission in Cambodia on the following:

1. A brief assessment of the present situation related to the scope for developments in the area of democratic governance in Cambodia, opportunities and constraints, based on the RGC's new Rectangular Strategy.
2. A technical review and follow-up study of the Sida/DESA support to Forum Syd, Diakonia, CDRI, DC-CAM and COHCHR during the last reporting period and identification of relevant issues to be raised at the Sida/DESA Annual Review Meetings with these organisations.
3. A brief follow-up of the Commune Council Development Project (CCDP), supported through ADB. Identify and assess issues, opportunities and risks related to the institutional set up of the CCDP that need to be taken into consideration during the up-coming Mid Term Review.

The SAT visited Cambodia from September 27 to October 8, 2004 and consisted of Dr Jan Rudengren (team leader), Mr Pär Sköld and Mr Long Panhavuth. Dr Joakim Öjendal also supported the work of the SAT, but was not part of the team that visited Cambodia. This was the seventh mission of the SAT to Cambodia.

Concerning the first of the above mentioned tasks, the SAT concludes the following: The democratic governance is far from a reality in Cambodia and it has hardly got closer during the last year. There is a tendency of increased public awareness and the decentralisation process may still work as an enabling factor for democratisation. But at the same time the rich and the powerful continue monopolising and consolidating power and the governments capacity to control public life has increased, thus narrowing prospect for democratisation. The entrenched governance problems, the lack of trust and political commitment, corruption and bleak economic outlook all present huge challenges. In spite of the fact that some democratic mechanisms and institutions are in place, the structural problems for people and especially the poor to demand accountability and transparency in decision making seem to be a paramount obstacle. We do not believe that there is much hope that the rectangular strategy will contribute to overcoming these challenges and fostering democratic governance, in any significant way.

The main conclusions from the technical review are as follows:

Diakonia and Forum Syd continue to contribute to the promotion of democracy and human rights in Cambodia by supporting civil society organisations. Diakonia and Forum Syd are both carrying out their mandates in Cambodia in accordance with the project proposals and with the agreements with Sida. Both organisations are aware of their weak areas and are aiming at gradually improving the efficiency of their programmes.

CDRI has made considerable achievements in fulfilling the institutional priorities. It continues to play an important role as a research institution in Cambodia. Furthermore, it seems to have come out of the transition in leadership without any major problems, but there still remain problems on how the research programmes should be organised, especially the programme on Governance and Decentralisa-

tion. The hiatus of a Governance expert to support this research programme for over 6 months has negatively affected its efficiency and contribution to the D&D policy reforms. Urgent measures are necessary to recruit long as well as short term experienced research staff. CDRI has managed to broaden its financial base but decreased core funding may negatively impact the performance of CDRI. The integration of CPD into the CDRI should be treated as an urgent matter.

DC-Cam is assessed to be both relevant and effective. Its outputs are of good quality and its public outreach is commendable, with a reservation that there is tendency to have too little cooperation with other organisations working in the same area. The strengthened emphasis on the establishment of a Cambodian genocide centre is laudable. At the same token, Sida might in a mid-term perspective reconsider its funding support to DC-Cam and try to find other Swedish institutions that would be suitable and willing to fund a genocide centre in Cambodia.

An external evaluation of the OHCHR/Cambodia (COHCHR) reached the conclusion that the office contributes significantly to promoting human rights, particularly in the area of protection, and that the continued existence of the COHCHR is essential. The SAT agrees with these findings. We believe it to be important that the office maintains its strong mandate. Furthermore, we have the view that Sweden and Sida, must not only passively support the office as long as it is there, but also actively promote its mandate and presence.

The Mission mandate was to focus on Component 2 of the CCDP. Many of the issues raised in the previous (SAT6) mission have been addressed: such as the underfunding of the TA component, an overall team leader for the whole CCDP and partly the issue on coordination between the four components, e.g. between component 2 and 4. Overall performance is on track, but disbursements are moving slowly large due to inapt procurement regulations of ADB and cumbersome management. The former are not set up for procurement of soft-ware e.g. in media, nor adapted to a Cambodian situation with very few actors with great difference in skills and experiences.

Our conclusions and recommendations are found in Section 5

1. BACKGROUND

1.1. *The Sida Advisory Team-SAT*

In February 2001, SPM Consultants was awarded a contract by Sida to provide a *Sida Advisory Team* (SAT) in relation to Sida's work on Democratic Governance in Cambodia. The second phase of the SAT started in mid 2002 and the team currently consists of three core team members: Dr. Jan Rudengren, SPM Consultants, Stockholm (team leader), Mr. Pär Sköld, Pnyx, Göteborg, and Dr. Joakim Öjendal, Padrigu, University of Göteborg. A local consultant - Mr. Long Panhavuth - is also a member of the SAT. In addition, specialists in specific required areas 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 project portfolio, the partner dialogues and strategy development in the area of Sida/DESA's democratic governance programme in Cambodia. The SAT has a general set of terms of reference, which encompasses the following main areas:

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

1.2. *The Assignment – the Seventh SAT Mission*

Focus and scope of the current seventh SAT mission was extensively discussed and was decided to have a similar focus to the previous sixth mission; to update Sida on the recent development and document these especially for the new Sida staff at the Swedish Embassy in Phnom Penh and at DESA at Sida HQs. Originally, review of the Public Finance Management (PFM) and possible support in area of Statistics was included. But due to restrictions in time and human resources, and since there were no immediate and critical issues identified in these areas, it was decided not to include these matters in the SAT 7 mission. It was deemed more suitable to make a more in-depth analysis of PFM and Statistics at a later date. Similarly, Legal and Judicial (L&J) reforms would only be dealt with in overall aspects of Human Rights (HR) and democratic governance. Mr Henrik Alffram did a review of the Cambodian legal and judicial reform programme in April 2004 as part of the SAT work.²

Consequently, the major part of the Mission's work should be allocated to monitoring Sida's cooperation with Forum Syd, Diakonia, COHCHR, CDRI

¹ Mr. Lennart Gustafsson and Mr. Henrik Alffram have already been identified to complement the core team on decentralisation and legal and judicial reform matters.

² An analysis of Cambodia's Programme for Legal and Judicial Reform, May 2004.

and the Documentation Centre of Cambodia (DC-CAM), to provide input to the annual reviews late 2004. The Mission's assignment has a focus on three main areas within SAT's general Terms of Reference (ToR). These are stated in the specific ToR of the seventh SAT Mission, which in summary are as follows:

1. A brief assessment of the present situation related to the scope for developments in the area of democratic governance in Cambodia, opportunities and constraints, based on the RGC's new Rectangular Strategy.
2. A technical review and follow-up study of the Sida/DESA support to Forum Syd, Diakonia, CDRI, DC-CAM and COHCHR during the last reporting period and identification of relevant issues to be raised at the Sida/DESA Annual Review Meetings with these organisations.
3. A brief follow-up of the Commune Council Development Project (CCDP), supported through ADB. Identify and assess issues, opportunities and risks related to the institutional set up of the CCDP that need to be taken into consideration during the up-coming Mid Term Review.

In addition to the general three tasks the ToR specify, specific tasks under each of the three areas. The full Terms of Reference are attached as Appendix 1.

The seventh SAT Mission visited Cambodia from September 27 to October 8, 2004 and consisted of Dr. Jan Rudengren (team leader), Mr. Pär Sköld and Mr Long Panhavuth. Dr. Joakim Öjendal also supported the work of the SAT, but was not part of the team that visited Cambodia. Extensive discussions were held with representatives of governmental institutions, Cambodian civil society organisations, political parties, Forum Syd, Diakonia, COHCHR, CDRI and DC-Cam and donor agencies. The mission also had discussions with individual experts and researchers as well as with Seila/PLG. A list of the people met is attached as Appendix 2.

1.3. The report

In this report we will assess performance and internal qualities of the respective programmes and project support, as well as external relevance. We will in this report not venture into strategy and discussions of options since that is outside our ToR. We will conclude the report with some suggestions for future in-depth discussions on DESA's portfolio strategic composition and focus which can be dealt with in the next SAT mission. In Section 2, we attempt to set the scene and to open the discussion concerning human rights, democratic governance and decentralisation and deconcentration (D&D) reforms as required in task (a) of the ToR. Task (b) which is dealt with in Section 3 contains the review of the DESA project portfolio. Section 4 discusses the issues on task (c) which are related to the Commune Council Development Project (CCDP) of the Asian Development Bank (ADB). The report finishes with a set of conclusions and recommendations.

2. DEMOCRATIC GOVERNANCE, DECENTRALISATION AND DECONCENTRATION AND THE RECTANGULAR STRATEGY

2.1. Introduction

The seventh Mission was launched after the formation of the new Cambodian Government. After almost one year of negotiations between the three main political parties, CPP and FUNCINPEC reached an agreement to form a coalition government. This seems to constitute progress for the democratic process. However, the SAT team is critical as to how to interpret this deal, and the process leading there.

In the 6th SAT-report (November 2003), it was argued that the Cambodian democratisation process was torn between, on the one hand, progressive transformations in terms of development of mechanisms (like elections) and institutions (like commune councils), while on the other hand, the politics of the processes and institutions showed signs of democratic decline and reversal to more historical forms of power oriented, patrimonial, secluded forms of governance. A year later we believe that the balance has tilted away from liberal democracy, towards power concentration, elite capture and the threatening return to authoritarianism, although under the formal framework of a democratic system. The democratic mechanisms and institutions are turning increasingly irrelevant for the outcome of 'who-gets-what' in Cambodia. To this trend should be added the indications that poverty is not decreasing in Cambodia, and especially not in the rural areas (UNDP 2004).

Societal change seems to be heading in an undesirable direction seen from the perspective of Swedish democracy assistance. It seems like overall issues of democratic governance, political accountability, and institutional development need to be revisited in order to increase our understanding of key dynamics of the process of democratisation, and how policy reforms can support democratic governance. 'More of the same' seems to be an increasingly questionable approach. The paradox, and the ultimate question on democratisation in Cambodia, is why a rather steady development of the democratic institutions for almost a decade, nevertheless risks to result in a political process towards less democracy?

Below, we will offer a brief analysis as to why the development has turned this way and which consequences this has had for the current evolution of democratic governance in Cambodia. We will follow this up with a brief review of 'Trends and Issues' within democratic governance the last year, before we arrive at our conclusions.

2.2. Structural Problems with Democracy in Cambodia

David Chandler argues (1991) that one of the underlying problems in Cambodia in the 1960s was the rushed modernization attempt. The ambition on (higher) education was multiplied and large numbers of the younger generation were educated. In their self image they saw themselves to belong to the political elite and aimed for a position within the state sector that soon became over-

burdened in catering for all the employees. Sihanouk tried to 'swallow' the new generation within his grand 'national political movement' *Sangkum Reastr Niyum*, but it was not possible to contain all new political ambitions within one party. For young ambitious politicians there were basically two alternatives; either join *Sangkum* or head for the *maquis* (*the bush*). To stay in Phnom Penh, establish an alternative party, and contest - or even dare to question - the political power was not a realistic idea. Those who had tried that in the late 1950s or early 1960s had rapidly been rooted out. The young people squeezed out of the political centre eventually came to make up an alternative leftist political force, subsequently transforming itself into the Khmer Rouge, or alternatively joining the political right that illegitimately seized power in 1970.

While political violence has decreased we still recognise a pattern that can be traced in developments since 1993: the inability/unwillingness to share power on national level, which causes artificial political compromises: either (i) through violent solutions (the secession attempt in 1993 and *coup d'état* in 1997) where excluding effects are sought or (ii) unsustainable attempts, to include everybody with some kind of legitimate stake in the process, through expanding the state apparatus. The latter we have seen in the 'First' and 'Second' prime minister solution in 1993 that created parallel ministerial power structures, the invention of the Senate in the aftermath of the 1998 election, and recently in the grotesque expansion of the number of ministries making the political deal after the 2003 elections possible. While the historical parallel can only be taken to a certain point, we can also note that those not being included in the creation of this omnipotent political alliance are again being, at best, marginalized, or at worst, crushed. While writing this report, Sam Rainsy has gone into exile, his MP-immunity is questioned, and he is being summoned by the Ministry of Interior. The more oppositional wing of FUCINPEC is muzzled.

The 'two-prime minister solution' in 1993 could be seen as a creative way of acquiring a post conflict transition facilitating the introduction of a democratic system at large. The creation of the Senate in 1998 was after all a step forward after the 1997 violence. However, the need for a cleaner cut political solution after the 2003 elections is definitely wanted from a perspective of an optimistic analysis. In the process leading up to the 2004 political deal, as well as in the brief period of its realisation, there were indications on various shades of de-democratization (see discussion below in Section 2.3). Equally important as a result from this intense power brooking, there is an inability of the centre to direct various state agencies towards developmental work and massing the political authority for initiating necessary reforms. Thus, the lack of a genuine democratic culture risks putting Cambodia in a situation of democratisation fatigue and development deadlock - at least as far as the political centre is involved.

However, it is interesting to note that the national political conflicts and squabbles are less frequent at provincial level and even more so in commune councils. The further away from the centre the closer the ties between various local political interests. At the lower administrative levels there is a common interest to promote the local interests against those of the national level and to stay out

of national politics as much as possible. This became evident that during the long political struggle and conflicts to form the new government the work in the province and commune went on as 'business as usual'. The local level willingness to smooth over national conflicts was even more pronounced during the coup d'état in 1997, when provincial governors and deputy governors from different 'warring parties' protected each other.

From a democratic point of view, reforms are urgently needed. In important aspects, the state apparatus remains in many key functions as it was designed in the early 1980s, primarily aiming for establishing and maintaining security and political control. With the explosion of corruption in the 1990s, patronage was established in large scale within the state machinery (cf. Hughes 2003), with major ministries and 'levels' cultivating 'self-sufficiency'. To a large extent these features are still dominant; the military is over-seized; the court system is in shambles; the police not trusted as civil servants; many line ministries generate revenue for their own agenda; in rural areas access to natural resources are marked by anarchy; and the centre is pre-occupied with balancing vested interests rather than pursuing development and policy reforms.

The democratisation process has been supported by the establishment of various institutions, but to a large extent expected to develop spontaneously. This is based on the assumption of the gradually increasing pressure for democracy advocated by the growing and enlightened middle class, nurtured through increased education and continued growth. However in reality, the combination of a still extremely low educational level, the small middle-class³ and historical precedents have resulted in a low internal pressure for democratisation⁴.

However, in addition to these difficulties of national level democratisation, there are other more benign processes taking place. What is interesting is that some of these are firmly rooted in broad popular layers. For instance, research in rural areas leaves no doubts that the democratic idea is increasingly becoming understood, endorsed, appreciated and defended. In qualitative as well as quantitative research, tentative results show that most people nevertheless thinks that the situation is better now due to the larger political freedom⁵. Despite limited income growth, governance anarchy and inadequate technical support from line ministries⁶, rural and local NGOs and civil society groups are proliferating and levels of general fear are seemingly going down (cf. Luco 2002). Moreover, the decentralization process develops largely according to

³ In reality, it is difficult to talk about 'a middle class' in Cambodia. Poverty is so widespread and income disparities so massive that the middle class hardly exists. Moreover, the 'middle class' as an actor in political theory is generally assumed to have qualified from harbouring a range of qualities such as education, income, political ambitions etc., which only to a limited extent tally with the Cambodian 'middle class'.

⁴ Francis Fukuyama, a staunch supporter of the theory of the democratising middle class, has noticed that the thresh-hold for a solid relation between the growth of a middle class and increased pressure for democratisation may be as high as 5 000 USD/capita/year.

⁵ Indications here are taken from recent field notes from CDRI decentralization research and ongoing field research in the Sida/Sarec funded research project 'Democracy hits the ground'.

⁶ *Chumnieng* is a Khmer word that is now increasingly used in rural areas to denounce line ministries that appear corrupt, non-accountable, and incompetent as compared to commune councils.

plan and no major threats have yet been detected (Rusten et al 2004; Mansfield 2004). The problems are rather external, technical and, perhaps more worrying, the faltering deconcentration reform turns the commune councils into ‘an island of participatory development’ in a wide sea of rough waves created by elite appointees pursuing old style politics.

This brief analysis seems to point at a popular appeal for the idea of democracy and that some mechanisms for exercising a democratic system are present. However, the weak chain may be the degree to which people demand accountability from elite politicians and the preparedness from these politicians to offer accountability to the people. The analysis above prompts the questions on what degree of democracy we can hope for in the short run, which methods should be applied to get there and which indicators there are that will identify that the process is moving forward. In spite of a seemingly positive democratic governance development in the last decade, the findings and analysis of the Mission is rather gloomy as highlighted in the listed incidents below. The highlights unfortunately seem to verify a degenerating democratisation process.

2.3. Trends and Issues

“Politics is the art of stopping people from getting involved in issues that concern them”
(Paul Valéry)

The challenge of establishing democratic governance in Cambodia (in all its aspects, i.e. democracy, human rights, good governance and participation), is still great. Unfortunately we do not see much progress. Thus, the challenge may be greater today than a year ago.⁷

Democracy

In the field of democracy, at the national level, we see a tendency towards continued concentration of power and few (if any) signs of a commitment of the present power holders to promote democratisation. To mention just a few of the problems, the party system is undeveloped, the possibilities of the opposition to work efficiently is limited, there is a lack of transparency and access to information, the role of the National Assembly is weak, elections are held but the playing field is far from level, money and corruption give the rich much more political influence than the poor, since Cambodia is a militarised society much power is in the hands of high ranking military officers, the media does not yet live up to its democratic role, and the freedom of expression and assembly is limited. Thus, the political environment hardly enables progress in the field of democratisation. In our SAT 6 report of December 2003, we argued that Cambodia very well fits into what Thomas Carothers describes as Dominant-Power Politics:

⁷ The findings presented in this chapter are based on a large number of interviews (see annex) and secondary sources. Among the written references of most importance, we would like to mention the following: UNHCHR (2003a and 2004a), ODI (2004), ADHOC (2004), IMF (2004a and 2004b), UNDP (2004a and 2004b), World Bank (2004), Royal Government of Cambodia (2004), CSD (2004), and press clippings from Cambodia Daily and Phnom Penh Post (September-October 2004).

*“Countries with this syndrome have limited but still real political space, some political contestation by opposition groups and at least most of the basic institutional forms of democracy. Yet, one political grouping (...) dominates the system in such a way that there appears to be little prospect of alternation of power in the foreseeable future.”*⁸

We conclude that this is still the case.

Human Rights

In the field of human rights it is hard to find much progress in the last year or so. Despite economic growth for a substantial number of years, studies suggest that it has not resulted in poverty reduction, but that the poverty situation could even be worsening.⁹ This may for example be seen in rising infant and child mortality rates. In terms of fulfilment of social and economic rights this development is depressing. Impunity, corruption, violence, drugs and diseases continue to make lives of poor Cambodians vulnerable, not only in economic terms but also physically. The situation regarding freedom of assembly and association deteriorated in 2003 and remains worrying.¹⁰ The human rights of prisoners, detainees and refugees are far from guaranteed. And the granting of agricultural and forestry concessions continue to pose a threat to the human rights of many poor and vulnerable Cambodians. Access to justice for the poor remains a problem, and there are some indications that access has even been reduced over the years.¹¹ In practice, few steps are taken by the government to promote the respect for human rights. Where steps are taken, the lack of good governance severely restricts the results. Regarding the so called democratic rights, the fulfilment of which could pose a threat to the present power holders, the commitment of the government is negligible.

Good Governance

In the field of good governance little if any progress has been made in the last year or so. Naturally, the political stalemate after the 2003 elections complicated any progress. It seems clear that the professional skills of civil servants have improved over the years, but even so, the potential benefits this could produce in terms of good governance, is hindered by corruption, nepotism and organisational and management problems. In sectors where improved governance would pose a threat to the economic or political interests of present power

⁸ Carothers (2002). Carothers has an intriguing argument. This was true for Sweden too for most part of the 20th century, though there were no major democratic deficits. It was also true for Japan, under a full fledged democratic system. The key is not that this situation prevails, but with which methods it is upheld

⁹ A UNDP report describes the situation as follows: “Despite the absence of reliable data, there are signs that economic growth during the past decade in Cambodia has not produced any significant poverty reduction. Indeed, there are some signs that the situation is worsening – reduced per capita consumption (measured in riel); fewer public health facilities and rising infant and child mortality; poor education outcomes; increasing population pressure on cultivable land with rising rural underemployment due to labour force entry of baby boomers and lack of growth in non-farm employment.” UNDP (2004a) p. 14.

¹⁰ The special representative of the UN for human rights in Cambodia writes: “The unjustified restriction of freedom of assembly constitutes a serious threat to the wider democratic process in Cambodia and contributes to a ‘disabling’ environment for the conduct of legitimate political activity.” UNHCHR (2003a), p. 8f.

¹¹ This issue will be discussed below.

holders, progress is effectively stopped for those exact reasons. Examples where this can be seen are the judicial sector and within natural resources management. Bad governance serve as an effective obstacle for the fulfilment of human rights, and the ones most severely hit is the population most vulnerable. However, as a mirror image to the above, in arenas where no major power structures are threatened, especially outside of Phnom Penh, there is are low intensity improvements of technical qualities and enhancement civil servants identities.

Participation

In the field of participation the problems are well known. Civil society is weak, mutual trust is limited, hierarchical structures persist, political parties do not serve as vehicles for channelling the opinions of the people, lack of time, economy and infrastructure limits possibilities of participation, gender discrimination hinders participation of women, etc. A more active civil society has not been matched by any significant increased willingness of the government to respond to new demands.¹² We still believe that the decentralisation reform has opened up new avenues for participation, well worth taking advantage of. We also believe that awareness among Cambodians is increasing, thereby stimulating their interest in and their possibilities for a higher degree of participation. There are signs that people dare demand more from commune councils than before. To which extent participation is meaningful, partly depends on the receptiveness of commune council members and other stakeholders in the villages and the communes. But it also depends on the actual powers given to local bodies through the decentralisation process.

The Rectangular Strategy

The Rectangular Strategy is the government's description of its key objectives for Cambodia during the Third Legislature of the National Assembly. The government describes this strategy for "growth, employment, equity and efficiency" as a "life and death issue for Cambodia". Basically, the Rectangular Strategy is a compilation of the main content of previous strategy documents like the Socio-Economic Development Programme 2001-2005 (SEDPII) with its "triangular strategy" and the National Poverty Reduction Strategy 2003-2005 (NPRS).

In the core of this intricate geometrical figure, we find good governance, focused at four reform areas: 1) anti-corruption, 2) legal and judicial reform, 3) public administration reform, and 4) reform of the armed forces¹³. Compared with the geometry of former strategies, the centrality of good governance is new. However, regarding the content of the strategy, there are no news of major importance. Through discussions with a large number of stakeholders of different categories, the Sida Advisory Team concludes that there is a broad consensus backing the claim that the content of the Rectangular Strategy is

¹² In a report from the ODI the following is concluded: "In the short to medium term it is more likely than not that increased activism will be met with increased repression." ODI (2004), p. 67.

¹³ It is interesting to note that the four core reform areas of the Rectangular Strategies are those that are most problematic and has shown the least progress.

basically good. “It says the right things”, as it is stated. The concerns rather deal with implementation.

However, we would like to point out that explicit discussions of democracy and human rights, and their importance for Cambodia’s development are missing from the strategy. The strategy includes a section on the implementation of a gender policy, but the strategy as such is hardly written with a gender perspective in mind. Nor have any thought been given to a child rights perspective when the strategy was drafted.

To be precise, the concepts of democracy and human rights are actually mentioned in the strategy. In the introduction (chapter 1.1) it is described how successful the government has been up until today in transforming Cambodia “into an epicentre of sustained peace, security and social order, respect for democracy, human rights and dignity, cooperation and shared development.”

While the SEDPII and the NPRS were written with important involvement of foreign consultants (provided by ADB and IBRD respectively) the synthesis, i.e. the Rectangular Strategy is largely a product of the Supreme National Economic Council (SNEC), although some support along the way has been provided by the ADB. Thus, in terms of ownership this is a clear advantage. However, as hinted above there are still many doubts about the relevance of this document.

Our study clearly points in the direction that the Rectangular Strategy is a well written document, but that it hardly will have any effect on how this country is run. In order to implement the strategy there is a need for political commitment and for organisational capacity. To generalise, there is presently neither enough political commitment, nor enough organisational capacity to implement the strategy. However, as there are many sides to this geometrical figure, the prospect for a successful implementation of some sides is greater than for other sides. The government could very well succeed in the further promotion of decentralisation and private sector development. But we would argue that this would not be because of the Rectangular Strategy. In areas where reforms are likely to be successful there are already processes in motion – processes that are expected to continue - with or without the Rectangular Strategy.

In several of the very central reform areas, little progress can unfortunately be expected. Considering past experience of reforms and considering the present set up of the government, there are few reasons to believe that the commitment and the capacity of the government would be radically different now. The government assures us that there is a strong political commitment to “promote legal and judicial reforms and ensure the independence of the court system (and ...) eliminate the culture of impunity”. We have doubts about the trustworthiness of this statement. The government’s record so far in this area is far from impressive.¹⁴ The government stresses the great importance of participation of, and partnership with, all stakeholders. At the same time the only opposition

¹⁴ We regard it as contradictory that the importance of rule of law is stressed at the same time as the constitution is abused in order to guarantee that the Prime Minister stays in power.

party is locked out of all committees in the National Assembly and there are restrictions on the freedom of assembly and association.

It should be noted that the government has asked line ministries to develop action plans, describing how to implement the Rectangular Strategy. It is still to be seen how this will work out. There could even be a risk that in areas where action plans already exist, the process will be delayed if focus is turned from the action plans back to the strategy level.

The Rectangular Strategy basically ignores the bureaucracy and inefficiencies that the new government has helped to create. The obvious lack of trust within and between the parties in power, combined with the huge number of governmental positions, is bound to make the government less efficient than would have to be the case, in order for the government to succeed in carrying out the reforms.

Furthermore, as Cambodia seems to be facing a bleak economic outlook, this would pose an additional obstacle for successful implementation of the strategy.

On a more positive note it could be claimed that the government should be given the benefit of the doubt, that the WTO membership will serve as a strong force promoting governance reforms, and that increased donor pressure might very well have effect this time around. Any opportunity must naturally be seized, but we do regard the prospects for success as bleak.

Conclusion

To conclude, democratic governance is far from a reality in Cambodia and it has hardly got closer during the last year. There is a tendency of increased public awareness and the decentralisation process may still work as an enabling factor for democratisation. But at the same time the rich and the powerful continue monopolising and consolidating power and the governments capacity to control public life has increased, thus narrowing prospect for democratisation. The entrenched governance problems, the lack of trust and political commitment, corruption and bleak economic outlook all present huge challenges. In spite of the fact that some democratic mechanisms and institutions are in place, the structural problems for people and especially the poor to demand accountability and transparency in decision making seem to be a paramount obstacle. We do not believe that there is much hope that the rectangular strategy will contribute to overcoming these challenges and fostering democratic governance, in any significant way.

3. A TECHNICAL REVIEW AND FOLLOW-UP STUDY OF THE SIDA/DESA SUPPORT

According to Sweden's new policy for global development¹⁵, the goal of Sweden's development cooperation is "*to contribute to an environment supportive*

¹⁵ Proposition 2002/03:122

of poor people's own efforts to improve their quality of life." In the government's directions for Swedish development cooperation it is stated that "*Development cooperation will promote and be characterized by respect for human rights, democracy and good governance, gender equality, the sustainable use of natural resources and protection of the environment, economic growth and social development and social security.*"

For the current development cooperation between Sweden and Cambodia there are two specific objectives:

- *To promote opportunities for poor men, women and children in rural areas to influence and improve their living conditions, and;*
- *To promote conditions conducive to good governance, with an emphasis on the development of democracy and respect for human rights.*

3.1. Diakonia and Forum Syd

While the above two goals are interlinked and mutually reinforcing, the Sida cooperation with Diakonia and Forum Syd is basically aimed at promoting the second objective by supporting Cambodian civil society organisations. In Sida's assessment memo of November 2003 it is stated that:

"The overall objective of the Democracy and Human Rights programme 2004-2006 is to contribute to poverty reduction in Cambodia through the consolidation of Cambodia's progress towards democracy made during the last decade and help increase the respect for human rights in the country."

As has been argued in our previous reports¹⁶, Diakonia and Forum Syd have indeed contributed to the promotion of democracy and human rights in Cambodia. Developments in Cambodia over the last year have not decreased the relevance of Diakonia's and Forum Syd's approaches and programmes. Thus, considering the objective above, it may still be argued that the programmes of Diakonia and Forum Syd, on a general level, are very relevant.

Linking the Cambodia specific objective to the overall development goal, it may be stated that to the extent that Cambodian civil society organisations succeed in promoting democracy and human rights, they also "contribute to an environment supportive of poor people's own efforts to improve their quality of life."

Diakonia, Forum Syd and Poverty

When looking at the specific relevance of Diakonia's and Forum Syd's programmes from a poverty reduction perspective, we first need to recall the meaning of poverty. The Swedish government¹⁷ defines poverty in terms of three basic dimensions: *security, capacity and opportunities*. Security may be against unforeseen events like sickness, accidents, injustice, violence etc. Peo-

¹⁶ SPM Consultants (2003a and 2003b).

¹⁷ Government Report 1996/97:169

ple may improve their capacity by developing their own resources in the form of income, health, knowledge, etc. Their opportunities for taking control of their lives are often determined by social conditions, for example regarding civil liberties and human rights, participation in decision-making processes, and economic policy. Thus, the Government Report concludes:

“Poverty is not simply a question of a lack of material resources. It also involves a lack of rights, knowledge and influence over one’s own life.”

To generalise, we may say that Sida’s support to civil society in Cambodia (through Diakonia and Forum Syd) is mainly aimed at fostering the *opportunity* dimension of poverty. By fostering democracy and human rights, ordinary people’s opportunities to take control of their lives are also fostered. To some extent, the *security* dimension of poverty is also tackled, most notably in Forum Syd’s programme. Legal aid can be mentioned as one very specific activity that can foster security. The Civil Society Organisations (CSOs) that form part of the Sida/DESA programme are somewhat less focused on the *capacity* dimension of poverty. However, some of the training and awareness building activities of the CSOs definitely contribute to fostering capacity. Just to mention one example, Diakonia’s partner Khmer Ahimsa actively works to empower individuals and communities and to foster cooperation.

Since poverty affects women and men differently, and since women are the ones that suffer the most, it is crucial that there is an awareness of the gender dimensions of poverty among stakeholders involved in fighting poverty. Forum Syd and, especially, Diakonia have been working actively to increase gender awareness within their programmes and among their partners. This is one of the areas where the added value of Forum Syd and Diakonia is apparent.

In a Sida guide on civil society and poverty reduction,¹⁸ a certain caution is recommended when the relation between CSOs and poverty reduction is assessed. It is true that it might be tempting to jump to conclusions without due consideration or empirical support. In the case of Cambodia, the partners of Diakonia and Forum Syd definitely have similarities but also many differences. The extent to which they are aware and focussed on the poverty aspects of their activities varies. The extent to which their programmes tackle the different dimensions of poverty also varies.

Even if there are no absolute causal relationships, we believe that Diakonia, Forum Syd and their partners, to the extent they have succeeded in promoting human rights and democracy, also have contributed to poverty reduction. This said, there are naturally ways in which efficiency may be increased. For example, we believe in an increased focus on locally based, pro-poor CSOs. Many capital based CSOs claim to be supporting Community Based Organisations. We do not doubt that this is actually the case, but do believe that more can be done and that it can be done more effectively. It is not a very controversial theory to suggest that some capital based NGOs have an inherent interest in preserving their power, influence and direct contacts with donors and other capital

¹⁸ Sida (2004a).

based actors. Thus, supporting the development and independence of Community Based Organisations may in some ways conflict with these interests of the NGO itself.

An often discussed related problem, deals with the weak or unclear constituencies of many NGOs. The great bulk of Cambodian NGOs were created with the help of an original, often foreign founder or donor agency. Thus, they may be described as introduced rather than indigenous NGOs. The voluntary aspects of most NGOs is often absent or, at best, nascent.¹⁹ This low degree of voluntary participation, combined with a lack of democratic structures and a heavy urban concentration, can be expected to weaken the pro-poor focus of the organisations.

The Sida report on civil society and poverty reduction very much discusses the role of social capital and different kinds of social capital. As was pointed out in our earlier SAT report²⁰, this is one area where Diakonia and Forum Syd were recommended to develop their programmes. The changes that came into effect at the beginning of this year are definitely a change in the right direction.

The New Programmes

At the beginning of 2004, the cooperation between Sida, Diakonia and Forum Syd entered into a new phase. New agreements covering the period January 2004 – December 2006 (formally expiring in June 2007) entered into force and brought with them some changes. The total amount of support increased from SEK 27 million (2001-2003) to SEK 32 million (2004-2006). The number of long term partners of Diakonia stayed the same when entering into the new phase (7 partners) while Forum Syd slightly decreased the number of partners and currently cooperates with 10 partners on a long term basis. The decrease in the number of partners is fully in line with recommendations earlier forwarded by the SAT.

Concerning the choice of new partners, this was preceded by extensive discussions within Forum Syd and Diakonia on objectives, strategies and capacities. Policy discussions were held with Sida and other stakeholders. The SAT contributed with a study on the Cambodian civil society, identifying different ways in which democracy and human rights can be promoted.²¹

Looking at the specific partners, six of the present 17 long term partners are new from the beginning of this year. Somewhat more attention is given to organisations that are organised and run in accordance with basic democratic principles. Furthermore, the new partners are expected to contribute to a more rural focused programme and possibly also to a more youth centred programme. We concluded that the selection of these new partners was well in accordance with the arguments put forward in the above mentioned study.

¹⁹ SPM Consultants (2003a).

²⁰ SPM Consultants (2003a).

²¹ SPM Consultants (2003a).

Diakonia and Forum Syd report that cooperation with the new partners is working well, even if a few of them are weaker than expected when it comes to administrative capacity. The changes in the programme that entered into effect at the start of 2004 are still fairly recent and Diakonia and Forum Syd do not report that their ways of working or the results they can show, have changed in any significant way compared with the previous phase. Diakonia as well as Forum Syd claim that experience so far do not give them any reasons to change any of the objectives, strategies, partners or methods described in their original project proposals. (For some minor changes, see chapters below.)

When entering into the new phase of cooperation, Sida decided to use more “hands-off” management in its relation with Diakonia and Forum Syd. The latter organisations may now handle their budgets more flexibly. They may for example cease cooperation with present partners and enter into cooperation with new partners without prior approval from Sida, as long as the changes are in accordance with the long term goals described in the project proposal. This “hands-off” approach is very much appreciated by Diakonia and Forum Syd, and is believed to contribute to a more efficient use of resources.

3.1.1. Diakonia

Objectives

According to the ToR, the SAT shall “analyse the reports of each organisation for the period of the support ending in 2003/4 against the previous project documents.” In the case of Diakonia (and Forum Syd) the report covering 2003 has been compared with the project proposal for the same year. The proposal for 2004 (-2006) has been compared with findings through interviews and selected project documents.

In the 2003 proposal, the four major objectives of the DESA-programme in Cambodia are described as follows:

- Increase the target groups’ awareness and capacity, individually as well as through NGOs, to participate in the political decision making process;
- Increase the target groups’ knowledge and capacity to defend, as well as promote the respect for human rights in Cambodia;
- Change the target groups’ attitudes, among women and men, in favour of equality, and to increase women’s access to resources in society, and;
- Strengthen local partners in their administrative skills, internal democratic structure and identity.

In the 2004-2006 proposal, the four objectives were slightly modified and now read as follows:

- Awareness and respect for human rights increased;
- Actors working for democracy, including civil society, strengthened;
- Gender equality improved, and;

- Programme management improved.

For the first three objectives, a number of expected results are mentioned in the programme proposals. Furthermore a number of indicators intended to be used for follow up the results were mentioned.

Overall Achievements

In the report for 2003 Diakonia explains that it is “not possible for Diakonia to report back on these indicators” as no baseline data was collected and as the partners did not themselves report back to Diakonia using result and impact indicators.²² Diakonia reports on its results by discussing activities that most likely contributed to a positive outcome. Examples of activities and in which way they can be assumed to have an effect are provided. The original indicators are used to guide the discussion. In this way Diakonia - quite convincingly - concludes that the programme indeed contributed to the promotion of democracy and human rights.

For example, in the area of promoting gender awareness Diakonia notes that “The concept of gender was practically unknown among Cambodians some years ago but persistent trainings by GAD/C and others has made the concept well known and gradually integrated into the development work of LNGOs, INGOs and government bodies.”²³

Concerning the fourth objective Diakonia did work systematically to achieve results in 2003. It is our impression that Diakonia has strengthened its capacity to provide capacity building support over the years. Many of the partners’ staff members have been sent to different training seminars over the years. Local training institutes as VBNK, CRD, SILAKA have been used and the seminars have been appreciated by participants. It has been observed that partners are more open about their weaknesses and show willingness to improve. However, according to Diakonia “it is not always easy to see direct results of the trainings.” Diakonia therefore, “needs to develop tools and strategies for assessing improvements and needs within partners.”²⁴

Diakonia’s reports and the interviews we have conducted, indicate that in general, Diakonia and its partners have managed to carry out the work proposed in proposals and activity plans. Thus, even if Diakonia did not fully live up to expectations in following-up and reporting on its 2003 activities, there are no reasons to doubt the overall conclusion of the report.

Capacity Building and Organisational Development

A slightly new method has been tried since the end of 2003. The method used is to hire a consultant who starts with conducting needs assessments within the different partners. Thereafter, joint, interactive workshops are held and this is followed up by individual coaching/mentoring. Starting at the end of 2003, capacity building according to this model was provided in the field of financial

²² Diakonia (2004b), p. 5.

²³ Diakonia (2004a), p. 11.

²⁴ Diakonia (2004b), p. 14.

management. According to Diakonia, this method has proved to be effective. Forum Syd has decided to follow the same methodology and thus hired the same consultant to carry out capacity building together with their partners. This way, the capacity building initiatives of Forum Syd and Diakonia have become more and more interlinked. As this type of capacity building started at the end of 2003, it has continued in 2004.

The focus on financial management systems has been followed by capacity building in monitoring and evaluation. The same methodology is used. The area of monitoring and evaluation has earlier proved to be difficult. As mentioned above, Diakonia has so far not fully lived up to expectations in following-up and reporting on its activities. However, during 2003 and 2004, Diakonia has taken steps forward to improve its monitoring system. During a workshop with Diakonia's partner organisations, held in May 2004, the original follow-up indicators were increased and sharpened. For example, on the objective "gender equity improved", there were four indicators in the application, now extended to eight indicators. It was also decided that partner organisations should collect base line data by the end of 2004, so that activities in 2005 and 2006 can be better followed-up.

Progress is being made, and Diakonia is convinced that progress will continue. However, Diakonia warns that it may take time for many of the partners to develop skills in this area. Diakonia estimates that roughly half of the Cambodian partners (including the DESA as well as the SEKA partners) will manage to collect base-line data and report on indicators during 2005. But for others it will take longer time to grasp and handle the concepts and techniques of base-line data collection, monitoring of indicators, etc. It should be noted that Diakonia regards the partners within the human rights and democracy programme as much weaker in this field, than the other partners. Thus, in reality only very few of the DESA partners have so far made much progress. Diakonia will continue capacity building in this area and expects that Diakonia and partners will have good result based planning and reporting systems in place in 2006.

Since our last report, Diakonia has taken steps forward when it comes to using the so called Octagon to assess organisational strengths and weaknesses. Two partners have conducted Octagon workshops to date, and the experience is positive according to Diakonia. The Octagon model has been translated to Khmer which will increase its usefulness. Cambodian Researchers for Development (CRD) are assisting partners in using this assessment tool. Diakonia reports that partners of the Dutch NGO ICCO are now turning to CRD to ask for Octagon workshops as they have heard of the experiences of Diakonia's partners.

Regarding the long discussed issue of promoting more democratic structures and a more democratic climate within partner organisations, this has turned out to be difficult. According to Diakonia, partners "don't really want to recognise the issue as a problem within their organisations."²⁵ The study tour to the Philippines, jointly organised with Forum Syd in February 2004, was a good initia-

²⁵ Diakonia (2004b), p. 14.

tive even if it is hard to see direct results. It might be that expectations on progress in this field ought to be lowered. Efforts should be directed to those organisations which are most open to change and to those in which it is deemed that increased internal democracy will have most effect on the organisations' ability to promote democracy and human rights.

Diakonia has to continue to highlight the importance of advocacy. ADHOC and LICADHO were among the organisations selected to participate in the so called Advocacy Policy Programme organised by Pact. This training will be followed up by the advocacy adviser jointly recruited by Diakonia and Forum Syd.

Programme Organisation and Management

Cooperation with Forum Syd has increased over the years, which is positive. A specific result of this cooperation is the recruitment of three joint advisers. In the beginning of 2005 there will be joint advisers in the fields of organisational development, advocacy and gender. The SAT appreciates the new model of advisory work by which advisers are not working full time within one organisation, but rather serve as resource persons working with several organisations. However, an issue that was raised by some of the informants interviewed by the SAT concerned the quality and especially the experiences of the advisers. Since the NGOs are now quite mature and the advisers recruited junior, there might be a slight mismatch between skills demanded and skills supplied.

The fact that the joint adviser on organisational development left his post ahead of time delayed work in this area. Measures that Diakonia (and Forum Syd) may take to increase prospects for advisers to serve their full term are welcomed.

During the 2003-2004 period, some partners experienced cuts in funding due to the badly planned handing over process from the Asia Foundation (TAF) to the East West Management Institute (EWMI). In the gap between TAF and EWMI, Diakonia provided some bridge support to Licadho, which among other things shows the importance of flexibility. EWMI's road so far can be described as bumpy, and it has caused some concern among other actors. As the EWMI is still a relatively new actor, it is still to be seen how its activities will affect Diakonia's partners and donor cooperation in the field of human rights and democracy.

In its proposal for 2004, Diakonia budgeted SEK 190 000 for a so called programme support study, aimed at assessing "opportunities and obstacles for partners to promote participatory local governance in Cambodia." As it has turned out that other actors are involved in similar studies, Diakonia has decided not to go ahead with this idea. Instead, Diakonia decided to support a PACT project with SEK 80 000. PACT is presently working to develop and publish a "Handbook for strengthening partnership in decentralisation". It will be used to promote greater interaction between civil society organisations and commune councils.

Diakonia's staffing situation is stable and staff working with Cambodia in Stockholm, Chiang Mai and Phnom Penh seem to be working well together. However, the arguments for relocating the Diakonia area representative to Phnom Penh are still valid.

Conclusion

Diakonia is carrying out its mandate in Cambodia in accordance with the project proposal and with the agreement with Sida. Diakonia is aware of the weak areas and is aiming at gradually improving the efficiency of the programme. There are presently no reasons for Sida interventions.

Recommendations for Annual Review Meeting 2004

We recommend that the following issues are included among those to be discussed at the meeting:

- General review of progress and achievements.
- Progress in the areas of capacity building and organisational development.
- Progress in strengthening links with and focus on CBOs.
- Assessment of cooperation with new partners for the 2004-2006 period.
- Follow-up of budget for 2004.
- Partner evaluations planned for the 2005-2006 period.
- Prospects for further donor coordination, including cooperation with Forum Syd and the role of the EWMI
- Strengthening regional cooperation and networking.
- Foreseeable staff changes within Diakonia.
- Location of Diakonia's area representative.
- Future role of the Sida Advisory Team.
- Discussion of the Sida evaluation planned for 2005.
- Timing and focus of the joint workshop (Sida, Diakonia, Forum Syd) planned for 2005.

3.1.2. Forum Syd

Objectives

According to the ToR, the SAT shall "analyse the reports of each organisation for the period of the support ending in 2003/4 against the previous project documents." In the case of Forum Syd (and Diakonia) the report covering 2003 has been compared with the project proposal for the same year. The proposal for 2004 (-2006) has been compared with findings through interviews and selected project documents.

In the 2003 proposal, the four major objectives of the democracy and human rights programme in Cambodia are described as follows:

-
- To promote free and fair elections, and develop citizen participation in the wider democratic process;
 - To promote observation of international standards of human rights;
 - To promote gender equality throughout the social and political spheres;
 - To promote a strong, representative and responsible Cambodian civil society.

When planning for the 2004-2006 period, Forum Syd took the opportunity to seriously reconsider objectives, focus and working methods. In the 2004-2006 proposal, the four objectives were modified and now read as follows:

- Rule of Law. To strengthen the rule of law and to promote civil society participation in the legal and judicial reform process;
- Popular participation. To promote popular participation in the democratisation process and to encourage women and youth involvement in that process;
- Women's rights. To promote and protect women's rights in all spheres of Cambodian life;
- Sustainable livelihood. To promote and protect the rights of rural communities to natural resources for their sustainable livelihood, and their right to participate in the governance of these resources.

The most important change is that the objective to promote free and fair elections is substituted for promoting sustainable livelihood as described above. As pointed out by Forum Syd, this also “*..provides a sought-for opportunity to support organisations working with a grassroots perspective.*”²⁶

Overall Achievements

In the report for 2001-2003 and the report for 2003, Forum Syd notes that because of lack of base line data, and because of vague objectives and indicators, the achievements cannot be followed up as professionally as hoped.²⁷ However, in its reports Forum Syd systematically discusses achievements of different partners providing concrete examples of results. Forum Syd - quite convincingly - concludes that the programme indeed contributed to the promotion of democracy and human rights.

These reports combined with information from interviewees indicate that in general, Forum Syd's partners have managed to carry out the work proposed in proposals and activity plans and that this is valid also for 2004. However, even if the new objectives and the new partners from 2004 have been in force for almost a year, it is still early to make any definite conclusions about the impact of the new programme. As this SAT report does not cover the results of the individual partners, we do not have any empiric grounds for judging the results of the 2004-2006 programme and methodology, and compare it with the previ-

²⁶ Forum Syd (2003a), p. 3.

²⁷ In its assessment of Forum Syd's application for 2004-2006 Sida analysed the set of follow-up indicators presented. Sida noted that the indicators were too general and in need of improvement. Sida (2003f).

ous phase. As hinted in the introduction above, we do believe that the new programme *a priori* has increased relevance and prospects for effectiveness.

Even if partners generally followed their plans, some partners experienced cuts in funding which affected their possibilities to carry out planned activities. The cuts were due to the badly planned handing over process from the Asia Foundation to the East West Management Institute.²⁸

As mentioned, Forum Syd has so far not fully lived up to expectations in following-up and reporting on its activities. In order to improve the monitoring capacity, Forum Syd has followed Sida's advice and looked around for external expertise. A consultant has now been identified and this person will assist, not only Forum Syd but also its partners, in developing indicators that may be used in future monitoring. Even if this process unfortunately has been delayed, it now seems to be advancing.

In the legal aid field there are some worrying developments. Forum Syd has become aware that one of the new long term partners from 2004, the Community Legal Education Centre (CLEC), does not have an acceptable financial management system. This has resulted in Forum Syd freezing further programme support. However, Forum Syd and other donors are providing capacity building support and Forum Syd hopes to be able to resume programme support again. Another partner, the Cambodia Defenders Project (CDP), is going through a critical period as well. There might be a risk that one major funder, the East West Management Institute, will decrease or even stop funding. At the same time one of the two major legal aid organisations, Legal Aid Cambodia (LAC) is in acute trouble. In addition to the internal, self-made problems, the East West Management Institute has recruited some of their lawyers to work with a separate EWMI-funded project connected with the CLEC. Thus, the legal aid organisations are going through a turbulent period. This is especially worrying as there are some (unconfirmed) claims that access to legal aid for the poor has actually decreased over the years. The fact that the legal aid organisations the last years have given more emphasis to so called high impact cases and given more attention to advocacy work in the capital, has not improved access to legal aid for the poor in the short term.

The strong presence of Forum Syd in Cambodia is an advantage. It ought to be discussed to which extent Forum Syd could use its position and reputation to advocate more actively for democracy and human rights, in cases when such interventions are called for.

Capacity Building and Organisational Development

In the areas of capacity building and organisational development, Forum Syd has continued to foster progress. Forum Syd notes that partners have made some improvements in their reporting, planning and financial management as a result of the capacity building efforts. As noted in the section above, Forum Syd is now following the experience made by Diakonia and its partners and using a slightly new methodology for capacity building.

²⁸ For some more comments on the EWMI, see the chapter on Diakonia above.

Promoting democratic structures and a democratic culture within partner organisations has turned out to be difficult as partners, according to Forum Syd, do not really recognise the problem. The study tour to the Philippines, organised jointly with Diakonia in February 2004, was a good initiative even if it is hard to see direct results. Expectations on progress in this field might have to be lowered. Forum Syd notes that if there is to be any progress, resources should be used for those partners which are most open for change.²⁹

Programme Organisation and Management

Cooperation with Diakonia has increased over the years, which is positive. A specific result of this cooperation is the recruitment of three joint advisers. In the beginning of 2005 there will be joint advisers in the fields of organisational development, advocacy and gender³⁰. The SAT appreciates the new model of advisory work by which advisers are not working full time within one organisation, but rather serve as resource persons working with several organisations.

The fact that the joint adviser on organisational development left his post ahead of time has delayed work in this area. Forum Syd seems to have a relatively high staff turnover rate. This is naturally hard to change. The SAT welcomes measures that Forum Syd may take to increase prospects for advisers serving their full term.

Since last year Forum Syd has recruited a new field director. As she used to serve as deputy field director, and as the programme officers (national and international) responsible for the human rights and democracy programme have not been changed, there is staff stability at the Phnom Penh office.

Administration of the Other Activities Fund turned out to be time consuming, but through this fund Forum Syd established good contacts with youth organisations.

Forum Syd continues to give high priority to coordination with other donors working in the field of democracy and human rights. For example, joint donor meetings and joint organisation wide audits are actively strived for.

Concerning Forum Syd's perception of its relation with the partners, a gradual shift from being a partner to being a donor is noticeable. Partly this is an acceptance of a relation that has always been there in practice. Partly this is an effect of the experiences with CIHR, COFFEL and others. To the extent that Forum Syd has changed, or is perceived to have changed, this seems to be fully understandable by the partners in question.

A study on Community Based Organisations (CBOs) was planned for 2004 but has been delayed since other organisations are commissioning studies in the same area. This will probably result in a delay in the possible establishment of

²⁹ Forum Syd (2004b), p. 9f.

³⁰ See above the concern of the experiences and skills provided through this initiative.

a proposed CBO fund and a delay in the possible recruitment of a person to administer the fund.

Conclusion

Forum Syd is carrying out its mandate in Cambodia in accordance with the project proposal and with the agreement with Sida. Forum Syd is aware of the weak areas and is aiming at gradually improving the efficiency of the programme.

Sida should consider the possibility of encouraging Forum Syd to initiate a joint effort by relevant stakeholders to assess the present situation regarding legal aid for the poor and come up with recommendations on possible quick actions to tackle the problem. (Provided that the right expertise for this task can be identified.)

Recommendations for Annual Review Meeting 2004

We recommend that the following issues are included among those to be discussed at the meeting:

- General review of progress and achievements.
- Progress in the areas of capacity building and organisational development, including effectiveness of the organisational advisers.
- Progress in strengthening links with and focus on CBOs.
- Assessment of cooperation with new partners for the 2004-2006 period.
- Follow-up of budget for 2004.
- Partner evaluations planned for the 2005-2006 period.
- Possible Forum Syd evaluation of organisational development.
- Prospects for further donor coordination, including cooperation with Diakonia and the role of the EWMI.
- Assessment of the situation in the field of legal aid.
- Prospects for a more active advocacy role of Forum Syd in Cambodia.
- Prospects for strengthening links with Forum Syd's Swedish member organisations.
- Foreseeable staff changes within Forum Syd in 2005.
- Future role of the Sida Advisory Team.
- Discussion of the Sida evaluation planned for 2005.
- Timing and focus of the joint workshop (Sida, Diakonia, Forum Syd) planned for 2005.

3.2. Cambodia Development Resource Institute

Objectives of the review

According to the ToR's specific tasks on the Cambodia Development Resource Institute (CDRI) the Mission shall (i) follow-up and assess the initiated or planned activities against the project documents, strategic plan, the Research Framework and last Agreed Minutes and (ii) highlight relevant developments for Sida to consider in the assessment of ongoing support to CDRI.

Relevance and Effectiveness of the Programme

We do not find any reason to revise our previous assessment that core funding of the CDRI is relevant from the perspective of the Swedish development co-operation goals as stated in the country strategy for Cambodia. The institute focuses its research on poverty, natural resources and environment, decentralisation and conflict resolution and governance. Furthermore, the institute shall respond and give input on policy issues in priority areas of Cambodia's development processes. Through its Centre for Peace and Development (CPD), the institute plays an important role in building national reconciliation.

The initiative in the area of decentralisation supported by Sida and DFID, has proved itself as another relevant task that will provide more understanding and deeper knowledge into the Cambodian reform process on Decentralisation and Deconcentration (D&D). This research programme has been successful and is closely cooperating with several research and policy initiatives including one on fiscal decentralisation. The leader of this decentralisation research programme is also a member of the technical support group for the development of RGC's D&D strategy in her technical capacity³¹. The programme together with the Permanent Advisory Team (PAT) on Seila/PLG did a study on law harmonisation concerning commune councils. Thus this research programme will provide valuable inputs in the design process of a donor support to D&D. In addition, the "Decentralisation design" study makes a major inventory of issues and problems involved in the implementation of the decentralisation reform. This study is the first in CDRI's new Monograph series.

The transition to a new management and leadership of the CDRI seems to be on track after some initial problems. In our view the transition has provided new challenges and given the CDRI staff greater opportunities for development, but at the same time the immediate future may be less stable and latent 'conflicts' may have surfaced. Hopefully the issues have been solved with the establishment of career development of Cambodian staff and staff classification. That 'conflicts' now have surfaced with the new management might be a healthy sign of developments of CDRI, as the current leadership has a more open attitude towards staff candidly expressing their views and opinions.

Performance and Achievements

CDRI has made considerable achievements in fulfilling the institutional priorities:

- *Formulation of a research framework 2004-2006* was done in end 2003, which contains priority research areas in five clusters, (1) macro-economics and private sector, (2) governance/decentralisation, (3) poverty study, (4) agriculture, rural development and natural resources management, and (5) human security. These clusters largely correspond to the existing four research programmes.

³¹ Due to the fact that the CDRI Research Programme Manager positions have been abolished and the D&D expert's contract not extended, CDRI has not been represented in the technical support group to the D&D strategy framework.

- *An internal institutional evaluation was conducted in end 2003*, using the approach of staff evaluation and facilitated by two external persons. The recommendations are now being implemented.
- *Strengthening synergy effects and links between research programmes including CPD*: Several initiatives initiated in 2003 have been implemented in this respect. Poverty Monitoring will be integrated in all research programmes and in late 2003 the CDRI began a pilot test on community based poverty monitoring.
- *Long-term institutional cooperation* has continued with local, regional and international research institutions, funds and donors. Long-term partnerships are central for sustainable institutional development of CDRI. In 2004, as part of the implementation of CDRI's strategic plan 2006-10, work to deepen these partnerships was intensified. For example in September 2004 CDRI management toured Europe to identify potential partnerships.

The Mission noted that CDRI does not seem to have a human right or rights perspective on the research. This may be due to completely logical reasons, but in such a case they should be discussed. We found a lack of interest to discuss the inclusion of a rights perspective in the research programmes.

The current management has identified three critical issues that need to be addressed in 2004.

- Cambodiansation of the research staff and management. Previous experience to concentrate Cambodiansation through a Cambodian deputy director did not prove to be successful. The new approach is now centred on career path and staff classification, and to have Cambodian researchers responsible for the research programmes. A first step in this direction was taken in mid 2004 with the introduction of the new classification for research staff will later this year be extent also administrative personnel.
- Integration of Centre for Peace and Development (CPD) is still under implementation. It is important to involve CPD in the research activities. The funding of the transition will be funded by the Canadian government
- Attention to gender balance to reach 50-50, which has been reached in terms of all staff. However, the gender balance is skewed among research staff and even more so within the senior management team.

Programme Organisation, Management and Finance

CDRI changed leadership in December 2003, with the arrival of the new Executive director. Other senior positions are the Research Director and the Executive Manager. Recruitment of the Programme Manager for Centre for Peace and Development (CPD) will depend on clarification of CPD's future directions later in 2004. CDRI has decided not to appoint new expatriate Programme Managers. Instead a new position of Senior Technical Adviser to the Natural Resources and Environment Programme, with a focus on environmental economics, has been advertised internationally following the resignation in June 2004 of Bruce McKenny. Furthermore, several new researchers across key disciplines, including governance, economics and international trade, have been appointed. A research and policy officer has also been appointed to join the Centre for Peace and Development to assist with the process

of integration of CPD's work into a broader human security research framework.

Total income decreased slightly in 2003 compared to the previous year, both in terms of programme funds (Donations) and other incomes. On the cost side there was also a reduction in 2003 compared to the previous year, but to meet the costs, transfers were made from the reserve fund in 2003.

CDRI has a policy to improve its self-financing, but between 2001 and 2003 the degree of self-financing has decreased. However, according to management estimates improvements will be made in 2004 over previous years. A major shift in the financing position took place between 2003 and 2004 as core funding was more than halved in terms of share of total while project funding more than doubled. According to our view, this poses a dilemma as dependency of short term funding has increased as a share compared to more long term programme and core funding.

CDRI has a restrictive policy to engage in consultancy work, which ensures independence. On the other hand consultancy work is a good opportunity for researchers to build their capacity and get a wider exposure. It also serves as a means for extra income. We observed that this still remains a problem area and no change in policy has been done. It is however, important to keep a clear balance between research and consultancy, not allowing the latter to become the prime activity of the institute; this is a dilemma which is recognised by the Mission.

Capacity Building and Organisational Development

CDRI has addressed the matter raised in the previous mission of the top heavy nature of the organisation. We appreciate the effort of the management to flatten the organisation as currently, the programme managers have been taken out and there is a Unit Coordinator for each research programme³². Unit coordinators as well as research Team Leaders will be Cambodian, with strong research potentials. The Unit Coordinator and the respective research programmes staff are planned to be supported by external long and short term expertise.

We fully support the management's long term goal of 'Cambodiansation', building research capacity and delegating more responsibility to the individual researchers. However, in the short term we see problems as elaborated below. In building a research organisation one approach is the one that CDRI is heading for with a research director and Unit Coordinators and Team Leaders. Another approach would be to have programme managers for each (or one for two) research programme that reports directly to the executive director. There are pros and cons with both models. In recognising the model that CDRI has adopted, the Mission sees several problems that need to be addressed and solutions found, beside the obvious one that CDRI is still a very small research organisation with few national experienced researcher and none with a post graduate exam.

³² Currently, there is only one Unit Coordinator who is found in the Governance and Decentralisation Research Programme.

- Do the Cambodian researchers have the competence and skills to lead and develop a research programme? Are there Unit Coordinators and Team Leaders that are sufficiently “self-propelled” and can develop and lead quality research? Presently, a few of the CDRI researchers have the competence to do their own research, but we think it is too early to give them responsibility as unit coordinators. Unit Coordinators should also act as coaches for the team members and that requires certain skills and long experience in research.
- Should not ‘Cambodiansation’ contain a systematic and long-term attempt to build capacity of Cambodian staff and then put them into more responsible management positions? Actions in this respect have been taken by the management.
- Can a research director lead four research programmes in terms of research competence and building research capacity, without the support of experienced Unit Coordinators? To keep updated and abreast on various disciplines such as governance/decentralisation, macro-economic and private sector and natural resource management seems to too much for one person. Moreover, the same persons should build the individual researchers capacity in a wide variety of disciplines, as well as self-confidence in conducting independent work.
- Which are the roles and responsibilities of the external experts and can they substitute a programme manager’s day to day contact and capacity building? It seems a major risk that capacity building of Cambodian staff is substituted with technical advisory capacity primarily improving quality of reports³³. A higher priority would be to ensure and improve the quality of the research process.

Donor coordination

DANIDA currently has a bridge funding with CDRI in the NREM area. A new programme funding is planned for 2005 and as a decision material an appraisal is needed. During 2005, Sida is planning to make a Mid Term Review of its core support. We think that there could be considerable gains and synergetic effects if the two missions could be combined. Such an arrangement would also save time for CDRI.

Main Conclusions

CDRI seems to have come out of the transition in leadership without any major problems, but there still remain problems on how the research programmes should be organised. CDRI has also managed to broaden its financial base, which means that it can continue playing an important role in policy research in Cambodia. Sweden is the only donor that provides core funding, which makes this support strategically important as it open doors for programme and project funding. Thus, decreased core funding may seriously impact the per-

³³ There is also a risk that short term external TA (researchers) may write the reports and do much of the work themselves rather than taking the time to build and transfer research capacity to CDRI researchers. The costs for these researchers are relatively high and they have a specific research task to perform. They are needed and will fill an important function, but we think that it may be unrealistic to expect that they would significantly contribute to building general research capacity of CDRI researchers.

formance of CDRI. However, we still think that there is a need for organisational reforms and the integration of CPD into the CDRI should be treated as an urgent matter.

The organisational rearrangements of the governance and D&D programme urgently need to be addressed and solved. There is currently a great risk that this programme, which is central to the development of a RGC D&D strategy framework and which is funded by DFID and Sida, will otherwise be in serious jeopardy.

Recommendations for Annual Review Meeting 2004

We recommend that the following issues are included among those to be discussed at the meeting:

- Review of progress and achievements, including financial issues on income and costs.
- Progress of integration of CPD into the research programmes.
- Progress on integrating poverty aspects into all research programmes.
- Progress on gender mainstreaming in research and CDRI organisation.
- Review how human rights and rights perspectives can be integrated into the research programmes.
- Organisation matters of the research programmes.
- Strategy to build research capacity and retain Cambodian staff.
- Progress and strategies for long-term institutional support.
- Plans for recruitment/engagement of short term research programme experts to support the research teams.
- Coordination of Danida and Sida missions during 2005.

3.3. Documentation Centre of Cambodia

Objectives

DC-Cam has two objectives (1) to *record and preserve the history* of the Khmer Rouge regime for future generations and (2) to *compile and organise information* for a future legal process. During our discussions we observed, that there might be a shift in emphasis of DC-Cam's objectives where the first objective is growing in importance as a long term vision, while the second is being toned down.

Overall Achievements

We still do find the DC-Cam programme as highly relevant and the organisation has shown it has the capacity to effectively fulfil its objectives. As will be discussed below, we find the material and documents collected as important although some have questions if it can "stand in court". During the SAT7 mission the National Assembly ratified the Khmer Rouge Tribunal and the Vice Prime Minister stated that the trial will start in 2005. The Mission found the activity reporting suitable and comprehensive.

DC-Cam seems to have solved its problem with a permanent office as new land including an old building near Vat Phnom is proposed to be exchanged for the old plot next to the Tong Sleng museum. The Director was also optimistic that funds will be secured for renovating the proposed building and turning it into a genocide museum, and centre for documentation and research.

The Centre's **output** continues to be considerable and has reasonably high quality, in terms of publications, magazines, films, and exhibitions. They are also likely to play a role as provider of material for a Tribunal, as well as playing an historical role for gathering and archiving material and evidence. An issue relates to the quality of the documents collected if they will be solid enough to stand in a court. The Management seems to well aware of this issue and the matter can only be decided by the court. The Mission has no doubts that the extensive documentation collected provides an excellent source for research and information for those who wants to document the KR period.

As a response to the ratification of the Khmer Rouge tribunal agreement DC-Cam has issued **guidelines for access**. The guidelines are designed to ensure that the documents remain both available for review and as secure as possible. As the tribunal process unfolds more specific set of guidelines will be developed to ensure that proceedings are assisted as effectively as possible.

Programme Organisation and Management

There are no new issues appearing from this mission than was pointed out in the previous SAT6 mission. DC-Cam appears to be well run, professionally organised, and with a transparent and distinct accounting. The Director plays an outstanding role in the organisation and DC-Cam therefore is highly dependent on him. DC-Cam has an advanced formula for attracting (and keeping) young people, who receive training in the Centre. We found that people find it attractive to work at DC-Cam. However, there are few senior staff and most of them are on various master and PhD programme abroad. If and when they will return to the Centre they will provide valuable resources.

Strategic and long term issues: Management now seems to be more focused on creating a genocide centre in Cambodia, which we find a laudable initiative as a long term vision, as the KR Tribunal now seems to be realised. It is important that the work that the Centre has done does not disappear but will be further strengthened.

Another strategic issue is the problem that DC-Cam seems to be isolated from the rest of the NGOs and sometimes there is a tendency in the Centre of over-protecting its turf³⁴. In light of existing cooperation and future plans, it would be beneficial if DC-Cam took a more active role in the dialogues on human rights and governance issues (without being involved in advocacy). We find

³⁴ In relation to the up-coming tribunal DC-Cam has trained local NGOs in legal matter and share research and encourages cooperation between DC-Cam staff and staff from these NGOs. According to the Management, there are plans for the future to search for cooperation with NGOs that have clearly articulated goals for their work on tribunal issues. There are already considerable cooperation between DC-Cam and technical NGOs.

this especially important in view of the vision of DC-Cam to become a genocide centre.

Financial issues: We do not see any short term problems. For 2004 the centre has 11 projects whole or partially funded. The financial status seems to be well reported and under control and most of the focus programmes financed. Financial reporting is for each programme and core operations. However, the Mission found that a total budget and financial report of the Centre was not readily available in an easily accessible format.

Management Review: There was no interest expressed from management of an organisational and management review that Sida would be willing to finance. On the other hand they would very much welcome Sida support to research and develop a suitable Genocide Centre model for Cambodia.

Main Conclusions

The SAT remains in its view that DC-CAM is both relevant and effective. It performs according to its workplan and it seems to be well organised. Its activities are relevant to the objectives, its outputs are of good quality, and its public outreach is commendable, with a reservation that there could be improved co-operation with other concerned parties concerning the Khmer Rouge genocide issues. The change in the centre's perspective to an emphasis on establishment of a Cambodian genocide centre is laudable. At the same token, Sida might in a mid-term perspective reconsider its funding support to DC-Cam. Is it within DESA's strategy to finance a genocide centre? Perhaps DESA could assist the Centre to find other Swedish institutions that would be suitable and willing to fund a genocide centre in Cambodia.

Recommendations for Annual Review Meeting 2004

We recommend that the following issues are included among those to be discussed at the meeting:

- General overview of performance, achievements and financial position.
- Strategies to retain senior staff at the Centre
- Implications of the centre's shift in emphasises towards the establishment of a genocide centre in Cambodia.
- Plans and improvements in DC-Cam's interaction with other NGOs and civil society
- Status of the document collected and does it need to be further processed to be used in the up-coming Tribunal. Can Sida support such a process if deemed necessary?

3.4. Cambodia Office of the High Commissioner for Human Rights (OHCHR/Cambodia)

Relevancy of the OHCHR/Cambodia Presence

As has been mentioned earlier in this report, the situation concerning human rights in Cambodia continues to be worrisome and the future uncertain. No

significant progress has been seen in the Government's overall willingness and capacity to promote and protect human rights.

For many years the Office of HCHR in Cambodia has played an important role in documenting and reporting on restrictions on the exercise and enjoyment of human rights, and in mobilizing forces to stop such attempts. The resolutions of the General Assembly and the Commission on Human Rights have given the office a unique mandate, which includes both protection and technical assistance. No other actors in Cambodia can take over full responsibility for the promotion and protection of human rights. As the situation is developing it is impossible to foresee when circumstances will have improved enough to make a gradual disengagement possible.

An external evaluation of the OHCHR/Cambodia was undertaken in October-November 2003.³⁵ It reached the conclusion that the office contributes significantly to promoting human rights, particularly in the area of protection, and that the continued existence of the OHCHR/Cambodia is essential.

Sida has generously supported the office financially over the years. Sida has also expressed its wish not to contribute to the institutionalisation of the UNHCHR presence in Cambodia.³⁶ During the Annual Review Meeting in November 2002, Sida "*noted with concern that it does not see a clear exit strategy in COHCHR's annual appeal.*"

In a Sida memo dated April 2004, the Sida desk officer suggests that "*Stöd till COHCHR beräknas vara avslutat senast 2005, kanske tidigare om kontoret inte får förlängt mandat. Dock bör Sida fortsätta ge stöd om mandatet förlängs.*"³⁷

The SAT agrees that it is important that the OHCHR/Cambodia actively promotes the establishment and strengthening of Cambodian institutions and actors in the field of human rights. This is one of the mandates of the office and will, if successful, contribute to an environment where the necessity of the OHCHR/Cambodia presence is less crucial. It will hopefully lead to a situation in which the handing over of the office's tasks can be done without major concerns for human rights protection. Thus, the SAT agrees with the findings of the evaluation that there is a continued strong need for an office of the High Commissioner for Human Rights. Many of the NGOs actively promoting human rights strongly expressed the need for OHCHR/Cambodia presence for their protection. We believe it important that it maintains its strong mandate, and that it might be contra productive to press for an exit strategy. Furthermore, we have the view that Sweden and Sida, must not only passively support the office as long as it is there, but also actively promotes its mandate and presence.

³⁵ UNHCHR (2004d).

³⁶ See for example Sida (2002f).

³⁷ "Support to COHCHR is estimated to be finalised 2005 at the latest, possibly earlier in case the mandate of the office is not extended. However, in case the mandate is extended, Sida should continue providing support." (Translation of the SAT.) See Sida (2004c).

Performance and Achievements

During 2003 and 2004, the OHCHR/Cambodia has continued to focus its activities on strategic issues and working methods. As clearly pointed out in the report of the external evaluation, many high priority promotion as well as protection activities have been carried out successfully, and we have no reasons to doubt that this work has continued also in 2004. The evaluation mission gave a number of recommendations on how to improve the efficiency of the office and these are actively being followed up by the office.

However, the effectiveness and the impact have been constrained by lacking political will of the government and by the continued administrative difficulties, not least in the relation with HQ.

In 2003 the office carried out a specific protection and human rights monitoring programme in connection with the National Assembly elections. OHCHR/Cambodia also supported the Special Representative of the UN Secretary-General for human rights in Cambodia in the preparation of special reports on the election. The office has continued to study and highlight the effects of large scale agricultural plantations on human rights. The Special Representative will be issuing a report on land concessions for economic purposes from a human rights perspective during his coming mission to Cambodia in November 2004. The office has also focused on the right to adequate housing as a part of its work on economic and social rights. The office has also continued to contribute to the legislative process by providing comments on draft laws, etc.

In a few areas, the OHCHR/Cambodia has not succeeded in completing its tasks in time. This is partly due to the constraints mentioned above. Little progress has, for example, been made in the areas of strengthening the access to justice for the poor and in reviewing the NGO funding and fostering the establishment of a fund for NGO support.

The comprehensive study on impunity started in November 2003, as part of a project against impunity, but has not yet been fully completed. Discussions are underway on how to address this sensitive set of issues most effectively. The office should be commended for initiating this important project.

The office has continued to foster the capacity and willingness of other actors in society to gradually assume some of the previous and present tasks of the office. Human rights NGOs have shown a capacity to assume a greater responsibility for everyday protection and promotion work, but still need the back-up of the office for specific cases and as a guarantor for their own safety and working conditions. It is difficult for the SAT to assess progress within the UN Country Team in strengthening the human rights based approach within the different UN programmes. The OHCHR/Cambodia will have an important role to play in the coming year to promote progress in this area.

The Special Representative made his tenth visit to Cambodia in November-December 2003. The eleventh mission is planned for November 2004. The long time between the missions is partly due to the political stalemate after the 2003 elections.

Programme Organisation and Management

The evaluation mission gave a number of recommendations on management, administration, staffing and related budget issues. As mentioned, these are now being followed up by the office. The office is now seeking to live within the contributions it receives from the UN regular budget for core staff and operational costs. As the regular budget provides for seven international staff and some 18 local staff, recruitment of staff has to comply with standard UN Secretariat rules. The problem for the office from the outset has been how to run a field operation in Cambodia in accordance with the UN Secretariat rules which were formulated for the UN's Secretariat in New York and Geneva. The office has been given little room for discretion at local level. OHCHR/Cambodia is the only operational in-country field presence of OHCHR in this situation since other field presences are funded through voluntary contributions.³⁸

The contracts of the present international staff expire at the end of this year. Four of the seven international posts are now being recruited for.³⁹ The positions have only recently been posted on the "Galaxy System", which gives first consideration to internal applicants and to external applicants after 60 days. Thus, next year we will see a possible gap and a huge turn over when it comes to international staff which is expected to have a negative and disruptive impact on the work of the office, at least initially.

Concerning Cambodian staff members, some 15 left in 2002 and 2003. At the end of 2003 there were 32 national staff members. This number will shortly be reduced to around 22. Agreement has yet to be reached on the nature of future contracts for local staff.

In the report of the evaluation mission, the evaluators noted the "chronic problems of management of information" within the office. They recommended an inventory and proper archiving of the documentation and information possessed by the OHCHR/Cambodia. These problems are now being addressed, but will take some time to sort out since the office houses documents going back to UNTAC.

Conclusion

The MoU between the High Commissioner and the Government of Cambodia for a Programme of Technical Co-operation in Human Rights lapsed in February 2004, and has been the subject of discussion with the Ministry of Foreign Affairs since. Agreement was finally reached in early November on the terms of a new MoU for a further two years. This new MoU is expected to be signed in November by the Minister of Foreign Affairs and the High Commissioner.

Last years resolutions on Cambodia in the General Assembly and the Commission on Human Rights may be seen as signs of a weakening international support for the presence and strong mandates of the Special Representative and the

³⁸ It should also be noted that OHCHR/Geneva itself has no administrative independence, and that the UN Office in Geneva (UNOG) is the administrative authority.

³⁹ One senior post is held by a human rights officer currently on secondment to Geneva who intends to return to Phnom Penh at the beginning of 2005.

OHCHR/Cambodia. We see this as a very unfortunate development and recommend Sida and the Swedish Ministry for Foreign Affairs to act resolutely in order to increase support for continued strong mandates in relevant capitals of the world, including Tokyo.

We have the impression that donors and members of the diplomatic community in Cambodia can do more to openly voice their support for OHCHR/Cambodia and follow up recommendations from the Special Representative of the Secretary-General. For this purpose Sweden should continue to act at EU HoM meetings and at other levels with colleagues from the EU and other donors/states.

We also recommend that Sweden continues discussions with HQ in Geneva in order to find a more efficient, flexible and less bureaucratic management of the Cambodian office.

Recommendations for Annual Review Meeting 2004

We recommend that the following issues are included among those to be discussed at the meeting:

- General review of progress and achievements.
- Progress in following up the recommendations of the external evaluation.
- Future role of the Special Representative of the Secretary-General and its implications for the OHCHR/Cambodia.
- Prospects for judicial reform and the strategy of the OHCHR/Cambodia to foster reform.
- Plans for the presentation and the follow-up of the impunity report.
- Strategy concerning which human rights to be focused in the coming period.
- Strategy and prospects for promoting a national legal aid system, for meeting the human rights training needs of the police, military and gendarmerie, and for continuing the discussion on National Human Rights Institutions.
- Capacity and willingness of State authorities in assuming greater responsibility for human rights protection and promotion. The past and future role of the OHCHR/Cambodia in fostering such capacity and willingness.
- Capacity and willingness of the NGO-community and the UNCT in assuming greater responsibility for human rights protection and promotion. The past and future role of the OHCHR/Cambodia in fostering such capacity and willingness.
- Present and future situation concerning budget, staffing and provincial offices.
- Prospects for finding a solution to administrative constraints seen in relations between the OHCHR/Cambodia and the Geneva HQ.

4. FOLLOW-UP OF THE COMMUNE COUNCIL DEVELOPMENT PROJECT

4.1. CCDP

The Commune Council Development Project (CCDP) will be subject to a Mid Term Review⁴⁰ in November 2004, which will assess most of the programme aspects. Therefore we will only highlight some pertinent issues in this report. Moreover, this report will only cover aspects related to Component 2 of CCDP.

Performance and Achievements

Many of the issues raised in the previous (SAT6) mission have been addressed: such as the underfunding of the TA component, an overall team leader for the whole CCDP and partly the issue on coordination between the four components, e.g. between component 2 and 4.

Overall performance is on track, but disbursements are moving slowly large due to inapt procurement regulations of ADB and cumbersome management. The former are not set up for procurement of soft-ware e.g. in media, nor adapted to a Cambodian situation with very few actors with great difference in skills and experiences.

An issue that needs to be further studied and assessed, but which was outside the ToR of the SAT Mission, is how and to what degree CCDP has a human rights and rights perspective in its activities and how it addresses poverty reduction in the programme's four component. Although, the MTR is already overloaded by tasks, this may be a good opportunity to generally review and assess how poverty and human rights issues have been addressed in CCDP.

Programme Organisation and Management

The participation and cooperation of the Cambodian partners have improved in the capacity building and needs analysis. However, the cooperation between CCDP and the other two main TAs at DoLA (GTZ and UNDP) does not seem to have developed into a more cooperative spirit. On the other hand a positive development was noted concerning the cooperation between CCDP (Component 2) and Seila/PLG, which was confirmed by both parties. There might be some clouds on the horizon regarding these cooperation aspects as signals have come from ADB to the project group, that CCDP should not finance activities that have been developed by Seila/PLG together with DoLA. In this respect, the SAT has a total opposite view and recommends that such developments should be encourage to the largest extent possible. The more the projects' territorial boundaries are disintegrating the better.

• ⁴⁰ Before the Mission's fieldwork the SAT submitted our comments on the ToR of the MTR to Sida and expressed concern over the lack of focus and that the tasks are too broadly defined thus risking the possibilities for in depth analysis. During the SAT visit to Cambodia we also became aware of several critical aspects of the execution of the MTR that raised serious concerns over the effectiveness, independence, ability to address serious issue, and thus usefulness of the MTR as guidance for future work of CCDP. These concerns were communicated to Sida at the time of the mission.

Many of ADB's projects are characterised by micro-management from the head quarters, which unfortunately seems to be the case also of the CCDP. Much of these can be traced back to Bank procedures and especially procurement regulations (see above). Consequently, activities that are within the Annual Workplan and Budget (AWPB) and which have been approved still need approval from Manila⁴¹. We find that management arrangements of the CCDP Component 2 are contradictory in terms of design and implementation and certainly detrimental to capacity building of the Cambodia counter part. A support programme to Commune Councils where DoLA is the implementing agencies should encourage transfer of responsibilities to the implementing agent and beneficiaries, otherwise real capacity building will not take place. After approval of the AWPB, ADB's role would only be on strategic implementation issues, while the day to day work and management should be left to DoLA, CCs and the CCDP project office.

We recommend that Sida enters into a dialogue with ADB to find the possibility for a more effective management of the CCDP, especially Component 2 that Sida is financing. We find that current practices are against Sida's policies and approaches to capacity building.

4.2. Strategic matters concerning CCDP and D&D

There are potentially great synergetic effects between CCDP and other initiatives in the D&D reform area. The ongoing work on a D&D strategy of the RGC and associated donors programmes would influence the future direction of CCDP. The team leader of the CCDP is playing a vital role in this work.

The changing nature of support to governance and the close link between governance and the Seila programme also puts pressure on how Sida should organise its support. Therefore it is urgent that Sida (DC office in Phnom Penh, DESA-NATUR-INEC) meet and discuss the modality for future Sida support to the coming initiatives in governance and the D&D. There are various options for Sida, but one central question that concerns NATUR as well as DESA is how should the funding arrangements at Sida look like for the core funding of the replacement of PLG and how that would affect future cooperation with ADB in this area.

The proposed EU-UNDP jointly financed project on inter-communal development fund and support to establish the Commune Council Association strongly influence ongoing projects and programmes in this area. During our discussions we found that this project has not only serious implication on the ongoing planning for support to D&D, it also raises concern over UNDP role in this area. UNDP will, if this project will be implemented, support three different D&D initiatives, that currently are not closely coordinated and integrated. If the new proposal is approved, which has been designed prior to the ongoing

⁴¹ The Mission found different opinions whether an AWPB existed for Component 2. The contradictory information could be explained by the definition of AWPB and the degree of details such a plan would have. In the quarterly reports for Component 2 there is a work-plan and an activity based budget.

work on the RGC's D&D strategy, a close and coordinated donor support to the D&D reform may not be realised. The SAT recommends that EU donors coordinate their review and response to this new proposal and demands that it will be redesigned (if found necessary) to suit the ongoing donor coordinated work on a D&D strategy.

Although outside the scope of this report, it deserves to be mentioned that related research shows that the relative maturity of the decentralisation process is now primarily limited by the lack of progress in other public administration reform, notably within the deconcentration reform. In fact, decentralisation may be de-legitimised by the inability to relate in an efficient way with other state agencies. This would need further attention.

5. CONCLUSIONS AND RECOMMENDATIONS

Specific conclusions and recommendations including proposed items to be discussed at the annual review meeting have been listed after each section. Below we will draw some general conclusion and provide recommendations for future strategic work and studies that can be part of the SAT or independently conducted.

On the further development of democratic governance

- The assessment of progress made in the field of democratic governance depends on the perspective. With a dozen-year perspective, progress has been significant and almost impressive. With a five year perspective, progress can be noted - especially in the provinces - but there are many reasons to be disappointed in the slow pace of reforms in several crucial areas especially in the judicial sector, corruptions and democratic governance. With a one-year perspective the reasons for disappointment are even greater.
- There is a potential for change. The relatively open society with rivaling political parties, with a basically free press, with a huge number of civil society organisations, with a growing awareness of and support for democracy among people in general, with a number of strong individual, democratically minded agents of change (even if the number is quite small), with institutionalised electoral processes - now also at the local level - and with a democratic Constitution, is a good ground for further democratic progress. Thus, there are positive actors and processes to support, and international cooperation can very well provide this kind of support.
- But – the pace of progress indeed seems to have slowed down considerably. The present power holders seem to have succeeded quite well in staying in power and getting a firmer grip of power. Democratic forces, including actors in civil society and the international community, have not yet showed enough strength in challenging conservative actors and processes. Even if the values of democracy and human rights are gaining ground among citizens, incentives for stability and status quo are strong and tend to conserve present structures. The regional environment is far from conducive for democratic development. The present

political situation in countries like China, Thailand, Burma, Vietnam, Laos and Malaysia does not foster democratic reforms. Nor does present day global focus on security issues.

- Despite weaknesses, the presence of democratically minded bilateral and multilateral donor agencies and representatives of the diplomatic community is regarded as crucial. The need for continued presence of the COHCHR and the Special Representative of the Secretary General should be seen in this perspective.
- We find it important that Sida, as well as partners like Forum Syd and Diakonia, continue to promote rights based approaches to development, to monitor D/HR and to speak out when human rights are abused. The political opposition, and actors regarded to be part of the opposition, have limited possibilities of getting access to information and channels of influence. Thus, Sida, Forum Syd and Diakonia should continue to provide support by promoting transparency and participation by all stakeholders (including the opposition), in the ways possible.
- Decentralisation reform has progressed well and represents a glimmer of hope in the otherwise gloomy pictures of governance. However, de-concentration and public sector reforms do indeed show only marginal progress, which negatively affects the pace of decentralisation reform. Sida support to democratic governance can play a strategic role in realising the D&D reform agenda as support in various complementing fields are provided. The synergetic potential of support to capacity building of the public sector, civil society and poverty alleviation could become greater if the various Sida support are consciously coordinated and integrated.
- The Rectangular Strategy is a well written document, but will hardly have any effect on how the country is developed, especially in the core areas of governance. In order to implement the strategy there is a need for political commitment, for organisational capacity and donor coordination, all of which are currently lacking.

On Sida's support to democratic governance through civil society organisations

- As we concluded in our SAT 5 report, the Cambodian civil society must be regarded as weak. However, despite this weakness, and to generalise, the civil society organisations have managed to play and continue to play a positive role for democratic governance. There is a need for continued support to the civil society in Cambodia. We believe that the strength of civil society would be reduced drastically if international attention and support were to be discontinued.
- Diakonia and Forum Syd have chosen to cooperate with strategic and relevant organisations. The recommendation that more attention is given to organisations that are organised and run in accordance with basic democratic principles is still valid. Furthermore, we appreciate a more rural and CBO-focused programme.
- The present phase in the cooperation with Diakonia and Forum Syd will come to an end in 2006. We fully support the intention of Sida to use 2005 to analyse the development and the results so far, and to plan for a

possible new approach for supporting the Cambodian civil society in the post-2006 period.

On the role of CDRI, COHCHR and DC-Cam

- CDRI seems to have come out of the transition in leadership without any major problems, but there still remain problems on how the research programmes should be organised. We think that there is a need for organisational reforms and the integration of CPD into the CDRI should be treated as an urgent matter.
- The organisational arrangements on programme manager on the governance and D&D programme urgently needs to be addressed and solved as well as revitalising the programme on NRM.
- The SAT remains in its view that DC-CAM is both relevant and effective. The documentation collected is unique and essential for historic research and documentation. The change in the centre's perspective with more focus on establishment of a Cambodian genocide centre is laudable. At the same token, Sida might in a mid-term perspective reconsider its funding support to DC-Cam and try to find other Swedish institutions that would be suitable and willing to fund a genocide centre in Cambodia.
- It is crucial that the COHCHR maintains its current mandate including protection and promotion activities. Sweden should work to secure a continued presence of the COHCHR in Cambodia and a continued strong mandate of the Special Representative of the Secretary General.

On the role of CCDP

- The performance of CCDP is generally good although utilisation of funds has been below expectation mainly due to complicated ADB procurement guidelines especially in terms of 'soft-ware' which mainly affects component 2 that Sida is funding.
- Management responsibility has been revisited and delegated to the ADB resident office in Cambodia. However, more important is that DoLA is provided a greater responsibility in implantation and will be responsible for the execution of the AWPB once it has been approved.
- There are potentially great synergetic effects between CCDP and other initiatives in the D&D reform area. The ongoing work on a D&D strategy of the RGC and associated donors programmes would influence the future direction of CCDP. The team leader of the CCDP is playing a vital role in this work.
- The changing nature of support to governance and the close link between governance and the Seila programme also puts pressure on how Sida should organise its support. Therefore it is urgent that Sida (DC office in Phnom Penh, DESA-NATUR-INEC) meet and discuss the modality for future Sida support to the coming initiatives in governance and the D&D.

On strategic issues on the DESA portfolio

- The SAT was at this mission not asked to analyse and propose strategic options for Sida's work in areas of democratic governance. However we have in the report and in the conclusions above indicated areas that need

to be studied and analysed. Such work can be done during the coming SAT missions planned for 2005.

On scope and focus for the coming SAT missions in 2005

- Below we will list proposal for further studies that would be needed in the formulation of the Sida (DESA and NATUR) portfolio in support of the reform process of D&D and democratic governance.
 - The SAT has now in two consecutive reports pointed to the fact that in spite of continued institutional development and that certain democratic mechanisms are in place, democracy in real terms is making limited, if any, headway. Increasingly it has become evident that the dynamics of the would-be democratisation is moving towards issues of accountability, transparency, underdeveloped democratic culture, and information sharing – in short development towards an problems related to an open society. Consequently, we think that in moving the process forward, more attention should be given the 'software of democratisation'. In this regard, Cambodia shares dilemmas both with a number of regional countries as well as with a wide range of countries involved in the so called *third wave* of democracy. Therefore, guidance of issues and solutions to draw upon may be found, not only in Cambodia but also in other places. However, to work with the 'software of democratisation' is largely untrodden turf for donors and partners alike. Given the centrality of good governance in the Rectangular Strategy, such an initiative may be a good check-up on how that strategy is evolving. Therefore, it seems worthwhile to us to focus a study on a) whether the claim of the rising significance of the 'software of democratisation' is accurate; b) where the critical points may be in this regard; and, c) how, policy wise, donor assistance can handle and promote these issues.
 - One of the key observations in this report is the risk that the democratic process may be coming to a halt, and even be reversed. Cambodia may be heading for a scenario similar to the situation in Thailand during the 1960s and 70s with a merger of interests between political and economic elites and the military. One of the key analytical findings is that reversal of democracy may happen in spite of an available rudimentary democratic infrastructure. This may be because democratic forces, including actors in civil society and the international community, have not yet showed enough strength in challenging conservative and well entrenched actors and processes. A key to strengthening the democratic forces may be to increasingly focus on spreading democratic values more broadly. The time may be ripe for such an approach as NGOs are 'localising' and 'popularising', trade unions increasing their capacity, awareness on rights increasing and at large a thread of democratic culture seems about to take hold at local level. All this together will open up for working with democratic processes at grassroots level. It may be worth-

while to look into whether and how this could be done within the Sida portfolio.

- A central issue of the strategic work and studies regarding the processes of democratisation and poverty reduction in Cambodia may, if our analysis above is correct, be at a crossroad. Therefore, in preparation for the next cycle of Sida assistance it may be useful and necessary to perform an overall problem analysis and ask questions how the portfolio should/could be re-arranged. This analysis should take a broad view – based on the ongoing RGC and donors work on D&D strategy – and will include appropriateness of support to Seila/PLG, CCDP, NGOs, etc. and look into other options. With a focus on poverty reduction and building of democracy, accountability and transparency at local level – what would a future Sida support look like in terms of scope, approaches and modes?

Appendix 1: Terms of Reference

DESO/DESA
Christine Johansson
Helena Lagerlöf

TERMS OF REFERENCE

Tel: +46 (0)8 6985576
Fax: +46 (0)8 6985657
E-mail: helena.lagerlof@sida.se

Reference number:
DESO 2002- 1724

Your ref:

Specific term of reference for the seventh main mission by the Sida Advisory Team (SAT) on Democratic Governance in Cambodia September/October 2004

1. Introduction

With reference to the General Terms of Reference for the Advisory Team (dated 28 June 2002) these Specific Terms of Reference shall guide the seventh mission of Sida's Advisory Team (SAT) for democratic governance in Cambodia.⁴² The seventh mission will have an overall purpose of giving an oversight of the status of the DESA portfolio and raise issues for further discussion between Sida and partners at the coming annual review meetings.

2. Background and areas of Sida support

2.1. Democracy- and human rights support

- In the area of democracy and human rights Sida/DESA has, in collaboration with Forum Syd and Diakonia, two Swedish non-governmental organisations (NGOs), provided support to local organisations in Cambodia since 1993. 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 since 2003 the programme has been concentrated and involves presently 16 organisations (Forum Syd 10 and Diakonia 6). New agreements on continued cooperation up to end of 2006 were signed in December 2003.

- Sida has 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 present support from Sida ends at the end of 2004, but if the UN Cambodia office is extended, continued Swedish assistance will be considered.

- 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

⁴² 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.

civil servants and building capacity for policy research in socio-economic issues. CDRI and Sida have signed a new agreement on continued support until end of 2006. During this new period it needs to be monitored how CDRI succeed in becoming less dependent on Sida's Core support.

- The Documentation Centre of Cambodia (DC-CAM), an independent institute that carries out research in and documents and disseminates information on the Khmer Rouge regime, has also received support from Sida from December 2002 as core support. Questions of importance for Sida are how the center manages to respond the demands in the coming tribunal and what role the center may have after the tribunal.

- The legal reform in Cambodia is taking gradual steps towards a more clear shape with the action plan. However, as there is not yet any donor coordinated set up for support to the reform, Sida has decided to postpone its plans on possible support until next country strategy period.

2.2 Decentralisation and Capacity Building

The Royal Government of Cambodia, together with bilateral and multi-lateral partners, has launched extensive plans to decentralise decision-making to provinces and communes and to deconcentrate power of central ministries. One initiative is the Commune Council Development Project (CCDP). Since 2003, DESA supports the capacity building component within the CCDP (the so-called Component 2), channelled through the Asian Development Bank (ADB). Within this, a capacity building analysis has been performed by the Team Leader of CCDP's component 2⁴³. In addition, Sida also provides support to capacity building through CDRI. Parallel to this, Sida/NATUR/LUV supports the SEILA programme, which also comprises components of local governance and capacity building. Simultaneously, tools for capacity building analysis are being developed at Sida/NATUR/METHOD.

Sida emphasises coordination between the different initiatives in the decentralisation process, and that decentralisation and capacity building initiatives shall have strong support among the Cambodian counterparts. Donor contributions should not duplicate each other and possible synergy effects between the projects and within Sida should be identified. Sida/DESA encourages local ownership and participation in the decentralisation process and capacity building analysis. This seventh mission will serve as an additional basis for Sida's and DESA's continued strategically discussions.

2.3 Public Finance Management and Statistics

A donor coordinated initiative towards a comprehensive support program for improved Public Finance Management is under development in Cambodia. Sida has taken part in and followed these preparations with interest. An assessment of possible support to the reform programme will be made during the autumn of 2004. A functioning public finance management is seen as pre-requisite for support to other areas such as education and decentralisation.

Through a UNDP project, Sida support the poverty monitoring surveys and analyses in Cambodia. Parts of that support assist the National Institute of Statistics (NIS). Technical assistance from SCB has been contracted in parts of this programme and NIS has gain confidence in SCBs competence to assist them. With the new framework agreement between Sida and SCB, it should be considered to channel support directly via SCB as the support in such case can be provided in a more efficiently and sustainable way.

⁴³ Peter Blunt is the Team Leader of the CCDP's capacity building initiative. The Terms of Reference for the capacity building analysis was written by Sida and Lennart Gustafsson.

1. Scope of the assignment

Within the frame of SAT's main assignment, this seventh mission shall focus on:

A) A brief assessment of the present situation related to the scope for developments in the area of democratic governance in Cambodia, opportunities and constraints. This assessment should be based on the new rectangular strategy of the government of Kingdom of Cambodia. It should assess whether the strategy provides a starting point on how to manage and prioritize among the structural problems that characterizes governance and the linkages to the poverty situation in Cambodia. The assessment should through discussions with various stakeholders within the civil society and the government assess whether there is real commitment from the side of the new government to be accountable for driving and monitoring necessary reforms. (20 %)

B) A technical review and follow-up study of the Sida/DESA support to Forum Syd, Diakonia, CDRI, DC-CAM and COHCHR during the last reporting period and identification of relevant issues to be raised at the Sida/DESA Annual Review Meetings with these organisations. (60 %).

C) A brief follow-up the Commune Council Development Project, supported through ADB. Identify and assess issues, opportunities and risks related to the Institutional set up of the CCDP that needs to be taken into consideration during the Mid Term Review. How has DOLA and other stakeholders responded to the various analysis and recommendations conducted by the program? To what extent do they own the results of this analysis? (20%)

2. Tasks

Specific tasks of assignment part B):

Concerning all five organisations:

- Fulfil the Routine Tasks stated in the General Terms of Reference;
- Present recommendations of relevant issues, concerning obstacles and achievements in the projects or any other issue that SAT considers relevant, to be raised at the Sida Annual Review Meetings 2004 with Forum Syd, Diakonia, CDRI, DC-CAM and COHCHR;
- Analyse the reports of each organisation for the period of the support ending in 2003/4 against the previous project documents. Special attention shall be given to issues that should be followed up in the on-going as well as up-coming projects.
- Assess the relation between the supported programmes and human rights protection and promotion and its bearing on reducing poverty.

The following shall more specifically be analysed:

Concerning Forum Syd and Diakonia:

- Follow up and assess the initiated or planned activities of the two organisations and its partners against the project documents presented to Sida and their agreements with Sida;
- Follow-up and asses the initiated or planned activities against the Agreed Minutes of the Annual Review meeting between Sida and Forum Syd Diakonia in 2003
- Highlight issues that SAT finds are relevant for Sida to consider in the assessment of ongoing support to Forum Syd and Diakonia.

Concerning CDRI:

- Follow-up and assess the initiated or planned activities of the organisation against the project documents, including the proposal, strategic plan and the Research Framework presented to Sida and the agreement with Sida;
- Follow-up and assess the initiated or planned activities against the Agreed Minutes of the Annual Review meeting between Sida and CDRI in 2003;
- Highlight development that SAT finds are relevant for Sida to consider in the assessment of ongoing support to CDRI.

Concerning DC-CAM:

- Follow up and assess the initiated or planned activities of the organisation against the project documents presented to Sida and the agreement with Sida;
- Follow-up and assess the initiated or planned activities against the Agreed Minutes of the Annual Review meeting between Sida and DC-CAM in 2003.
- Follow-up and assess how the organisation is discussing and perhaps developing its strategic focus, organisation and financial situation for the years ahead.
- Follow-up whether DC-CAM are in need of an internal organisational review. (Former but cancelled mid-term review/audit.) If they are, propose issues to be addressed in such a review.

Concerning COHCHR:

- Follow up and assess the initiated or planned activities of the organisation against the project documents presented to Sida and the agreement with Sida;
- Follow up and assess the initiated or planned activities against the Agreed Minutes between Sida and COHCHR in 2003.
- Follow up on the present status of the office and suggest Sida on the scope for continued support.

Central documents to be studied for this part of the assignment:

- Applications and project documents, including budgets, of present grants
- Sida Assessment Memorandums
- The agreements between Sida and the organisations
- Reports of grants 2003
- The Agreed Minutes of the annual review meetings between Sida and each organisation in 2003, where such exists.

Specific tasks of assignment part C):

To discuss together with the Team Leader of CCDP's Capacity Building component 2 and other relevant stakeholders and:

- Assess the Cambodian participation as well as possible engagement by other foreign advisers at the Department of Local Administration (DoLA) in the process of capacity building analysis;

Based on this the SAT shall analyse and give recommendations on the following issues:

- Comment on the draft terms of reference for the MTR. What issues should the SAT-consultant to the MTR for assessing the capacity building focus on? (this bold is to be carried out in Stockholm as a p)

- How ADB's CCDP capacity building analysis⁴⁴ may serve as input to continued work in the decentralisation process in Cambodia;
- Does the Cambodian partners take part in the analysis of issues and problems related to the decentralisation process within the CCDP? Can their participation increase?
- How DESA, within its existing programme of democratic governance, can increase the coordination between different capacity building initiatives.

General for the assignment:

The assignment shall take into consideration the *realistic level of ambition* and *appropriate forms* for Sweden's support, given Sida's limited organisational and financial resources. The recommendations of the SAT should carefully assess the *order of priority* that different options should have, based on both the strategic opportunities identified and the contents of the current Sida/DESA project portfolio.

3. Methods

The mission includes a desk study of already existing reports and other relevant documents. The Sida Advisory Team shall also carry out interviews and have meetings with representatives from i) Forum Syd and Diakonia (not their local partners this time), ii) COHCHR, DC-CAM and CDRI, iii) representatives from ADB, CCDP and relevant stakeholders that are involved in the decentralisation process, WB, ADB and relevant stakeholders involved in public finance management iv) relevant representatives from the public sector v) relevant representatives from local NGO's and other parts of civil society and vi) relevant donors.

Sida suggests that the SAT for this seventh mission shall consist of Jan Rudengren, Pär Sköld. Joakim Öjendal will also participate to some extent.

4. Reporting

A debriefing note shall be presented and discussed with Sida/DCS before the team leaves Cambodia. A draft of the Final report shall be presented to Sida/DESA no later than 1 November 2004. 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 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.

³ Full title is *The strategic Management of Capacity Building for Decentralisation and and Deconcentration in the Kingdom of Cambodia: Positioning the Contribution of the Royal Government of Cambodia/ADB Commune Council Developmen Project.*

Appendix 2: People Met

Institution	Name of Person	Position
Council for Administrative Reform	Ngo Hongly	Secretary General
Council for Legal and Judicial Reform	Suy Mong Leang Phay Sok Kheng Chhe Ly	Director General of PMU Deputy Director General of PMU Deputy Head of Judicial Reform Project
Ministry of Interior	Sak Setha Leng Vy Yin Malina	General Director Head of DoLA Deputy Head of DoLA
Ministry of Justice	Y Dan	Secretary of State
Sam Rainsy Party	Sam Rainsy Tioulong Saumura Ung Bun Ang	President Member of Parliament Spokesman
Funcinpec Party	Khiev San	Member of Parliament
ADB	Ouch Chamroen Peter Blunt Madeleine Elmqvist	Program Officer CCDP Team Leader CCDP Media Consultant
COHCHR	Margo Picken Henrik Alffram	Director Consultant
DFID	Nigel Coulson	Governance Adviser
EU	Sylvine Devaux	Program officer
GTZ	Thomas Engelhardt Angelika Fleddermann	Director RDP Team Leader
Sida	Claes Leijon Erik Illes	Counsellor Program Officer
UNDP	Beate Trankmann Ernesto Bautista	Team Leader, Governance Cluster Governance Advisor
PLG	Scott Leiper	Senior Program Advisor
World Bank	Tim Conway Robert Taliercio Caroline Hughes	Poverty Specialist Economist Consultant
CDRI	Larry Strange K.A.S. Murshid Kim Sedera Eng Netra	Executive Director Research Director Senior Researcher Senior Researcher
Diakonia	Anna Edgren Ouch Sarak Chetha	Regional Representative In Country Representative
Forum Syd.	Petra Pettersson Louise Wahlström Ith Pov	Resident Representative Program Manager Program Officer
EWMI	Matthew Rendall	Acting Representative
TAF	Jackie Pomeroy Annette Kirchner	Representative Deputy Representative

Appendix 3: References

ADHOC (2004), *Human Rights Situation Report 2003*, Phnom Penh

Cambodia Daily, September-October 2004

Carothers, Thomas (2002), *The End of the Transition Paradigm*, "Journal of Democracy" 13:1, Johns Hopkins University Press and the National Endowment for Democracy

Diakonia (2002), *Democracy and Human Rights in Cambodia. Program Proposal 2003*

Diakonia (2003), *Democracy & Human Rights in Cambodia. Programme Proposal, 2004-2006*

Diakonia (2004a), *Human Rights & Democracy Programme in Cambodia. Annual Report 2003*

Diakonia (2004b), *Democracy & Human Rights Programme in Cambodia. Final Report 2001-2003*

Diakonia (2004c), *Report of the Partner's Indicator Workshop, 10-13 May, 2004*, Cambodia Country Office

Forum Syd (2002), *Supplementary Application on the Democracy and Human Rights Programme to Sida for 2003, Cambodia*

Forum Syd (2003a), *Application for the continuation of Forum Syd's Democracy and Human Rights Programme in Cambodia (2004-2006)*

Forum Syd (2003b), *Cambodia. Funding Programme. Annual Report to Forum Syd and Sida, 2002*

Forum Syd (2003c), *Financial Report 2002. Strengthening of Civil Society, Equality, HR & Democracy for 2001-2003*

Forum Syd (2004a), *Democracy and Human Rights Programme in Cambodia, Annual Report 2003*

Forum Syd (2004b), *Democracy and Human Rights Program in Cambodia, Program Report 2001-2003*

Government of Cambodia (2004), *Address by Samdech Hun Sen on the "Rectangular Strategy" for Growth, Employment, Equity and Efficiency in Cambodia*, First Cabinet Meeting of the Third Legislature of the National Assembly, At the Office of the Council of Ministers, Phnom Penh, 16 July

Government Report 1996/97:169 (1997), *The Rights of the Poor – our Common Responsibility, Combating Poverty in Sweden's Development Cooperation*, Stockholm

International Monetary Fund (2004a), *Cambodia, Concluding Statement for the 2004 Article IV Consultation Discussions*, (July 15)

International Monetary Fund (2004b), *IMF Concludes Article IV Consultation with Cambodia, Public Information Notice* (September 27)

Lerner, Michael (2003), *Assessment of Forum Syd's Democracy and Human Rights Programme in Cambodia*

Luco, Fabienne, ed. (2002) *Between a tiger and a crocodile. Management of local conflicts in Cambodia. An anthropological approach to traditional and new practices*. Phnom Penh: UNESCO, 2002

Mansfield, C. (2004), *Commune Councils and Civil Society: Promoting Decentralisation through Partnerships*.

Ministry for Foreign Affairs (2002), *Country Strategy for Development Cooperation with Cambodia, 2002-2006*, Stockholm

Overseas Development Institute (2004), *Understanding pro-poor political change: the policy process*, written by Conway, Tim and Hughes, Caroline, Third draft, January 2004

Proposition 2002/03:122 (2003), *Gemensamt ansvar: Sveriges politik för global utveckling*, Stockholm

Phnom Penh Post, September-October 2004

Rusten, Caroline, et al, (2004), *The Challenges of Decentralisation Design in Cambodia*, CDRI, 2004

Sida (2001a), *Agreement between Sida and Diakonia on support to non-governmental organisations promoting democracy and human rights in Cambodia during 2001-2003*

Sida (2001b), *Fortsatt stöd till demokrati och mänskliga rättigheter i Kambodja 2001-2003 i samarbete med Diakonia och Forum Syd*, attachment to *Beslut om insatsstöd DESO 0226/01, 2001-03-29*

Sida (2002a), *Stöd till FNs Högkommissaries för mänskliga rättigheter kontor i Kambodja*, *Beslut om insatsstöd, 2001-03-29*

Sida (2002b), *Participation in Democratic Governance*, Department for Democracy and Social Development, Division for Democratic Governance

Sida (2002c), *Approval of Forum Syd's work plan/supplementary application for 2003 of the Democracy and Human Rights Programme in Cambodia*, letter to Forum Syd dated 18 November 2002

Sida (2002d), *Approval of Diakonia's programme plan/proposal for 2003 of the Democracy Programme in Cambodia*, letter to Diakonia dated 18 November 2002

Sida (2002e), *General Terms of Reference. Sida's Advisory Team (SAT) in relation to Democratic Governance in Cambodia*

Sida (2002f), *Re: The COHCHR Strategic Workshop 24-25/5*, Letter from Sida/DCA to COHCHR, May 27, 2002

Sida (2003a), *Agreed minutes from the Annual Review Meeting between Sida and Forum Syd*, Phnom Penh, December 8, 2003

Sida (2003b), *Agreed minutes from the Annual Review Meeting between Sida and Diakonia*, Phnom Penh, December 6, 2003

Sida (2003c), *Workshop on Furthering Democratic Governance in Cambodia through support to Civil Society, 25-26 March*, Memo dated 2003-06-03

Sida (2003d), *Avtal mellan Sida och Forum Syd avseende demokratiprogrammet i Kambodja under 2004-2006*

Sida (2003e), *Avtal mellan Sida och Diakonia avseende demokrati och mänskliga rättighets programmet i Kambodja under 2004-2006*

Sida (2003f), *Initial assessment memo, Furthering democracy and human rights in Cambodia through civil society; continued support through Forum Syd and Diakonia, 2004-2006*, Agneta Danielsson, November 14, 2003

Sida (2003g), *In-Depth Assessment of continued support to civil society organisations working with democracy and human rights in Cambodia through Forum Syd and Diakonia, 2004-2006*, Christine Johansson, November 26, 2004

Sida (2003h), *Fortsatt stöd till UNCOHCHR i Kambodja*, Bedömningspromemoria, 2003-02-17

Sida (2003i), *Stöd till kontoret för FNs Högkommissarie för mänskliga rättigheter 2003-2004, samt dess kontor i Kambodja*, Beslut om insats, 2003-03

Sida (2003j), *Agreed Minutes. Annual Review Meeting between the Swedish International Development Cooperation Agency, Sida, and the Cambodia Office of the UN High Commissioner for Human Rights, COHCHR, held in Phnom Penh on December 11, 2003*

Sida (2004a), *Civil Society and Poverty Reduction, A Guide for Development Practitioners*, by James Manor

Sida (2004b), *Reserapport*, Christine Johansson, Thailand och Kambodja, 2004-01-13

Sida (2004c), *Diskussionsunderlag om framtida stöd till demokratisk samhällsstyrning i Kambodja*, Christine Johansson, 2004-04-26

Sida (2004d), *Completion Memo, Support to non-governmental organisations promoting democracy and human rights in Cambodia during 2001-2003, through Forum Syd*, Ida Svensson/Christine Johansson, draft Memo August 17, 2004

Sida (2004e), *Completion Memo, Support to non-governmental organisations promoting democracy and human rights in Cambodia during 2001-2003, through Diakonia*, Ida Svensson/Christine Johansson, draft Memo August 17, 2004

SPM Consultants (2003a), *Civil Society and Democracy in Cambodia. Changing roles and trends*. The Fifth Report of the Sida Advisory Team on Democratic Governance

SPM Consultants (2003b), *Levelling the Playing Field for Democratic Governance, Technical Review of the DESA Project Portfolio in Cambodia*. The Sixth Report of the Sida Advisory Team on Democratic Governance

UNDP (2004a), *The Macroeconomics of Poverty Reduction in Cambodia*, Asia-Pacific Regional Programme on the Macroeconomics of Poverty Reduction, Kathmandu

UNDP (2004b), *Governance in the Least Developed Countries in Asia and Pacific, An Assessment of the Current Situation*, UNDP Sub-Regional Resource facility for the Pacific, Northeast, and Southeast Asia, Bangkok SURF/Patrick Keuleers

UNHCHR (2002), *Annual Appeal 2003. Cambodia*

UNHCHR (2003a), *Report of the Special Representative of the United Nations Secretary-General for Human Rights in Cambodia, Peter Leuprecht, to the Sixtieth session of the Commission on Human Rights*, 19 December 2003

UNHCHR (2003b), *Annual Appeal 2004. Cambodia*

UNHCHR (2003c), *Human Rights questions, including alternative approaches for improving the effective enjoyment of human rights and fundamental freedoms. Situation of human rights in Cambodia*. UN general Assembly, A/58/317, August 22, 2003

UNHCHR (2004a), *Statement by the Special Representative of the Secretary-General for Human Rights in Cambodia to the Sixtieth session of the Commission on Human Rights*, April 19, 2004

UNHCHR (2004b), *Report of the United Nations Cambodia Office of the High Commissioner for Human Rights to the Sixtieth session of the Commission on Human Rights*, January 16, 2004

UNHCHR (2004c), *Annual Report 2003, Cambodia*

UNHCHR (2004d), *Report of the Evaluation Mission to Cambodia for the Office of the United Nations High Commissioner for Human Rights (OHCHR): 2003*, Final Report, February 28, 2004

Vijghen, John (2001), *Cambodian Human Rights and Democracy Organisations: Towards the Future*, Report No.40, ECR, Phnom Penh

World Bank (2004), *Cambodia, Seizing the Global Opportunity: Investment Climate Assessment & Reform Strategy*, Prepared for the Royal Government of Cambodia by the World Bank Group (August 12)