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សូចនាកររបស់វេទិកាកិច្ចសហប្រតិបត្តិការអភិវឌ្ឍន៍កម្ពុជា

NGO Committee for the Monitoring of CDCF Indicators

NGO Committee

Phnom Penh. October 4, 2007

NGO Statement on the Monitoring of CDCF Indicators

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Executive Summary

NGOs welcome this week's quarterly meeting of the Government-Donor Coordination Committee as an important opportunity to monitor progress on Joint Monitoring Indicators (JMIs) agreed at the Cambodia Development Cooperation Forum in June. The Royal Government of Cambodia (RGC) has made some positive steps during the last three months towards achieving the targets, in particular through the approval of the Strategic Plan for the Ministry of Planning and the drafting of a policy paper on Freedom of Information. However, as the statements below reveals, this first monitoring quarter for the newly selected JMIs has shown limited outputs so far, and we hope that significant progress will be reported by the end of the second quarter.

At this GDCC meeting, the first since the CDCF meeting in June, NGOs would like to reiterate the importance of this process as an opportunity for civil society groups to monitor the progress needed for Cambodia's development. We would like to note however, that there are a number of JMIs that have been dropped from the previous year's priorities which is regrettable considering that these were previously considered priority issues. Please refer to the annex of this statement for the full analysis of the newly selected JMI's for 2007. Although NGOs appreciate the new criteria for selecting JMIs, they call upon the Royal Government and Development Partners to ensure that progress made on JMI's can be objectively measured through timetabling the activities required by each JMI.



Monitoring of NSDP

i) Joint Monitoring Indicators monitored by NGOs

Target	Action Needed	Responsible Government Institution
1. Approve final Ministry of Planning Strategic Plan (MPSP)	1. Approve final MPSP as a strategic document to be implemented with coordinated EDP support. 2. Bring together the NSDP APR and the alignment section of the CDC AER to document and assess progress on key NSDP indicators and resources committed/aligned to NSDP priorities.	MoP MEF CDC

ii) Monitored Progress on Action Needed

JMI 1.1: Approve final MPSP

NGOs welcome the efforts made by the Ministry of Planning regarding the Strategic Plan of the Ministry (MPSP) which has been approved in July 2007, but would have preferred open consultations with all members in the TWG-PPR on the MPSP. However, NGOs urge the external development partners to jointly support the MPSP in such a manner that minimizes the administrative burden for the Ministry of Planning in order to make MOP staff available for pressing issues such as a revision of the monitoring framework of the NSDP.

JMI 1.2: Bing together the NSDP APR an the CDC AER

No progress has been observed on this action.

iii) Recommendations

- (1.1) NGOs suggest that MPSP shares a more detailed plan outlining the time frame for the implementation of the activities of the MPSP during the meetings of the Technical Working Group of Planning and Poverty Reduction.
- (1.1) Given the MPSP has only been approved in mid-2007, NGOs suggest to have 2008 as the start date for the plan which is the time that coordinated donor-support for the plan should be available.
- (1.1) NGOs urge the external development partners to jointly support the MPSP as a whole rather than through fragmented projects that provide incentives to only a selected group of individuals working for donor supported projects.
- (1.1) NGOs welcome the idea outlined in the MPSP of setting up sub-structures in the TWG-PPR to work on a particular issue and suggest to discuss setting up such a working group, including representatives from NGOs, to work on improving the monitoring system for the NSDP during the next TWG-PPR meeting in October 2007.

Health

i) Joint Monitoring Indicators monitored by NGOs

Target	Action Needed	Responsible Government Institution
4. Increase the proportion of deliveries attended by skilled health personnel in the public sector to 45% by December 2007 (38% in December 2006)	1. Recruitment and deployment of at least 68 midwives for 68 health centres that do not yet have any midwife by the end of 2007 2. Provide salary incentives to midwives – an incentive based on the number of deliveries was adopted under the Inter-Ministerial Prakas of the MEF and the MoH No 268, April 2 2007 and the adapted midwife salary scales and compensation payments for professional related health risks as proposed by MoH are to be endorsed at a full session of the Cabinet of Ministers.	MoH

ii) Monitored Progress on Action Needed

We, first of all, would like to congratulate the RGC on the overall improvements of cash disbursement to the operational level. Despite of some progress, the cash release of Chapter 13 (program funds, former PAP funds) remains unacceptably low at the provincial level in particular in quarter 1 and quarter 2 of year—1.22%, and 6.78%, respectively. This still continues to affect the health service delivery at the community. This main indicator is now under the PFM TWG. The meetings between MoH, MoEYS, MEF, and partners have been in good progress regarding the disbursement. NGOs would like to see that this discussion will continue until the cash release to the operational level will be improved to both social sectors—health and education, in particular.

JMI 4.1/2 Increase proportion of deliveries attended by skilled health personnel

In practice, there is only one indicator in the JMIs for health, which is to increase the proportion of deliveries attended by skilled health personnel. The progress of this indicator could be known through the report of Health System Information, Cambodia Demographic Health Survey, and Midwifery Review. The data collection and analysis of these surveys are now in progress. However, accomplishment of this important indicator (among many other outcome indicators in the health sector) very much depends on the progress of public administration reform to serve people better and to become an effective development partners. The Merit Based Payment Initiatives design is being developed and discussed by MoH, CAR and health partners, and preparatory activities to formulate draft joint Government-Donor action plan for phasing out of salary supplements are on the way.

iii) Recommendations

- (4.2) NGOs active in Cambodia's Health Sector are pleased with the tremendous efforts and the progress that the RGC has made so far. We, however, would like to encourage all partners to move towards finalization of the Merit Base Payment Initiative design, ensure that the payment will be based on qualifications and experiences. Since this MBPI is at the moment aiming at around the central ministries, NGOs would like to also encourage all partners to strengthen the incentive and performance at the service delivery level, especially in the rural areas.
- (4.2) To effectively increase the proportion of deliveries by skilled health personnel, it requires the deployment of midwives in all the remote rural areas. NGOs would like to welcome that the Midwifery Review will be part of the Midterm Review so that the incentive to health professionals, particularly midwives should be resolved and moved forward soon.

Agriculture and Water Sector

i) Joint Monitoring Indicators monitored by NGOs

Target	Action Needed	Responsible Government Institution
7. Implement and monitor a partnership-based approach to agriculture and water sector priorities.	1. Progressive implementation of the Strategy for Agriculture and Water, as required by the NSDP: <ol style="list-style-type: none"> a) Reaching agreement by the end of June 2007 on a Statement of Principles to guide donors and Government agencies working in agriculture and water sectors b) Obtaining approval by MAFF, MOWRAM and donors on the terms of reference for the design of the 5 National Programs under the SAW, by July 2007 c) Completing the design of two National Programs by the end of December 2007, and d) Completing design of all 5 National Programs by the end of July 2008. 2. Improved donor and government coordination <ol style="list-style-type: none"> a) Ensure relevant stakeholders have up to date information on activities by posting twice each year (at end June and end December) on the TWGAW website an updated project database listing the donor and government activities in the agriculture and water sectors. 	MAFF MOWRAM

ii) Monitored Progress on Action Needed

JMI 7.1a,b,c,d: implementation of the Strategy for Agriculture and Water

7.1a, b, c, and d: according to the meeting with Officials at the TWG-AW Secretariat at the Ministry of Agriculture, Forestry, and Fisheries, all the four points are not yet implemented and the individual actions will be discussed during the TWG-AW meeting in late September 2007.

7.2a: Since late June 2007, information related to activities, project database of the list of donor and government activities in the agriculture and water sectors have not been updated on website (<http://www.twgaw.org/index.php>) which is hosted TWG-AW on September 25, 2007.

iii) Recommendations

- (7.1) NGOs working on Agriculture and Rural Development urge the Royal Government of Cambodia, especially the Ministry of Agriculture, Forestry, and Fisheries and all stakeholders to take in account and continue to work on these actions.
- (7.2) NGOs also recommend that the MAFF and MOWRAM update all information related to activities, project database of donor and government activities in agriculture and water sectors on its website regularly and timely.

Land Reform

i) Joint Monitoring Indicators monitored by NGOs

Target	Action Needed	Responsible Government Institution
8. Implement the legal framework established by the Land Law	1. To adopt RGC's Policy on Registration and Use Rights of Indigenous Communal Land and pilot interim protective measures (identification, mapping, classification and provisional endorsement of indigenous land legal claims) to safeguard the indigenous community's land in two provinces within the framework of provincial level state land management committees and district working groups as per Sub-Decree #118 2. To improve the livelihoods of the rural poor, i.e. 500 eligible households are settled on social land concessions with livelihood support and at least 10,000 hectares of suitable land confirmed as available for social land concessions.	MLMUPC TWG-Land

ii) Monitored Progress on Action Needed

JMI 8.1: Indigenous Peoples Land Rights

Although NGOs welcome the continued prioritization of land tenure security for Cambodia's Indigenous Peoples through its selection as one of only two land-reform JMIs in 2007, there are considerable concerns about the move away from the goal of "registering indigenous people's land rights" as stated in the NSDP, to the adoption of a policy on "registration and use rights" and the piloting of "interim protective measures" in only two provinces. NGOs and affected indigenous people sincerely hope that through voting in favor of the UN Declaration of Indigenous Peoples Rights, the Royal Government of Cambodia is signifying a return to endorsing the rights of Cambodia's Indigenous Peoples to collective land ownership, according to the "special protection" provided by Article 24 of the 2001 Land Law.

NGOs continue to be concerned about the content of the "Policy on Registration and Use Rights of Indigenous Communal Land" and the process through which it has been drafted. The Policy's current draft undermines provisions in the 2001 Land Law such as:

- promoting agricultural intensification and ceasing shifting cultivation (the Land Law explicitly respects traditional land management practices),
- limiting the size of spirit and burial forest (the Land Law stipulates that this land be registered based on the factual situation as asserted by communities and their neighbors).

In terms of process, no opportunities for consultation on the revised drafts have been given to affected peoples or Civil Society groups working on these issues. This is particularly concerning given that a previous draft was rejected by indigenous peoples themselves during consultations with Government representatives in January and February 2007.

Although the progress report by the TWG-Land notes that the Preliminary Action Plan for the implementation of the interim protective measures to safeguard indigenous community's land is being drafted, NGOs would strongly encourage the Government to make concrete steps to ensure that protective measures are implemented immediately to halt the daily grabbing of indigenous peoples land occurring in the two target provinces. In addition there is concern that this TWG-Land report narrowly interprets this JMI to focus only on interim protective measures in the three pilot indigenous communities which have been recognized as legal entities, rather than expanding to other indigenous communities in the two provinces as is stated in the JMI action itself.

JMI 8.2: Social Land Concessions

This JMI is rolled-over from the 2006 JMIs. NGOs are confused about the different figures given for land which has been registered as State Private Land, as a first step in the land allocation process at the Kratie pilot site of the LASED project:

- NGOs working in Kratie province report that approximately 7,000ha of land has been registered,
- The TWG-Land progress report states that 3,906.57ha has been registered, 3,294.36ha in Sombok Commune and 612.21ha in Chang Krang Commune, Kratie District,
- The June 2007 "Policy Performance of the Royal Government of Cambodia" report on progress made against the JMIs during 2006 stated that by May 2007, 4,400ha had already been registered as State Private Land in both Sombok and Chang Krang Communes¹.

NGOs also note that despite the fact that this JMI was rolled over from 2006, less than half the target of 10,000ha has so far been identified or registered in preparation for allocation as an SLC.

Only a limited number of NGOs working in Kratie province report having access to information relating to the LASED project and the majority of NGOs noted considerable constraints to participating in this project relating to poor coordination and insufficient time-warnings given before meetings.

Although it was reported to the last meeting of the TWG-Land that local NGOs in Kratie province were providing assistance during the selection of beneficiaries, NGOs themselves reported that this process was overly complicated and un-necessarily slow. In addition some NGOs are concerned that families may find it difficult to remain on the SLC sites allocated to them because of the poor rural infrastructure and limited livelihood options available.

iii) Recommendations

JMI 8.1: Indigenous Peoples Land Rights

- Conduct further consultation with indigenous communities and civil society groups working to support indigenous peoples to review the draft Policy on Registration and Use Rights of Indigenous Communal Land and ensure its provisions compliment and are in the spirit of the 2001 Land Law, the Cambodian Constitution and other legal relevant legal frameworks.
- A broader interpretation of JMI 8.1 must be adopted which takes steps to implement interim protective measures to safeguarding indigenous community land throughout two provinces, rather than just the three pilot villages, and therefore which targets all indigenous communities including those which are not yet registered as legal entities, as in line with the 2001 Land Law.
- Speedily complete the Preliminary Action Plan, in consultation with all members of the TWG-Land, and immediately begin to implement protective measures as described in JMI Action 8.1: namely a process of "identification, mapping, classification and provisional endorsement of indigenous land legal claims".
- A clear timeframe for implementation of the sub-activities required under JMI 8.1 must be prepared and disseminated in order to monitor progress before the deadline of the next CDCF meeting in December 2008.

¹ RGC (2007) "Policy Performance of the Royal Government of Cambodia: A report on progress towards targets of Joint Monitoring Indicators agreed at March 2006 Consultative Group Meeting" Cambodian Rehabilitation and Development Board of the Council for the Development of Cambodia, updated May 2007.

JMI 8.2: Social Land Concessions

- Speed up the process for selecting beneficiaries in the Kratie SLC pilot site and clarify the amount of land which has been registered as State Private Land.
- Speed up the process of state land mapping as a mechanism for identifying potential SLC sites in other target areas, including urban sites, and improve harmonization of land allocation processes with supporting development and infrastructure improvement projects.
- Formalize the process through which local NGOs participate in the SLC processes, in particular as independent monitors of the selection of beneficiaries.
- A clear timeframe for implementation of the sub-activities required under JMI 8.2 must be prepared and disseminated in order to monitor progress before the deadline of the next CDCF meeting in December 2008.

Forestry Reform

i) Joint Monitoring Indicators monitored by NGOs

Target	Action	Responsible Government Institution
9. With the aim of stopping the loss of Cambodia's forest resources, the legal frameworks established by the Forestry Law and in particular the Sub-Decree on Economic Land Concessions must be fully implemented at all levels of Government agencies.	<p>1. Implement all provisions of the sub-decree on ELCs, including establishing and making public log book of ELCs, including those issued at provincial level, and review a minimum of 5 economic land concessions over 10,000 hectares, taking appropriate action consistent with Chapter 6 of the Sub-Decree on ELCs.</p> <p>2. Rapid implementation across Cambodia of forest demarcation in accordance with the sub-decree No. 53, dated 1 April 2005.</p>	<p>MAFF</p> <p>TWG-F&E</p> <p>TWG-Land</p>

ii) Monitored Progress on Action Needed

JMI Action 9.1: Economic Land Concessions

NGOs are encouraged by the ongoing cancellation of ELCs for failure to comply with the legal framework such as the 7 concessions cancelled in Kampong Speu, Kampong Thom, Kratie and Mondulkiri provinces, at a total of 66,960ha². However, we note that no progress has been reported in terms of reducing the 11 ELCs which are currently operating over the legal size limit of 10,000ha, either as reported by NGOs working at the provincial level, or within the progress report submitted by the TWG-Forest and Environment (TWG-F&E) which states that "5 among 8 companies which have ELCs more than 10,000ha are being consulted for deduction to 10,000ha"³.

We also welcome the inclusion of ELCs issued at the provincial level within the scope of this new JMI. We call on members of the TWG-F&E to make strong efforts therefore to comply with the December 2007 deadline for releasing information about these provincially authorized concessions, despite the difficulty obtaining this information described as a constraint in the progress report of the TWG-F&E. We are also concerned about ongoing (but as yet unverified) reports from NGOs that concessions larger than the maximum limit of 1,000 ha are being approved by provincial authorities.

JMI 9.2: Forest Demarcation

NGOs welcome the approval of Guidelines regarding the boundary markers for defining permanent Forest Reserve Boundaries by the Forestry Administration (MAFF, 2007) and are glad that this has been disseminated to local Forestry Administration offices and some NGOs operating in the forestry sector. It is noted however, that other publications such as the Cambodia Forest Statistics 2006 Report on the state forest classification, demarcation and mapping, which was released in May 2007, have not been received by the majority of NGOs working in this sector, or affected communities.

Beyond this, little progress was noted by NGOs working at the provincial level and no independent verification was possible of the progress report by the TWG-F&E that 170km of forest boundary had been demarcated.

² Source: Ministry of Agriculture, Forestry and Fisheries website, as at 24th September 2007

³ The MAFF website has a total of 51 concessions currently operating, of which 8 are currently more than 10,000ha. However a database constructed by Civil Society groups has a total of 61 concessions, with 11 currently operating over the legal size limit.

iii) Recommendations

JMI Action 9.1: Economic Land Concessions

- Speed up the review of ELCs currently over the legal 10,000 ha size limit in accordance with the provisions of the sub-decree on ELCs. This must ensure that concessions are prohibited on private land and land eligible for communal ownership by indigenous peoples', in the spirit of the June 2007 "Policy Performance of the Royal Government of Cambodia" report which states that "The current and future ELCs are granted only on land that has worn out with no prospect for tree plantation or forest development. Private land and indigenous community's land are strictly prohibited for ELCs⁴"
- Members of the TWG-F&E must work hard to ensure that line-ministry staff working at the provincial level make all information related to ELCs issued at the provincial level available, improve their operational transparency and accountability and monitor approvals to ensure they comply with the 1,000ha size limit.
- Recent information released at the TWG-Land indicates that the cancelled ELC areas will be considered for re-allocation as the third pilot Social Land Concession site, in particular the 4 and 1 ELCs recently cancelled in Kampong Speu and Kampong Thom respectively. However, it is recommended that a proper analysis (including public consultations) of the status of these areas be undertaken first, including land cover, current land occupation and use by local communities.
- A clear timeframe for implementation of the sub-activities required under JMI 9.1 must be prepared and disseminated in order to monitor progress before the deadline of the next CDCF meeting in December 2008.

JMI 9.2: Forest Demarcation

- We call on members of the TWG-F&E to improve their efforts to disseminate information and progress reports to NGOs working in the forestry sector, and in addition, establish mechanisms to more strongly engage civil society groups in forest demarcation processes.
- A clear timeframe for implementation of the sub-activities required under JMI 9.2 must be prepared and disseminated in order to monitor progress before the deadline of the next CDCF meeting in December 2008.

4 RGC (2007) "Policy Performance of the Royal Government of Cambodia: A report on progress towards targets of Joint Monitoring Indicators agreed at March 2006 Consultative Group Meeting" Cambodian Rehabilitation and Development Board of the Council for the Development of Cambodia, updated May 2007.

Fisheries

i) Joint Monitoring Indicators monitored by NGOs

Target	Action Needed	Responsible Government Institution
10. Take appropriate action to reflect the priorities of the Fisheries sector to improve the livelihoods of rural communities in commune, district and provincial development plans as well as donor funding levels.	<ol style="list-style-type: none"> 1. Cambodian Code of Conduct for Responsible Fisheries (CamCode) drafted by the end of 2007 2. Work with the government agencies/ revenue authorities and donors to ensure the FiA is adequately funded including the revenue from the sector to carry out its mandate with reference to Article 14 of the Fisheries Law. 3. Donors in fisheries use the planning, accounting and monitoring systems of the Fisheries Administration to be in line with MTEF and MBPI by the end of 2007. 	MAFF

ii) Monitored Progress on Action Needed

JMI 10.1: Draft Code of Conduct for Responsible Fisheries by the end of 2007

The Fisheries Administration has made some efforts to draft the "Cambodian Code of Conduct for Responsible Fisheries", supported by the Food and Agriculture Organization (FAO), however the status of the draft has not been communicated to the public.

Given the lack of information about the status of the Code of Conduct, CSOs and NGOs wonder about the progress made by the Fisheries Administration (FiA) in relation to this action. NGOs are concerned that the "Code of Conduct" will be just another form of policy document, overlapping many existing laws and regulation which would be similar with other fisheries laws and regulations and have an insignificant contribution to poverty reduction.

JMI 10.2: Ensure adequate funding for the FIA

The Fisheries Administration (FiA) has made its effort to improve cooperation and coordination with government and donor agencies as part of their campaign to find more funds to implement their plan. The JMI 2006 Progress Report indicates that the Minister of MAFF sent a letter on 17 July 2006 to relevant ministries, provincial governors, and the donor communities to include fisheries in its development plan. The FiA reviewed the Fisheries Strategic Framework for Development Cooperation Management and is awaiting the Fisheries TWG approval. An Institutional Review of FiA has also been conducted as a partial effort to improve institutional cooperation within and outside the FiA. These activities represent the increased effort in improving cooperation and coordination among government agencies.

However, the cooperation and coordination provided by the FiA continues to centralize the "power" and "authority" of the FiA. Donors have been targeted as an important partner for a strong cooperation given that donors fund their programs as part of empowering FiA. For instance, DFID and DANIDA have been long-standing cooperating partner with FIA. The FiA has secured funding to implement the Annual FiA Action Plan from DFID/DANIDA for 2006 and future plan. In addition to this, the Gender Mainstreaming Policy and Strategy in the fisheries sector has been drafted in pursuit of MAFF's Gender Mainstreaming Policy and Strategy in the Agriculture Sector with funding support from donors. This form of cooperation results in more foreign consultants providing consulting service to assist the FiA, leaving only limited capacity within the FiA.

The NGOs and civil society see the issues of cooperation and coordination as a "persistent problem" and hardly to see any progress made by FiA given the fact that the institutional cooperation nowadays is the same as five years ago. In fact, FiA cooperation

with other government agencies is depended on the level of FiA being able to maintain their "power" or "authority" over the fishing grounds. As a consequence, the cooperation with the commune councils, environment related government agencies and NGOs seem to be inadequate. This is true for the Tonle Sap Sustainable Livelihood Project (TSSLP) when the project is executed by Ministry of Interior (MoI) and FiA becomes a cooperating partner. Given this, the lowest level staff of FiA sees the Commune Council implementing the TSSLP as a threat to their power and authority in the area.

10.3 Donors fund the FiA activities under framework of the "donor harmonizing strategy". The Donor Technical Working Group (DTWG) acts as an arm of donor countries to give an approval for the FiA planning, accounting and monitoring system of FiA. The DTWG has harmonized the donor supports for FiA and this has been an on-going activity.

However, NGOs and communities see this action as an insignificant contribution to livelihood implement and poverty reduction. Rather, it is serving the centralization of fisheries management. In addition, NGOs are concerned that such an action taken by the FiA is hardly monitored given the lack of information about the FiA activities. On the other hand, the DTWG is also chaired by the FiA and therefore, most of decisions made by DTWG are influenced the interests of FiA. The NGOs that works closely with local communities have a less voice in the DTWG and therefore, the interest and the need of the poor do not reflect in the fisheries plan.

iii) Recommendations

10.1. NGOs and local fishing communities urge the FiA and FAO to consult NGOs and communities in developing the Cambodia Code of Conduct for Responsible Fisheries. Donors shall ensure that this Code of Conduct serve the interest of local communities rather than institution working on it. The NGOs and civil society organizations request the Royal Government of Cambodia to release the information about this code of conduct to the public on more regular basis.

10.2. NGOs and civil society call on the donor countries to consider more NGOs and civil society participation of in fisheries programs funded by donor countries as well as other program. Many fisheries plans and policies have been developed regardless the knowledge and interest of local communities. Therefore, NGOs and civil society request RGC and donor countries to engage NGOs and local communities more in the consultation of these plans and policies that affect their livelihoods.

10.3. NGOs and civil society organizations call on RGC to revise the "action needed" presented in the JMI if the fisheries sector aims to contribute to the improvement of livelihoods and poverty reduction of fishing communities, because the current "action needed" addresses interests of FiA rather than poverty reduction.

Legal and Judicial System

i) Joint Monitoring Indicators monitored by NGOs

Target	Action Needed	Responsible Government Institution
16. Establish a well functioning, transparent and accountable legal and judicial system that protects individual rights as defined in the Constitution	<ol style="list-style-type: none"> 1. LJRS Strategic Objective 2. Complete the drafting and approval of the remaining fundamental Laws (Penal Procedure Code, Penal Code, Civil Code, Law on the Statute of the Judges, Law on Court Organization and Functioning, Law on the Amendment of the Law on the Organization and Functioning of the Supreme Council of the Magistracy). 2. LJRS Strategic Objectives 2 & 7. Review and finalise guidelines for the legislative drafting process that draws on lessons from past experience. Guidelines should seek to inform externally mobilised TA, with an emphasis on building the capacity and ownership of the relevant Ministry's legal unit. 3. LJRS Strategic Objectives 7 & 4. Ongoing training and transparent selection of judicial professionals to improve the supply of judicial services and the functioning of the courts. 	MoJ

ii) Monitoring Progress on Action Needed

JMI 16.1 Complete the drafting and approval of the remaining fundamental Laws

NGOs working on Legal and Judicial Reform welcome the recent adoptions and putting into effect of **the Penal Procedure Code** and **Civil Procedure Code**, and would like to praise the government for these great achievements. Though, dissemination and awareness raising around these two laws has not been widely done. However, the progress on the **Penal Code Draft Law** has been very slow. It has not been adopted by the Council of Ministers and is still under the review of the Ministry of Justice regarding to additional crimes.

The Draft Law on the Statute of Judges is currently placed at the Office of Council of Ministers and it is being prepared for submission to the inter-ministries' meeting. NGOs are pleased with the efforts of the government in pushing this forward.

Law on the organization and functioning of court is currently under the review of the Ministry of Justice. Ministry of Justice is waiting for comments from the Supreme Council of Magistracy prior to the submission of this draft law to the Office of Council of Ministers for further comments and discussions.

Law on the Amendment of law on the organization and functioning of Supreme Council of Magistracy (SCM) is still at the Ministry of Justice. For this draft law, it seems that the Royal Government has no clear willingness to push this draft law forward for the soon adoption. A government official disclosed that the pushing forward for the approval of this draft law is based on the political will of the government as well. For the most recent removal of judicial officials, for instance, the removal of Mrs. Ly Vouch Leng, former President of Appeal court to work in the Ministry of Justice, and replaced by Mr. You Bunleng, it revealed that the government has satisfied with their actions and considers this action as part of legal and judicial reforms. This expresses that the judicial reform is a good move for reforming the SCM. NGOs working on Legal and Judicial Reform are pleased with this action; however, NGOs express its concern regarding the delay in the adoption of current draft law on amendment of law on the SMC.

JMI 16.2 Review and finalize guidelines for the legislative drafting process are currently at the Council of Ministers and being reviewed by the legal and judicial reform unit of the Council of Ministers. The legal and judicial reform unit will bring this guideline to be

discussed and approved by the Council of Ministers but so far there is no clear date for Council of Ministers to meet and approve this guideline.

JMI 16.3 Review and finalize guidelines for the legislative drafting process

As part of **ongoing training and transparent selection of judicial professionals**, the Royal Government has established a Royal Academy of Judicial Profession and offered opportunity for those who have legal education background to continue their skill/specialized training there to become judge, prosecutors, greffiers and other court officials. The Royal Academy accepts 70 students per year for further skill/specialized trainings on judicial profession. Graduates from the Royal Academy will be targeted people to be selected for serving in judicial services. So far there is no actual practice yet on the transparent selection of judicial professionals to serve in judicial services.

iii) Recommendations

Related to JMI 16.1, NGOs recommend that:

- The government shall continue to increase a wide range of publication and dissemination of new ***Penal Procedure Code, and Civil Procedure Code*** to ensure that the Cambodian general public and especially enforcement officials are aware of existence of these new fundamental laws of the country.
- The government shall provide appropriately ongoing trainings for all enforcement officials to ensure that they have at least basic knowledge and understanding on laws so that they will effectively and properly implement the newly enacted important laws.
- The government shall accelerate the adoption of ***Law on the Statute of Judges and the Law on the organization and functioning of the court*** to ensure the effectiveness, impartiality, competence and independence of the courts throughout Cambodia.
- To ensure the independence in functioning of the judiciary and to punish the wrongdoing of judicial officials, the government shall accelerate the adoption of ***Law on the Amendment of law on the organization and functioning of Supreme Council of Magistracy.***

Concerning JMI 16.2, NGOs recommend that

- The government shall speed up the adoption of ***Guidelines for Legislative Drafting Process*** so that each legal unit of all ministries will have guidelines in place and they will receive capacity building on the due process for legislative drafting.

Regarding JMI 16.3, NGOs recommend that

- The government shall facilitate, further encourage and open a wider opportunity for all legal educated persons both from provinces and in Phnom Penh to have their education continued in legal and judicial skills the Royal Academy of Judicial professions.
- Fighting against all forms of corruptions or any other irregularities occurred during the selection of legal educated persons for either further education Royal Academy of Judicial profession or serving in judicial services.

Combat Corruption

i) Joint Monitoring Indicators monitored by NGOs

Target	Action Needed	Responsible Government Institution
17. Combat corruption	<ol style="list-style-type: none"> 1. Finalize and approve Anti-Corruption Law, based on best international practices. 2. Prepare an implementation plan to enforce and manage the implementation of the Anti-Corruption Law. 3. Disseminate information on reported cases on corruption and conviction on semiannual basis. 4. Develop a clear policy framework on Access to Information. 	MONASRI COM

ii) Monitored Progress on Action Needed

JMI 17.1: Finalize and approve Anti-Corruption Law

Since the last CDCF, there has been no report on any progress with the draft Anti-Corruption Law. The latest version of the Draft Anti-Corruption Law available to civil society is dated 26 October 2006 (the date is hand-written), but it is exactly the same as the version dated 29 September 2006 (except that the latest one had a Table of Contents). The Penal Procedure Code was passed earlier this year. This should be an important milestone since the RGC insisted that passing this code was a precondition to passage of the ACL due to the need to harmonize the two laws. Yet comes another piece of legislation, according to the RGC, that needs to be ready before the Anti-Corruption Law, and that is the Penal Code. Still, it is not clear from the Government side if other legislation-- in addition to the Penal Code -- are required before the ACL could be passed. Since the RGC keeps referring to "relevant legislation" without specifying which are referred to, civil society is deeply concerned that the Government lacks the required seriousness to complete this activity. Civil society is further concerned that the Penal Code itself would take times to pass after which other legislations would come up as an excuse for further delays.

With regard to the content, as stated above, no improvements have been made either to the September-06 version or the October-06 version, taking into consideration the suggestions and comments made by civil society, particularly with regard to the outstanding issues of independence of the anti-corruption body: the advisory role of the Supreme National Council against Corruption versus the executive function of the General Secretariat and the independent budget for the ACB, the asset declaration, and the whistleblower/witness protection.

Though, a few lawmakers from the ruling party were quoted by the media as saying they expected the Government to submit the Draft Anti-Corruption Law to the National Assembly soon, there was no official indication that the draft law is going to be ready for the National Assembly debate. Failing to set a deadline at the last CDCF for the draft law to be finalized by the Government and the absence of a clear explanation by the Government of the need to wait for the so-called other relevant legislations to be passed first, have led to a growing civil society concern for that the Government does not have the real political will to have the anti-corruption law passed nor to be serious enough in addressing corruption.

JMI 17.2: Prepare an implementation plan for the Anti-Corruption Law

Civil society would like to recall that the Ministry of National Assembly Senate Relation and Inspection (MoNASRI), with the assistance of UNDP, brought two experts from Singapore in March 2007 to help draft an implementation plan for the Anti-Corruption Law. This involved developing practical steps for full operational set up of the anti-corruption body (ACB), including planning for operation and support of the ACB's staff and their training, detailing necessary office equipment, and formulation of a budget for

initial set up and operational cost. The Plan also describes mechanisms that need to be in place to implement the three-pronged anti-corruption measures (education, prevention and investigation). This represents progress by the Government, despite a delay, which civil society appreciates. However, the draft Implementation Plan has not yet been submitted to the Council of Ministers. It will likely be submitted, according a reliable source from MoNASRI, to the CoM sometime before the next GDCC meeting in October.

JMI 17.3: Disseminate information on reported corruption cases and conviction

Civil society does appreciate the Government's attempt to report corruption cases in which public officials were involved. The most recent cases of the former Chief of the Appeals Court and provincial officials being removed for the alleged involvement in corruption, if it is really the case, constitutes a positive move toward upholding accountability and transparency by the Government and, therefore, deserves appreciation.

Civil society also welcomes the recently reported crackdown on drug dealers. However, NGOs observe that the reporting was still not carried out systematically and in a structured way. Moreover, in some of these cases, reporting was just partly done without sufficient follow-up. It has been observed also by NGOs that cases of corruption and conviction reported remain selective. As a result, tracking these cases is virtually impossible and it has no serious impact on the fight against corruption, and NGOs can say that this indicator is not fully met.

JMI 17.4: Develop a clear policy framework on Access to Information

NGOs wish to congratulate the RGC's Ministry of National Assembly Senate Relation and Inspection (MoNASRI) for taking action in the drafting of an Access to Information Policy Paper which will be the foundation of a future Access to Information Law. Despite a delay in the previous period, MoNASRI is taking a serious step after the CDCF to work out a policy framework on FOI. With technical assistance from a world-class FOI expert and a local consultant, supported by USAID, through Pact Cambodia, MoNASRI has now finalized the draft policy paper and was said to submit it to the CoM sometime before the next GDCC meeting in October.

NGOs also appreciate the Government /MoNASRI for allowing multi-stakeholders, especially two representatives of the NGO FOI Working Group to participate in the drafting process through the sharing of information and ideas with the Government's Drafting Team over the FOI policy framework.

iii) Recommendations

JMI 17.1: Finalize and approve Anti-Corruption Law

- Anti-corruption becomes more and more a global issue. The fact that the Government has recently joined the other Southeast Asian countries to sign an anti-graft pact aimed at preventing and combating corruption in the region, and that RGC is preparing to become a signatory to the UNCAC is warmly welcome by the civil society. Nevertheless, the Government should move a further step ahead from rhetorical approach to real actions by finalizing the draft Anti-Corruption Law without any further delay. NGOs see that the Criminal Procedure Code is the only piece of legislation that needs to go along with the ACL, and as it has already been passed and promulgated, there is no more justification for it to be on hold any longer. Corruption is a crosscutting issue and, as such, it is related to everything. Therefore any attempt to clean up with other legislations first is tantamount to 'Moving nowhere.' It should be the other way around: the ACL comes first and the others should follow through.
- In the meantime, the draft Anti-Corruption Law needs to be reviewed and improved, particularly the three outstanding issues mentioned above, to ensure that it meets international standards before it is submitted to the National Assembly for debate and enactment. Failing to meet international standard means the indicator is not met and

that the Law, if passed, would not be accepted particularly by civil society as a tool effective enough to address corruption.

JMI 17.2: Prepare an implementation plan for the Anti-Corruption Law

- The Government/MoNASRI should move further with the draft Implementation Plan to meet the indicator and to ensure that it is designed strictly as a tool for enforcement and implementation of the ACL that meets international standards, once it is passed. Therefore, it should not be just something that would compromise the principle of international best practices of the Anti-Corruption Law.

JMI 17.3: Disseminate information on reported corruption cases and conviction

- The RGC should improve its reporting mechanism by developing a systematic reporting tool through which it will regularly report to the National Assembly and the public on the progress made in the fight against corruption. The data to be reported through a public information mechanism should include (but not necessarily be limited to): the number of corruption investigations conducted; number of arrests; number of administrative actions taken; number of convictions and/or administrative dismissals; length of administrative suspension or sentence of convicted criminals, and; estimated monetary impact of the crime committed.

JMI 17.4: Develop a clear policy framework on Access to Information

- While congratulating MoNASRI for moving ahead with the drafting of a policy paper on FOI, NGOs would like to recommend that the RGC completes its internal review of the Access to Information Policy Paper as quickly as possible, and transform this Paper into an Access to Information Law before the end of 2008.

Decentralization and Deconcentration

i) Joint Monitoring Indicators monitored by NGOs

Target	Action Needed	Responsible Government Institution
18. Preparation made for full Implementation of the RGC's Strategic Framework for Decentralization and Deconcentration (D&D) reforms.	1. Continue preparation and initiate broad stakeholder consultations on the organic laws on democratic development at sub-national level during Q4 of 2007.	NCDD
	2. National programme design process and modalities developed, agreed, and resourced for implementation to begin in 2nd quarter of 2008.	NCDD
	3. RGC and development partners design the principles of engagement in support of D&D reform in Cambodia.	NCDD

ii) Monitored Progress on Action Needed

JMI 18.1 Continue preparation and initiate broad stakeholder consultations on the organic laws on democratic development

Despite reiterated intention of the Ministry of Interior - the coordinating ministry, to finalize the proposed "organic laws" by the end of 2006, the concerned officials themselves are not still clear when would this be ready for broad stakeholder consultation before it is submitted to the National Assembly for approval. One of major hurdles to this end appears to garner consensus among affected ministries. To a question during the NLO facilitated third civil society – Government quarterly meeting on August 15, 2007, the Department of Local Administration [DOLA]-MOI Director, H.E. Leng Vy replied, "we can not tell when the [proposed] organic laws gets finalized as it depends on how much participation we [MOI] get from all ministries".

In a recent presentation made by HE Prum Sokha, Secretary of State, Ministry of Interior at a national workshop on 2nd October 2007, it was stated that "the First draft of the Organic Law on the provincial/Municipal and district/Khan administration is being reviewed by MOI before putting it for broad scale consultation with relevant stakeholders".

At different occasions there have been sharing by the RGC of some information on the outline and approaches of the drafting of the proposed organic laws, however the contents of the draft have remained in dark. NGO community has raised concern over this perpetual delay in drafting and bringing the draft organic laws out for public consultation and review.

JMI 18.2 National programme design process and modalities developed, agreed, and resourced for implementation

Following the circulation to the donors of the draft implementation framework of the preparatory phase [2006-07] of the Sub-national Democratic Development in June 2006, the RGC had indicated to bring out the implementation strategy for this phase. To that end the Technical Working Group of D&D in leadership of the NCDD have so far designed the ToR for international advisors and assigned government officials for designing the programming framework for Sub-national Democratic Development Program to begin in 2nd quarter of 2008. The RGC expects to produce the framework by the end of 2007.

In the reporting period the RGC carried out the followings:

- Approved and conducted the Capacity Building program 2007 [training to newly elected CC officials and sub-national officials] for provincial, district and commune levels,
- Updated and issued the new guidelines of Commune Development Plan [CDP] and Commune Investment Plan [CIP],
- Announced the continuity of Accountability Working Group in all provinces, and
- Approved the formation of 5 sub-committees of the National Committee for the Management of Decentralization and Deconcentration Reforms [NCDD], which are also responsible to advise on the sectoral devolution to be incorporated in the proposed organic laws.

NGO community has shown serious concerns regarding program design and implementation of some of above stated activities before finalizing, with due public consultation process, the proposed organic laws. To several it is a matter of concern to go ahead with developing implementation modalities and activities without having policy direction to be provided by the proposed organic laws. This is one of the outcomes of the delay in bringing out the organic laws.

JMI 18.3 RGC and development partners design the principles of engagement in support of D&D reform

Following the launching of the Project to Support Democratic Development through Decentralization and Deconcentration [PSDD] during the 1st quarter of 2007, the NCDD expects to bring out the programming framework for the project that will provide basis for multi-donor support for D&D implementation. As mentioned earlier, a design of ToR for international consultants to work on the said programming/implementation framework has now completed.

iii) Recommendations

- NGOs recommend that the RGC should bring out the draft organic laws by allowing appropriate time for public reviews before it is finalized and submitted to NA for approval. NGOs firmly believe that public review not only contributes to make the laws just and effective but also ensures and enhances public support and ownership.
- NGO community recommends that the timing of finalization of D&D implementation framework should be updated owing to delay in finalization of the organic laws.
- NGOs recommend that subsidiarity principle affirmed by the RGC also should be the guiding principle of decentralization. This will not only ensure consistency between the proposed organic laws and implementation framework that is ahead of the organic laws in the making currently, but will also provide an objective basis of expenditure assignments across sectors. NGO community also believes the adoption of subsidiarity principle as guiding principle for sectoral devolution will also enhance participation and cooperation from all affected sectoral ministries.

National Budget and Public Finance

i) Joint Monitoring Indicators monitored by NGOs

Target	Action Needed	Responsible Government Institution
19. A more credible budget and more effective financial accountability	Continue implementing the PFMRP ⁵ by: a) sustaining actions already implemented and completing the remaining key actions necessary for Platform 1; b) preparing the consolidated action plan for implementation of Stage 2/Platform 2), including to make recommendations on the endorsement of EITI; and c) continue monitoring impact through the agreed PFM Performance Indicators.	MEF

Introduction

NGOs welcome the inclusion of one NGO representative in the Technical Working Group on Public Finance Management (TWG-PFM) and look forward to constructively engage with all members of the TWG-PFM on **public access to budget related information** and **pro-poor budgeting**. NGOs would like to express their support for the priority sectors defined by the Royal Government (agriculture, irrigation, rural development, physical infrastructure, education, health, good governance) and expect to see higher increases in their allocations compared to the increases in the non-priority sectors in the forthcoming draft Budget Law 2008.

As noted in the section on Health, NGOs are concerned with the low levels of cash release to the health sector. Despite of some progress, the cash release of Chapter 13 (program funds, former PAP funds) remains unacceptably low at the provincial level in particular in quarter 1 and quarter 2 of year—1.22%, and 6.78%, respectively which continues to affect the health service delivery at the community level.

ii) Monitoring Progress on Action Needed

19a) During the TWG PFM meeting on 27 July, the MEF presented the progress made during the first semester of 2007 as well as a framework for completing platform one of the PFMRP. As part of the completion of Platform 1, MEF updated its website in September with the complete series of the Monthly Bulletin of Statistics up to July 2007, which includes the monthly expenditures in the TOFE⁶ reports.

19b) During the TWG PFM meeting on 27 July, the MEF presented its framework for platform 2 and a complementing activity plan. Further, CSOs support Government's decision to form a working group to study the Extractive Industries Transparency Initiative (EITI) which is expected to make a recommendation regarding the formal endorsement of EITI expected by the middle of 2008.

iii) Recommendations

19a) As part of completing platform 1, CSOs ask the MEF to **post the mid-year review on the MEF website** as a part of its work towards the desired characteristics of a PFM system in Cambodia described in the PFMRP p.5 "*Monthly up-to-date reports are made public on the progress of budget implementation, including a comprehensive mid-year review.*"

⁵ Public Financial Management Reform Program

⁶ Table of State Financial Operations

Domestic Violence and Exploitation

i) Joint Monitoring Indicators monitored by NGOs

Target	Action Needed	Responsible Government Institution
20. Adopt laws and sub-decrees and relevant legal documents, and implement plans against all forms of violence and exploitation against women and children, according to international standards	<ol style="list-style-type: none"> 1. Sub-decree on the administrative decision on domestic violence adopted. MoJ TWG Gender 2. Law on suppression of human trafficking and sexual exploitation adopted, and in compliance with the UN Protocol on trafficking and UN convention on transnational organized crime, and the Cambodian draft penal code. 3. National Action plan to combat violence against women implemented. The specific target for 2007 is to establish a working group in MoI/DOLA for training materials on the Sub-decree. 4. Policy and legislation on migration reviewed. Specific targets for 2007 include: Adopt comprehensive Strategy Paper on Migration that links Migration with Trafficking, Smuggling and the Labour Law Reform and closes existing legal gaps to enhance legal protection of migrants. 	MoI MoWA MoLVT

ii) Monitored Progress on Action Needed

20.1 NGOs welcome the effort of the Inter-Ministerial Working Group (MOI, MOWA and experts) in drafting the Sub-decree on the administrative decision on domestic violence. However, NGOs observe that the progress has been slow regarding to the preparation of the Sub-decree on the administrative decision on domestic violence. The drafted sub-decree is still waiting for comments from the Ministry of Interior.

20.2 NGOs working gender issues are pleased with and would like to praise the government (COM) in adoption of the draft Law on suppression of human trafficking and sexual exploitation on **24 August 2007**.

20.3 It takes almost two years to prepare the National Action Plan to combat violence against women. NGOs note that some overlapping activities/tasks between the MoWA and other concerned institutions have not been finalized. NGOs are very concern about the delay in finalizing and approval of this action plan.

iii) Recommendations

20.1 NGOs would like to urge the MOI to review and comment on the sub-decree, which has been drafted by the Inter-Ministerial Committee and submit it to the CoM for approval as soon as possible.

20.2 NGOs recommend that the MOJ take immediate action in the preparation of the problem statement on the draft law on suppression of human trafficking and sexual exploitation and send to NA for debate and adoption.

20.3 NGOs would like to urge the MoWA, the TWG on Gender and concerned agencies to move faster in defining clear role and tasks within the national action. There is a need for immediate adoption and implementation of this action plan in order to fully enforce the adopted law on the Prevention of Domestic Violence and the Prevention of Victim.

Landmines

i) Joint Monitoring Indicators monitored by NGOs

Target	Action Needed	Responsible Government Institution
11. Further reduction of 70-80 landmines/ERW casualties and a decrease 5-10% of contaminated mine/ERW land	<ol style="list-style-type: none"> 1. Ensure the implementation, monitoring and evaluation of existing mine action/ERW policy, strategy, and action plans. 2. Ensure timely disbursement of RGC and development partner funds. 3. Improve mechanism to monitor the use of resources and their impact in a transparent, efficient and effective manner. 	CMAA

ii) Monitored Progress on Action Needed

- 11.1 (a) The number of landmines/ERW casualties from January to August 2007 are 281 and January to August 2006 are 353. Reduction of 72.
 (b) Land clearance for 6 months in 2007 was processing very well. The total areas cleared recorded in CMAA. Area named as mine contaminated was reduced as well in 6 months.
- 11.2 Disbursement of funds from RGC and development partner funds was on time. However mine clearance agencies are not assured yet of 2008 funds. For planning purposes it is essential this be addressed.
- 11.3 A clear monitoring report format makes report from HALO Trust, MAG and CMAC to CMAA more transparent and effective. It is an effective coordination mechanism.

iii) Recommendations

- (11.2) The government and donors should confirm their funding support for the implementing agencies so that they can plan their work ahead for the next coming year.

ANNEX: Analysis of 2007 JMI's

This analysis was prepared by the NGO Forum to help explain to NGOs about some of the new Joint Monitoring Indicators agreed between government and donors at the Cambodia Development Cooperation Forum (CDCF) Meeting held on 19th and 20th June 2007⁷. These Joint Monitoring Indicators (JMIs) will be monitored through the concerned government-donor Technical Working Groups (TWGs) and reported to the quarterly Government-Donor Coordination Committee (GDCC) meetings.

The "CDCF" Meeting is the revised process for monitoring sector-based progress which was previously called the Consultative Group (CG). The target "indicators" are divided into actions that government and donors agree should be achieved by the next CDCF meeting. Achievement of these specific actions is considered to be a good indication of progress in each sector more generally.

The CDCF requested that each TWG to change to means and criteria of selection of JMIs for the CDCF07 Meeting; a maximum of only 3 were to be prepared which were characterized as "macro, strategic and policy-orientated". As a result, 55 JMIs of 20 targets have been agreed upon. These JMIs or Actions Needed are structured in accordance with the National Strategic Development Plan's (NSDP) sector priorities, and therefore aim to be inline with the objectives of the Government's Rectangular Strategy and Millennium Development Goals. The JMIs are arranged across five main themes of the NSDP as follows:

- Implementation and Management of the NSDP: 2 targets (5 JMIs/Actions Needed)
- NSDP Social Sector Priorities: 4 targets (6 JMIs/Actions Needed)
- NSDP Economic Sector Priorities: 6 targets (18 JMIs/Actions Needed)
- NSDP Infrastructure Sector Priorities: 2 targets (3 JMIs/Actions Needed)
- NSDP Governance and Cross-Sectoral Priorities: 6 targets (23 JMIs/Actions Needed)

This new framework and smaller number of JMIs is very different from the previous trend which saw the number of JMIs increase annually: 10 JMIs were agreed at the CG02 Meeting; 45 JMIs were agreed at the CG04 Meeting; and 60 JMIs were agreed at the CG06 Meeting. The re-structured framework of the CDCF07 JMIs also makes it difficult to compare sector-based progress in comparison to the previous trends of which JMIs were dropped, which were rolled over and which were new. However, the table annexed to this document⁸ outlines for the 2007 JMI's which are new and which are rolled-over from the 2006 JMIs.

New Joint Monitoring Indicators

As a result of the new selection criteria requiring JMIs to be macro, strategic and policy-orientated, the new JMIs are less focused on implementation than previous indicators and also place a stronger emphasis on enabling private sector development.

In terms of land issues and governance of natural resources, there are some key new JMIs which should be taken note of. JMI #8.1 "*adoption of the RGC's Policy on Registration and Use Rights of Indigenous Communal Land and pilot interim protective measures to safeguard the indigenous community's land in two provinces*" indicates a change of policy from previous JMIs which measured broad RGC policy and regulations for Indigenous Peoples, to a focus on the Policy on Registration and Use Rights. This concerns Civil Society groups because not only does this Policy undermine rights and provisions existing in the 2001 Land Law, but it also no longer focuses intervention on Communal Titling itself which is a priority within the NSDP. JMI #9.1 "*implementation of*

⁷ This document is also based on an analysis of the CG06 JMIs which was produced by Russell Peterson during his time as Senior Advisor for NGO Forum in March 2006.

⁸ Please refer to the web-site of the NGO Forum on Cambodia:
<http://www.ngoforum.org.kh/Development/Docs/doc.htm>

all provisions of the sub-decree on ELCs, including establishing and making public log book of ELCs, including those issued at provincial level, and review a minimum of 5 economic land concessions over 10,000 hectares, taking appropriate action consistent with Chapter 6 of the Sub-Decree on ELCs" relates to previous JMI 8.ii but recognizes that until now an increasing number of concessions were being granted at provincial levels without any public disclosure of information (contrary therefore to the provisions of the ECL Sub-decree). JMI #10.1, #10.2 and #10.3 *"appropriate action to reflect the priorities of the Fisheries sector to improve the livelihoods of rural communities in commune, district and provincial development plans as well as donor funding levels"* focus on drafting a Code of Conduct for Responsible Fisheries and strengthening infrastructural support to the Fisheries Administration.

It is disappointing that none of the proposed land-related JMIs drafted during the NGO consultation process in April and May 2007 were included in the final JMIs approved at the CDCF07 Meeting.

Indicators Rolled Over

According to the progress reported in the CG06 JMI Progress Report⁹, 21 out of the 60 JMIs were not fully achieved. Of these 21, 14 have been rolled-over into the new 2007 JMIs as they have not yet been achieved. This includes the Anti-Corruption Law which was included following strong lobbying by NGOs and Donors at the GDCC meeting in May 2007, and completing and approving the remaining fundamental laws. In addition it is not clear why four of the new JMIs are included when the JMIs Progress Report (2006) states they have already been achieved. These include 8.2: Social Land Concessions (JMI06 #8.iv), 9.2 forest demarcation (JMI06 #11.b), 15.3: Public Administration (JMI06 #5.iii), and 15.4 Public Administration (JMI06 #5.iv).

Indicators Not Included or Dropped

It is not clear why the remaining JMIs, which were not achieved, were not rolled-over into the new JMI selection, despite the agreement that indicators agreed in 2005 but not yet met, should be rolled-over into the following year. Nor is it clear if these previous JMIs will continue to be priority issues for the relevant TWGs.

In the land and natural resources sector JMIs which have been previously included (and the JMIs achieved) are no longer represented in the new 2007 JMIs although there is a continuing need. This includes land registration (systematic titling, land dispute resolution mechanisms, Cadastral Commission functioning and state land mapping); implementation of the National Forest Program (enforcement of the Forestry Law, implementing the Community Forestry Program and Independent Monitoring of the Forestry Sector).

In addition to these, there are previous JMIs which were not yet achieved but have been dropped, these are:

- Previous JMI 4.iii "establish timeframes to complete the remaining Laws and regulations needed to meet WTO requirements and carry out the tasks within the established timeframes"
- Previous JMI 4.v.e "Adopt RGC's strategy and regulations for the indigenous people"
- Previous JMI 8.v "Develop a social safety net policy to ensure food security and nutrition for the most vulnerable groups of the population"
- Previous JMI 8.vi "Develop a nutrition surveillance system to monitor food security and nutrition"

⁹ RGC 2007 "Policy Performance of the Royal Government of Cambodia: A report on progress towards targets of Joint Monitoring Indicators Agreed at March 2006 Consultative Group Meeting" Cambodian Rehabilitation and Development Board of the Council for the Development of Cambodia, February 2007.

- Previous JMI 9.iv “Submit Water Supply and Sanitation Law (WSSL) to COM for approval”
- Previous JMI 9.v “Prepare draft of Cambodia National Wood Energy Statistics and Wood Energy Policy”
- Previous JMI 12.ii.a “To strengthen Trade Facilitation, adopt and use s Single Administrative Document (SAD) under the Asycuda System”
- Previous JMI 12.ii.b “To strengthen Trade Facilitation, adopt and publish the inter-agency administrative agreements among all the relevant agencies on procedures and guidelines for the inspection and clearance of imported goods and exported goods”
- Previous JMI 12.ii.c “To strengthen Trade Facilitation; introduce a pilot Singly Window (SW) for trade facilitation at the Port Authority of Sihanoukville (PAS).”
- Previous JMI 12.ii.d “To strengthen Trade Facilitation, draft and adopt s sub-decree on trade facilitation through a risk management approach to inspections and clearance of imports and exports of goods, specifying the Customs and Excise Department (CED) as the lead agency for all types of inspections (documentary, physical and electronic)”

Overall assessment

The omission of the above-mentioned indicators which either had not yet been achieved or only had partially been achieved but are now dropped is regrettable, considering that these were previously considered priority issues were included following strong support from Civil Society groups and the Development Partners during previous GDCC and CG Meetings. Most concerning is the move away from measurable progress-based indicators reflecting broad sector priorities to policy and strategic indicators whose progress is more difficult to assess. For land and natural resource sector, key priority areas no longer included are the transparent public disclosure of information, the effectiveness of land registration mechanisms and initiatives for indigenous peoples no longer being based on their rights as enshrined in the Cambodian Legal Framework.

Nevertheless, the new JMIs provide an opportunity for monitoring Cambodia’s progress against a number of new areas, and NGOs should be ready to assist this monitoring. NGOs should also be ready to raise any and all issues that they consider to be important, and which may be important to include in the joint government-donor monitoring in future years.