

**NGO Statement to the 2007 Cambodia  
Development Cooperation Forum Meeting**

**Phnom Penh, June 2007**

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### ***1. INTRODUCTION***

The work of NGOs and civil society organizations in Cambodia spans a broad range of development issues and involves close engagement with Cambodians of all walks of life and socio-economic status. The common ground of our organizations is the shared objective of advancing the position of poor and vulnerable groups in Cambodian society. Through our combined knowledge of the grassroots, civil society is well placed to assist the Royal Government of Cambodia (RGC) in its policymaking by sharing and providing valuable feedback and suggestions regarding development policy and implementation.

The *NGO Statement to the 2007 Cambodia Development Cooperation Forum (CDCF)* identifies three priority areas – land, agriculture and natural resources management; human development; and good governance – for which implementation of appropriate policies and reform programs has the potential to improve the lives of millions of poor and vulnerable Cambodians. Most of these policies and reform programs are described or referred to in the National Strategic Development Plan (NSDP) 2006-2010.

In addition to this NGO Statement, NGOs have prepared 23 position papers on Cambodia's development in 2006, with the aim to provide constructive feedback on the progress made on the implementation of the NSDP and Joint Monitoring Indicators in 2006. The publication containing these position papers, entitled *NGO Position Papers on Cambodia's Development in 2006*, served as the background document to this NGO Statement and has been separately submitted to the CDCF meeting.

### ***2. PRIORITY ISSUES***

- The ***Land, agriculture and natural resource management*** section focuses on current developments that are particularly harmful to poor and vulnerable groups such as land alienation, forced resettlements, and reduced access to land and natural resources.

- The **Human Development** section covers education, health and gender.
- The **Good Governance** section describes NGO concerns about the draft Anti-Corruption Law, freedom of information, management of future oil revenues, and legal and judicial reform.

## 2.1 Land, Agriculture and Natural Resource Management

NGOs are extremely concerned about the escalating number of poor and vulnerable people being alienated from their land and natural resources, both in urban and rural areas.

Of particular concern are the increasing numbers of people who are being **forcibly resettled** as a result of investments or development projects, and the violent and inhumane methods often used during evictions. Urban poor families, irrespective of whether they possess papers proving their legal occupancy, have been forcibly removed from their houses and dumped in resettlement sites that lack basic services such as water and sanitation, and provide little or no opportunities for employment, education or health care. This is a regression in the RGC's policy towards resettlement which back in 1998 and 2000 was able to provide adequate and humane housing for families at sites such as Aphiwat Meanchey and Kork Khleang. Instead of building on these promising precedents, the RGC has allowed resettlement to become an unnecessary misery for thousands of Cambodians while developers are able to secure substantial profits.

In rural areas, despite evidence to suggest that improved **support to small farmers** may be the best way to increase productivity and improve rural livelihoods,<sup>1</sup> the RGC has instead handed over large portions of the country to investors under 70-year (or longer) leases through the granting of **economic land concessions** (ELCs). In most cases, legal procedures intended to protect affected communities and the environment are being bypassed. Many of the concessions are not yet using the land productively, and appear to be either speculative or a mechanism to facilitate illegal logging. At the same time, the RGC has so far failed to move forward on plans to create social land concessions for landless farmers, beyond the pilot projects in Kompong Cham and Kratie, within a transparent and participatory mechanism.

In a similar manner, **freshwater fisheries**, which support the livelihoods and food security of millions of Cambodians, are under threat in some areas due to companies filling-in areas of flooded forest that are important spawning grounds for fish.

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<sup>1</sup> World Bank (2006), *Cambodia: Halving Poverty by 2015? – Poverty Assessment 2006*, Report No. 35213-KH, World Bank East Asia and the Pacific Region, February 7, 2006, p.87

In addition, poor and vulnerable families remain vulnerable to **land grabbing**, and the government institutions responsible for dealing with land conflicts remain ineffective or weak. **Indigenous minorities**, particularly in the northeast, have faced increasing rates of land alienation, despite the protection given to indigenous communal land in the 2001 Land Law. Six years after the passing of the Land Law, communal titling is still at the pilot stage and the political will to implement communal titling is weak.

Indigenous minorities in the northeast have also experienced a range of costly and uncompensated cross-border impacts from **hydropower developments** in neighboring Laos and Vietnam. A number of hydropower projects are commencing within Cambodia, leading to fears that the RGC's frequent failure to fully consider the social and environmental impacts of development projects will be repeated under these projects, thereby ensuring that the poor and vulnerable continue to pay the price of an approach to economic growth which fails to properly consider equity issues.

As access to land and natural resources decreases, the **livelihoods** that have sustained communities for generations disappear without leaving viable alternatives in their place, leading to increased poverty, decreased **food security** and a widening gap between the haves and the have-nots in Cambodian society. These trends undermine the goals of the RGC's Rectangular Strategy and the National Strategic Development Plan and bring into focus key obstacles to good governance, accountability and poverty reduction in Cambodia.

To develop a Cambodia which is sensitive to the needs of the poor and vulnerable, what is most needed is simply the **political will** to implement the law. The Sub-decree on Economic Land Concessions requires that, before an ELC can be awarded, the land must be registered as state private property, environmental and social impact assessments must be carried out, and public consultations with affected communities must be held. In most cases, these procedures are not being followed.

In addition, NGOs recommend that the RGC and its development partners:

- 1) Speed up the demarcation and registration of state land and the titling of indigenous communal land, following a transparent and participatory process.
- 2) Place a moratorium on the granting and utilization of all ELCs until such time as all state private land has been demarcated and registered in accordance with the sub-decree on State Land Management, and titling of indigenous communal land is completed.
- 3) Allow evictions to take place only as a 'last resort' and adopt a policy which favors 'land-sharing' options on re-development sites. Fair and just compensation should be provided to affected people prior to project

implementation using market prices assessed by independent monitors and which reflects the full costs involved, in order to protect their rights as stated in the Constitution (specifically Article 44) and the 2001 Land Law.

- 4) Improve the capacity of Cadastral Commissions to deal with and process land cases, especially at district level, and clarify the National Authority on Land Dispute Resolution's jurisdiction in a manner consistent with the rule of law.
- 5) Introduce a 'pro-poor' model of agricultural development that leaves agriculture under the management of Cambodian farmers. Priority should be given to expanding extension services to small farmers and adopting low-input methods of increasing crop production, including the System of Rice Intensification. In addition, crops diversification within integrated farming systems should be encouraged as a strategy to improve nutrition and income for small farm households.
- 6) Speed up the process of legally recognizing community forestry, community protected areas, and community fisheries areas, so that rights of these communities to sustainably access natural resources is protected.
- 7) Provide vacant and non-forested land suitable for use as social concessions, within a transparent and participatory mechanism which ensures that suitable land is provided to the most needy families, without further delay.

For more information on the issues raised in the section, please see the *NGO Position Papers on Cambodia's Development in 2006*, in particular the chapters on: Land Reform; Forests, Plantations and Concessions; Agriculture Development & Irrigation and Water Management; Fisheries Issues; and Hydropower Development.

## **2.2 Good Governance**

### **Combat Corruption**

NGOs appreciate the intentions of the RGC as presented in the National Strategic Development Plan 2006-2010 on Good Governance, but note that general progress is slow while some promised reforms have been stalled.

As with previous deadlines, the deadline of June 2006 for the ***draft Anti-Corruption Law*** (ACL) to be finalized and approved has been missed. Today, one year after this deadline, there is no apparent progress in the legislation process. Since the draft ACL has already been harmonized with the draft Criminal Procedure Code, NGOs do not see any procedural obstacles for passing the draft ACL.

Concerning the content of the draft ACL, NGOs acknowledge that the current draft includes some improvements compared with the 2003 version. However, it is still below international standards as agreed between the RGC and the donors at the CG meeting in 2004. In terms of process, the NGOs appreciate that civil society was allowed, for the first time, to be partly involved in the legislation process of such a crucial law and wish to insist on continued engagement and more meaningful participation in the near future.

Another important deadline that has been missed concerns the development of a clear ***policy framework on access to information***. With few tangible actions taken by the Ministry of National Assembly Senate Relations and Inspection (MoNASRI) during the period under review, little commitment has been made to move this process forward. The NGOs urge the RGC to finalize the policy framework on access to information within the current calendar year.

NGOs do acknowledge the RGC's attempts to ***report corruption cases*** in which public officials were involved. However, NGOs observe that the reporting was not carried out systematically. Further it is noted that reported cases of corruption and conviction were either selective or limited to certain political considerations. The reporting system needs to be reviewed in order to provide a regular, well-structured, and unbiased reporting system.

The discovery of significant oil and gas resources has raised concerns about how to best develop the ***petroleum sector*** in Cambodia, particularly in relation to the future management of the large revenues likely to be generated. The hope is that Cambodia will become independent of development assistance and that its economy will be boosted in a way that stimulates high levels of growth for overall sustainable development. However, as with any country experiencing a sudden resource windfall, careful planning is needed to ensure that a sudden increase in revenues and expenditures do not adversely affect the macro-economic climate, social development or political stability of the country. NGOs recommend that the RGC sign on to the Extractive Industries Transparency Initiative (EITI) as soon as possible.

### **Legal and Judicial Reform**

The NGO sector recognizes the development and publication of the Legal and Judicial Reform Strategy published by the Royal Government of Cambodia (RGC) in 2003 and wishes to reiterate its great interest in seeing effective and efficient implementation of these reforms within the sector. Since respect for the rule of law is critical to equitable and sustainable development in Cambodia, the NGO sector calls upon the RGC and the National Assembly to reform and strengthen the institutions that serve to uphold the rule of law and protect human rights in Cambodia and to encourage respect for the Cambodian Constitution.

For instance, various **key existing institutions should be subject to fundamental reform**, including the National Election Commission (NEC), the Supreme Council of Magistracy (SCM) and the Constitutional Council (CC). To this end, we reiterate that the SCM and the CC, which are established under the Constitution to guarantee the independence of the judiciary and the compatibility of laws with the Constitution, need to be strengthened in order to safeguard against any executive interference. Therefore, it is fundamentally important that these three existing institutions be independent and non-partisan in nature and membership. That is to say, they should be independent, non-partisan, competent and credible.

There are many laws used currently in Cambodian courts which were enacted before Cambodia's accession to the various international human rights treaties and the adoption of the current Constitution. As a result, many of these **laws are inconsistent with Cambodia's international treaty obligations and legal principles** recognized in Cambodia. Thus, there is a need for the RGC, as soon as possible, to address these inconsistencies and create new laws to ensure that the legal system is able to deal with ongoing, critical problems. This was agreed upon in 2004 at the Consultative Group meeting (CG) where it was decided that the eight fundamental laws would be adopted by the Council of Ministers and submitted to the National Assembly by the end of 2005. All of these laws must be reviewed and debated by legislators, the government and civil society to ensure that their passage is in compliance with the Constitution, international standards and human rights treaties to which Cambodia is bound and to genuinely serve to strengthen the rule of law and democratization.

To summarize, NGOs recommend that the RGC, with assistance from its development partners:

- 1) Bring the current draft Anti-Corruption Law up to international standards and pass it before the end of the current calendar year.
- 2) Finalize the policy framework on access to information within the current calendar year.
- 3) Review the system of reporting on corruption cases in order to provide a regular, well-structured, and unbiased reporting system.
- 4) Sign on to the Extractive Industries Transparency Initiative (EITI) as soon as possible.
- 5) Ensure that the Ministry of Justice and stakeholders make progress on completion and approval of the fundamental laws noted in this statement. The *Law on Court Organization and Functioning* and the *Law on the Statute of Judges* should be adopted as a priority.

- 6) For ensuring independence of judiciary, the *Law on the Statute of Judges* should have a provision stating that "*judge must be not a member of any political party or have any political affiliation*".

For more information on the issues raised in this section, please see the NGO Position Papers on Cambodia's Development in 2006, in particular the chapters on: Combat Corruption; and Legal and Judicial Framework.

## 2.3 Human Development

### Education

The two main priorities in the education sector in Cambodia are:

- 1.) adequate financing and timely disbursement of education budgets, and
- 2.) eliminating barriers to education for all children

In order to ensure Education For All (EFA) goals, ***education must be adequately funded*** and the timely and regular disbursement of education budgets guaranteed. Late disbursement of education funding compromises local service delivery and poses enormous problems for the effective provision of quality education.

NGOs are very concerned that the observed decrease in the survival rates to Grade 6 will make the realization of the EFA goal of universal primary education (Grades 1-6) by 2010 and universal basic education (Grades 1-9) by 2015 impossible.

Access to education must be viewed as the right of all Cambodian children "regardless of social status, geography, ethnicity, religion, language, gender or disabilities."<sup>2</sup> In order to achieve this, ***all barriers to education must be eliminated***. In particular, cost barriers to parents must be addressed and informal fees abolished by the target date of 2008. In order to accomplish this, teacher's salaries need to be raised sufficiently to eliminate the need for informal fees that currently supplement the low public service salaries.

### Health

Despite the progress indicated in the Cambodia Demographic Health Survey (CDHS) 2005, health NGOs (represented by MEDiCAM) are very concerned about Cambodia's ability to achieve the Cambodian Millennium Development Goals of reducing by two-thirds the maternal mortality ratio and reducing the under-five mortality by 2015. Mother, newborn, and child health cannot be separated. The continuum of care of maternal, newborn, and child health must be developed and implemented with adequate sustainable financial support.

Concerning ***maternal health***, common causes of deaths for mothers are complications of induced abortion, pregnancy related complications such as

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<sup>2</sup> National Strategic Development Plan 2006-2010 (section 4.85)



hemorrhage, obstructed labor, sepsis, and eclampsia. At a facility level, there is a huge need to improve and expand access and the quality of Emergency Obstetric Care Services. At the community level, mothers who suffer from these complications will die without referral to quality emergency obstetric care services. The big issue is how to get those severe cases from a village to a health facility. Referral systems at the facility level mostly do not function or function very poorly. MEDiCAM would like to call for support for strengthening the referral systems, especially from the community level to health facilities.

For **child health**, Cambodia has so far made fairly good strides toward the Cambodian Millennium Development Goals as indicated in CDHS 2005. However, the infant and under-five mortality rates in Cambodia remain unacceptably high. Well-known interventions to address the main causes of death are available. We request that what more can be done, so that children will not die unnecessarily. We ask this to ensure that Cambodia will be able to achieve its infant and under-five mortality rate targets by 2015.

The Ministry of Health has now finalized the **Cambodia Child Survival Strategy** highlighting the 12 child survival scorecard interventions selected to have maximum impact on decreasing child mortality in Cambodia. The challenge now is to make sure that these 12 interventions are accessible to all Cambodian children wherever they live. Now that the strategy has been developed and the priorities have been identified, MEDiCAM would like to appeal for all development partners (donors and NGOs) and the RGC to expand and align their programs and resources with these priorities and strategy. We, the NGO community in the health sector, would like to encourage **donors to increase their support in child health and related cross-cutting areas**.

We feel that the **funding for maternal, newborn, and child health** has been neglected, especially in comparison to the funding for infectious diseases such as HIV/AIDS, TB, Malaria, and emerging infectious diseases like Avian Influenza.

While the issue of low wages and low incentives for all health care professionals must be tackled soon, other multiple sectoral responses are clearly needed in order to synergize the efforts to improve maternal, newborn, and child health. The multiple sectoral interventions should include **expansion of access to safe drinking water, sanitation, and nutrition**.

### **Gender Equality**

The majority of line ministries have increased their focus on women's needs and contribution through establishment of a "Gender Mainstreaming Strategy" institutional policy framework. However, the development and implementation of the policy has taken time and tended to be donor driven or implemented by the Ministry of Women Affairs while there was little ownership from the executing ministry. In the face of competing priorities

and demands, gender is often not high on the priority list. Weak governance and poor financial management are major constraints to improving gender equality. Key issues and recommendations from the NGO community concerning this matter, intended to encourage the RGC to work forwards improving the public financial management of budget disbursements, are outlined in the sectoral paper on Gender Equality and Poverty Reduction.

To summarize, NGOs recommend that the RGC and its development partners:

- 1) Ensure that education is adequately funded and disbursements are timely and regular in order to enable good local service delivery.
- 2) Eliminate all barriers to education. In particular, cost barriers to parents must be addressed and informal fees abolished by the target date of 2008. In order to accomplish this, teacher's salaries need to be raised sufficiently to eliminate the need for informal fees that currently supplement the low public service salaries.
- 3) Improve and expand access and quality of Emergency Obstetric Care Services at the facility level.
- 4) Strengthening the referral systems, especially from the community to a health facility.
- 5) Address the issue of low wages and low incentives for all health care professionals and teachers.
- 6) Align their programs and resources with the Child Survival Strategy.
- 7) Expand sectoral interventions related to access to safe drinking water, sanitation, and nutrition.
- 8) Work on increased ownership of executing ministries related to the implementation of the "Gender Mainstreaming Strategy"

For more information on the issues raised in this section, please see the NGO Position Papers on Cambodia's Development in 2006, in particular the chapters on: Education, Health, and Gender Equality in Poverty Alleviation.

### ***3. MOVING FORWARD***

The NGO community welcomes the opportunity to engage with the RGC and its development partners in discussing Cambodia's development priorities, policies, and approaches to their implementation, in a range of fora including

the Technical Working Groups (TWGs), the Government-Donor Coordinating Committee (GDCC), and this first meeting of the CDCF.

In doing so, NGOs hope that these fora will stay focused on the issues most affecting the poor and vulnerable in Cambodia. Whilst NGOs understand and appreciate that the high-level discussions at the CDCF meeting shall in future be focused on a limited number of prioritized JMIs, the Technical Working Groups (TWGs) need to monitor all aspects of work in their respective sectors, including especially the resolution of previous JMIs that have not yet been achieved and any emerging issues that have not previously received attention. Where TWGs feel that important issues cannot be resolved at a technical level, these issues still need to be brought to the attention of the higher level discussions, including especially the quarterly GDCC meetings, and where necessary the annual CDCF meetings.