

Inputs to the National Strategic Development Plan 2019-2023 Mid-Term Review

Background

The Royal Government of Cambodia (RGC) invited Civil Society Organizations (CSOs) to provide inputs to the National Strategic Development Plan (NSDP) 2019-2023 which was developed in late 2018. The NSDP had been formulated for implementing of the Rectangular Strategy (RS) under the leadership of the Ministry of Planning (MoP), and the collaboration of all development actors. Main NSDP targets address growth, employment, equity and efficiency to build foundation toward realizing the Cambodia Vision 2050. In 2021, the Government of Cambodia will do the mid-term review of NSDP based on the impact of Covid-19 pandemic.

Multi-stakeholder partnership is a significant approach to ensure openness, transparency and inclusiveness in the mid-term review of NSDP. CSOs expressed their desire to proactively engage in the whole process of the implementation of NSDP. Civil society has crucial roles to ensure inclusive engagement and partnership with development actors to uphold civic space and enabling environment in Cambodia. We are active in working with policymakers to ensure that they are accountable for their commitments, transparency and inclusive manner in monitoring and evaluation process of the mid-term review of NSDP.

When civil society is included, everyone benefits. In the spirit of the collective voice on 'Leave no one behind', civil society organizations closely engaged with the government and other stakeholders in the review process and feedback mechanism. There were over 100 CSOs (local and international) who have been working nationwide in Cambodia had physically and virtually participated in providing inputs through a series of dialogue organized and facilitated by the NGOF and CCC. The key stemming inputs for the NSDP 2019-2023 include as following:

Accelerating governance reform

- The RGC expresses commitment and has demonstrated significant progress on de-concentration and decentralization reform. Major institutional requirements, such as authority, resource, and capacity building, have been delegated to sub-national level. For instance, an increase of annual budget for commune/Sangkat, functional transfer for health, education sector, and increase public service outreach to citizens and its communication mechanisms are in place to promote civic engagement, enhance out-of-court dispute settlements, and a gradual increase of women taking leadership role in the public affairs at all levels.
- Positive collaboration between the government and development actors, especially donors and CSOs, in capacity building endeavor to the sub-national level.
- It is obvious that digital technology systems and infrastructures have been noticeably equipped, a widespread use of digital information to responding the rapid development of the global industry 4.0 and during the Covid-19 pandemic.

- Improvement on public infrastructure and the constant efforts being put forward to attract foreign direct investors.

Overarching environment for implementing the strategy

- The government expressed commitment to promote multi-stakeholder dialogue at all level. The RGC facilitates cooperation with development partners and CSOs at all levels which is positive thing to do for encouraging public engagement. Through the Development Cooperation and Partnership Strategy (DCPS), government lays down key mechanism to inspire partnership at both national and sub-national level, notably three new partnership arrangements including the sectoral multi-stakeholder dialogue, the Government and NGOs Consultative Meeting and Sub-National Partnership Dialogue.
- There are significant improvements in light of improved political security, i.e., no chaos and violence. The existing RGC as advantage the government to regulate legal instruments without unnecessarily delay.
- At least five new political parties registered with the Ministry of Interior to participate in the forthcoming elections. Voter registration likely increases because of returned migrant workers during the pandemic.
The country has made certain progress on freedom of expression. However, recent moves to restrict and control over social media, tightening on political pluralism have led to concern at large.

Human resource development

- Cambodia has achieved incredible progress in basic education, with almost universal access to primary education (enrolment in 2019-2019 was 98%).
- Some TWGs were not working properly or inactive which limit active and complete engagement from development actors in term of exchanging information and inclusiveness in making decision process.
- The COVID-19 has forced Cambodian children out of schools nationwide. The MoEYS has cooperated with development partners to continue providing distance teaching during the pandemic. In this respect, MoEYS established a set of guidelines outlining teachers' roles and responsibilities in this area at an early stage of the pandemic. The MoEYS developed strategies to ensure the highest safety measures are in place within Cambodia's schools to carefully open.
- The ILO has garnered support from development partners to trigger significant changes in new trajectory of the social protection in Cambodia. The ILO has been providing technical support including assessments concerning governance and investment policies as well as providing level support. Social protection has been well covered the formal sector. Health insurance, maternity, and sickness branch of the NSFF that started its operations in 2016 has extended coverage to 2.1 million workers in the formal private sector in 2020.
- The RGC has implemented the cash transfer program that ID Poor I and ID Poor II have benefited during the pandemic.
- Issues of people with disabilities are being heard by the RGC and other relevant stakeholders in all 25 provinces.

Economic diversification

- The RGC increased budget (44.4%) for public investment which was positive to stimulate economic based development.

- The RGC decided to postpone the construction of hydropower dam on the Mekong River until after 2030, which was a positive step for the lives of animals, fish resources, natural resources of the Mekong River, and the millions of people whose livelihoods depend on it.
- CSOs are welcome by the Cambodia National Mekong River to participate in the consultative process on the development of Mekong basin.
- Congratulations to the RGC for its focused priority on increasing the production of clean and renewable energy to meet increasing domestic demand.

Inclusive sustainable development.

- The RGC has built large and medium-scale irrigation systems with loans and grants of the development partners to provide farmers' access to irrigating water.
- Farmers have been in good trend to utilize the modernized agricultural tools to increase their production. Number of farmers who have applied the agricultural techniques and innovations is on the rise. At the meanwhile, their awareness on use of chemical fertilizers and pesticides likely increases. Technical know-how is obviously increasing amongst the farmer communities. They are exposed to grow their cash and subsistence crops which are better resilient to climate change. CSOs see that a significant increase in export of agricultural produce in parallel with the report of MAFF.
- The RGC has made greater effort to establish and expand the community forests/protected areas to reduce deforestation. Development partners are attentive to corroborate the community initiatives on natural resources protection.
- The MoEYS had Ministry of Environment established and expanded the environmentally friendly schools to demonstrate the awareness on the environment amongst school children.

Key Messages

1. The Law on Access to Information has not been adopted, and the Law is a very important legal instrument as it stipulates the government bodies to share and receive information for decision making and good governance guaranteeing for development in Cambodia. The public finance system law was enacted since 2008. There is the absence of approach that allows collecting inputs from general public on the budget management in order to enhance inclusive participations at both national and sub-national level. Within these legal instruments, we observe the lack of comprehensive coverage to ensure public engagement in budgeting and spending. Mechanisms to provide oversight on budget spending are in place but lack scale. The public engagement in either budgeting or spending is also limited. CSOs' engagement is on extreme challenge. Trust building between the CSOs and the sub-national government is essential to ensure transparency and accountability of budget implications and this endeavor remains to be considered. Often function of the mechanisms is limited. Budget and human resource to implement the mechanisms are shoestring. Highly administrative bureaucracy, irregularity, and corruption have likely remained a bottleneck to improved effectiveness and efficiency of the budget spending.

Concluding observation#1:

Fundamental freedom, especially the freedom of expression, is a key principle to foster important roles of citizen and the functioning of democratic society. Therefore, everyone shall have the right to freely express their concern and opinions without interference from the government. The Law to Access to Information (A2I) should be promulgated to ensure that no one will leave behind to freedom and fundamental rights. Inclusion of public engagement initiatives in the public finance system law and the final draft law on access to information should be given a high emphasis as entry point for governance reform.

2. Election law and law on political parties were amended by the existing RGC. Developments concerning amendments to the Law on Political Parties have given advantages to some political constituents. Amendment of the Union Law, Law on Associations and NGOs (LANGO) and its amendment, draft law on cyber security & cyber-crime, national internet gateway, and the Penal Code, draft of A2I Law, the National Emergency Law, and draft of Public Order Law proposed and regulated by the ruling party has remained controversial. The CSOs are not inclusively involved or consulted in the regulation process, resulting a lot of concern on its transparency, respecting the fundamental human rights and equity. Subsequently, a series of accusation of social and environmental activists under a criminal code characterized by political affiliation or outlaw movement against the government are rampant. The instrumentalization of various laws potentially raises the spectre of “rule by law”. The application of select criminal law provisions, such as articles 27 and 451 of the Criminal Code, reveals the cloistered environment and power play surrounding the judicial system, while other provisions, such as treason and incitement, have been used on multiple occasions to apprehend and prosecute opponents of those in power.

***Concluding observation#2:** Fundamental human rights and democracy (freedom of expression, assembly, and association) as articulated in the Cambodia Constitution should be attentive through demonstrated development of policies, strategies, and other legal instruments - operational guidelines. The government should speed up the amendment of the LANGO to enable CSOs to perform their roles in promoting the sustainable development in Cambodia. In this respect the RGC should ensure space for all citizens to exercise fundamental freedoms of expression, respect freedom of association, and prevent assembly monitoring by authorities at all levels. In addition, we call for restoring the CSOs and Government dialogue partnership to make our voice heard by addressing common challenges and implication caused by Covid-19 on national policies, legal compliance and reform, and beyond.*

3. Acknowledging that current and post COVID-19 impacts may continue to disturb regular schooling for a prolonged period, and as a result exploring community-based education as an alternative mechanism for learning. There are challenges in developing monitoring framework to ensure quality education. This could continue in a post-COVID-19 scenario to support children to recover their lost education, provide additional support to low-performing children, and provide access to education for children with disabilities that is easy to access. The government has limited capacity to define indicators and targets, and the gaps in available data and baseline values. The RGC has tried to enable all children to return to school as soon as it is safe to do so, especially for preschools and primary schools. In this context, the RGC developed guidelines for the Safe Operation of Schools in the Context of COVID-19 in late 2020. While the government and industry are keen to promote 4IR skills, employer surveys in the garment and tourism industries reveal that, first the employers have little understanding of 4IR technologies. Second, unless adequate and timely investments are made in skills development, there is no guarantee that displaced workers will be able to move seamlessly into the newly created jobs. Third, job displacement is more likely to impact women who make up around 81% of Cambodia’s garment workforce.

***Concluding observation#3:** The poor and vulnerable people face challenges during the Covid-19 pandemic. The core public health and social response should prioritize vulnerable people, especially people with disability, economically disadvantage, indigenous people, senior, etc. Children need to be well equipped the online education materials and the teachers also need to be trained to use right and effective teaching methodologies for the online teaching. The RGC should ensure that quality, inclusive, affordable distance learning is available for all children to access, focusing on the most marginalised and deprived children that cannot access online learning initiatives. This should include establishing educational television, radio, and paper-based programmes. The new approaches to strengthen inclusion and social protection for entry-level workers, those at risk of job displacement, and those who need upskilling. Development of technical and vocational education and training programs in garment manufacturing and tourism with dedicated 4IR credentials, and flexible and modular skill certification programs that recognize the attainment of skills*

outside the traditional education channels should be highly prioritized into the next half term of NSDP 2019-2023.

4. The country's engine of growth has been mainly relying on garment sector, construction, tourism, and the agriculture. However, these sectors have been disrupted by the pandemic since early 2020. Lack of mechanism to collect data and check for statistical consistency to provide feedback to relevant government ministries/institutions. Additionally, there is the absence of approach that allows collecting inputs from the general public in order to enhance inclusive participation at both national and sub-national level. The RGC developed an economic recovery plan 2021-2023 which has focused on high value industries, agriculture, promoting SMEs, digital commerce, and the tourism. The budget law for 2021 strongly indicated on allocation of resources for fighting against the pandemic and economic survival and growth. ADB has strongly committed to provide sovereign loans and grants to support the country's economic development and recovery from the pandemic. The RGC has aggressively promoted alternative energies to responding the diversified economic development conundrum, i.e., hydrology dam and solar plants through the Kingdom. Level of participation from the community and CSOs in the hydrology dam project remains criticism. There is unlikely having specific mechanisms and tools to monitor social and environmental impacts.

***Concluding observation#4:** An implementation and adoption of more measures to propel economic recovery and revival should consider responding to the needs of vulnerabilities, heightened by the pandemic, facing various groups including women, children and persons with disabilities, and indigenous and minority groups to harness prevailing opportunities, complemented by equitable resource allocation for accessible any assistance to the COVID-19 and post COVID-19 era. The Ministry of Environment should ensure full public participation in the environmental impact assessment process of development projects from stakeholders, including civil society organizations, especially local communities, and accelerate the progress of the drafted EIA law.*

5. The agriculture sector is likely less affected by the pandemic but instead rising opportunity to be further invested. Returned migrants, suspended workers or laid off employees have seen the agricultural production is their option of making livelihoods after their frontline income source is dented by the pandemic. There are irrigations systems were built but most of them were not complete so that farmers lack access to the main source of water to irrigating their farm. Natural resources have been severely impacted by somewhat extent the effort of RGC to diversify the economy. The RGC has made effort to establish and expand community forests /protected areas to reduce deforestation. However, challenges remain existing to be further curtailed.

***Concluding observation#5:** Further assess agricultural production potentials, and a close collaboration between relevant ministries needs to exist as a legal framework and more systematic approach so that priority of water resources development can match the need for water supply to exploit the agricultural potentials. The RGC should promotes the participation and support of all stakeholders, while examine laws and regulations related to land, to amend existing laws and formulate laws or legal standards which is participated by all stakeholders. Laws enforcement in this particular area should be further improved through clearly defined functional transfer to sub-national level including commune/Sangkat. The Ministry of Land Management, Urban Planning and Construction, the Ministry of Interior and the sub-national administration should continue to strengthen the cadastral mechanism of the Land Dispute Resolution Working Group to be more effective by providing adequate resources support and encouraging them to investigate each dispute. The Royal Government of Cambodia should consider developing a national policy on fair compensation and decent housing to address the impact of both private and public development projects to meet the country's economic development needs, address emerging issues and achieve the goals of sustainable development in Cambodia.*