PD-ABQ-992

99719

CAMBODIA DEMOCRACY AND GOVERNANCE STRATEGY

1995-1998

U S Agency for International Development
Phnom Penh, Cambodia
April 1995

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CAMBODIA DEMOCRACY/GOVERNANCE STRATEGY

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NDI	National Democratic Institute
NGO	Non-governmental Organization
NHETF	National Higher Education Task Force
PACD	Project Assistance Completion Date
PVO	Private Volunteer Organization
RCAF	Royal Cambodian Armed Forces
RCG	Royal Cambodian Government
RFA	Request for Application
RSM	Regional Support Mission
RTSP	Regional Technical Support Project
SOC	State of Cambodia
TAF	The Asia Foundation
UNDP	United Nations Development Program
UNTAC	United Nations Transitional Authority for Cambodia
USDH	United States Direct Hire employee
USIS	United States Information Service
USF	University of San Francisco
USG	United States Government
WID	Women in Development
WIP	Women in Politics

C

EXECUTIVE SUMMARY

Cambodia is emerging from a disastrous period with very real prospects of joining its Asian neighbors in the transition to democracy based on a free market economy Since the watershed May, 1993 election, Cambodia has made great strides towards rebuilding its shattered economy and society However, it is only a start, and expectations are high among Cambodia's population of nine million For the purposes of assistance planning, USAID has assumed the window of opportunity for the new Cambodian Government is a small one, perhaps three more years Prior to the next national elections scheduled for 1998, the Royal Cambodian Government must accelerate the precarious momentum moving this formerly impoverished and failed state on the path towards a more democratic society and market economy that meets the needs of its predominantly rural population

The US has made a strong commitment to Cambodia's future with significant coordinated assistance provided from USAID, Department of State, USIS, and Department of Defense (military training and demining) There are five major elements to achieving USAID's Democraracy/Governance (D/G) Strategy overall objective of strengthening Cambodia's institutions of democratic governance, and in the process, to pave the way for successful participation of the population in the national election scheduled for 1998 The five elements

1) establishment and strengthening of political parties and electoral systems as a precursor to regularly held free and fair elections,

2) substantive legislative deliberation, with an emphasis on strengthening the performance and independence of the National Assembly,

3) impartial and binding judicial rulings, with an emphasis on increasing access to legal, regulatory and judicial organizations providing services that are more transparent, predictable, effective, and fair,

4) a growing and active civil society, with an emphasis on promoting pluralism, human rights, and strengthening the media and indigenous NGOs, and,

5) the adoption of democratic procedures at all levels of government, with an emphasis on building the institutional environment to facilitate private sector growth

In each of the elements, priority activities will be those that produce rapid visible outcomes, build institutional capacity in the near term, lead to longer term sustainable impact, particularly in the rural areas, and meet the needs of women, minorities and children in those in less accessible regions A monitoring and evaluation system will comprise an additional component of the program

USAID/Cambodia will be consolidating activities of the five D/G elements under its Cambodian Democratic Initiatives Project, the funding and completion date of which the Mission will seek to increase by an additional $35 million and to FY 2000, respectively

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This significant increase is larger than earlier anticipated because of the AID Representative's decision to consolidate funding for D/G activities, support of the 1998 elections, and an improved monitoring and evaluation plan under the CDIP In addition to CDIP, other projects in USAID's portfolio will contribute resources, in particular, the Technical Support Project and the PVO Co-Financing Project

The USAID Project Office is responsible to the AID Representative for implementing the strategy Overall guidance is provided by the Ambassador, and USAID coordinates closely with the Deputy Chief of Mission, the senior political officer and the public affairs officer to ensure overall Mission program consistency and effectiveness

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Abbreviations

AAFLI	Asian-American Free Labor Institute
ABA	American Bar Association
ADHOC	Cambodia Human Rights Association
ADR	Alternative Dispute Resolution
ANE	Asia Near East
CADEAS	Cambodian Defender Association
CLRD	Center for Legal Research and Documentation
CPP	Cambodian Peoples' Party
CDC	Cambodian Development Council
CDIP	Cambodia Democratic Initiatives
CDRI	Cambodian Research Institute
CHARTO	Cambodian Human Rights Trainers Organization
CIDA	Canadian International Development Agency
CIED	Center for Intercultural Education and Development (Georgetown Univeristy)
CLE	Continuing Legal Education
DAI	Development Alternatives, Inc
DCM	Deputy Chief of Mission
D/G	Democracy & Governance
DOD	Department of Defense
EC	European Community
FUNCINPEC	National United Front for an Independent, Neutral, Peaceful and Cooperative Cambodia (translated from the French acronym)
FY	Fiscal Year
G/DG	Grantee/Democracy & Governance
ICORC	International Committee for the Reconstruction of Cambodia
ICITAP	International Criminal Investigative Training Assistance Program
IHRLG	International Human Rights Law Group
ILO	International Labor Organization
IMET	International Military Education and Training
IPU	Inter Parliamentary Union
IRI	International Republican Institute
IRIS	Institutional Reform and Informal Sector Project
KSIA	Khmer Student and Intellectual Association
LICADHO	Cambodian League for Promotion & Defense of Human Rights
MP	Member of Parliament
NCR	Non-Communist Resistance

DEMOCRACY FRAMEWORK FOR CAMBODIA

I Democratic Governance in the Cambodian Context

A. The Democracy Context

Cambodia is currently emerging from two decades of cruel and centrist authoritarian regimes The United Nations-sponsored elections in May 1993 laid the basis for the creation of a compromise, coalition government and the promulgation of a new constitution in September, 1993 This was followed by the resumption of full diplomatic relations with the United States, after a hiatus of more than 18 years

This new Cambodian government has chosen to improve the lives of its citizens by providing security through suppression of the Khmer Rouge and by stressing the economic reconstruction of Cambodia and its re-integration into the world economy The issues of human rights and democratization continue to receive the attention of the leadership but are of lower priority than hoped for by those who had come to see Cambodia as a beachhead for Western style democracy in Southeast Asia Mixed progress on human rights and democratization issues has at times led to continued negative international reporting on the events in Cambodia over the past year However, given the inherent difficulties of building democratic institutions in a country devastated by war and authoritarian rule, it is a mistake to view Cambodia's democratic evolution from the perspective of expectations established by outsiders with a different time line than reform-minded Cambodians themselves

While governmental performance has been sometimes slow and sometimes less than ideal in terms of decision-making and adherence to international donors' expectations, Cambodia has made great strides toward openness and individual freedoms in the past three and a half years since the signing of the Paris Peace Accords There is relatively free speech, free press, and freedom of association The economy has begun to grow at an encouraging rate, although it is far too early to predict another Asian economic miracle

Though the continuing insurgency of the Khmer Rouge was oft-cited in the past as the largest obstacle facing the coalition government, the Co-Prime Ministers have recently publicly pronounced the Khmer Rouge no longer a serious military threat to the survival of the Royal Cambodian Government This perceived reduction in the threat is shared by most Cambodian observers at this time and has lead USAID to the general but significant conclusion that

the USG is correct in putting highest priority on promoting democratic reforms Were the RCG truly under threat from the Khmer Rouge, USG arguments for reform might be harder to make

Three years remain of the five year period between the UN-managed elections of 1993 and the still-unplanned elections of 1998, which will be managed by the Cambodians themselves, the time remaining before the 1998 elections is the window of opportunity dealt with in this strategy For the people to commit to the electoral process in the 1998 elections they must become stakeholders, they must become stakeholders in the process of democratization by understanding its positive impacts in their lives Therefore, the most critical, cross-sectoral issue in USAID's democracy strategy (as well as the overall country strategy) over the next three years is to help the RCG directly and indirectly reach a majority of the Cambodian people with services and the tangible "goods" of democracy

Phnom Penh has long been the center of Cambodian political and economic life, to the perceived detriment of the majority who live in the provinces This fact is often cited as one reason for the rural population's vulnerability to Khmer Rouge propaganda in the 1960s and 70s Ironically and unfortunately, international donor assistance since the Paris Peace Accords has increased, not reduced, Phnom Penh's role in national political life The discrepancy between rural and urban living standards has markedly widened as a result of the increased economic activity in Phnom Penh The economic status of most rural Cambodians has improved overall only slightly, and not at all in some areas of the country, as a result of the election and the change in the form of government (though recent surveys and anecdotal evidence also indicate that the population favors the current form over the previous one by a substantial margin)

The donor community has a critical role to play supporting Cambodia as it makes this difficult transition to democracy The United States, France, Japan and Australia are the leading bilateral donors, and the RCG has come to rely heavily on public international lending institutions for currency stability and direct budget support, as well as technical expertise in managing the economy and reform programs The USG plays a key, and until recently singular role in providing assistance in the political, democratic realm as well as in developing the legal, regulatory and judicial systems conducive to individual liberties and economic growth

This strategy paper seeks to identify areas of focus for USAID's democracy assistance and outlines the outcomes and USAID's plan of action for the sector by taking into account the potential pitfalls ahead of us USAID remains "bullish" on Cambodia but recognizes fully the precariousness of the transition

and the seriousness of the problems which may yet derail the country's evolution toward democratic governance before the next election

B The Democracy Challenge

In writing this strategy USAID/Cambodia has assumed that the opportunity for donors to more easily effect real and positive change in Cambodia, as we believe we have to date, will become more limited The gains in democratization between the election of 1993 and the one scheduled for 1998, we assume, will come more quickly than after the next election Few governments in the world, whether democratic or authoritarian, have allowed the level of international involvement in every sector as is seen in Cambodia today Over time USAID expects the government's current receptivity to new approaches to diminish Given this assumption and to assure that expectations are set accordingly, the need to assess the obstacles in the path of democratic reform is important

1 The Coalition Nature of the Royal Cambodian Government

The nature of the new coalition government itself has effected the development of open debate and public discourse in the period since the election During the 1993 elections the FUNCINPEC party won the majority of seats in the National Assembly and entered a coalition with the CPP and two smaller parties The existence of a coalition government resulted in a political system that stresses consensus-building over adversarial, public debate The relatively bloodless transition from single party, failed state to popularly elected, coalition government can be praised for its spirit of compromise Unfortunately, the short- to medium-term effect on public debate and the development of a loyal opposition, especially in the National Assembly, has been to retard democratic debate and public discussion

New laws and policies, which ideally should be openly debated by the 120 members of the National Assembly, are frequently determined behind closed doors at the executive branch-level Council of Ministers When draft legislation emerges from this closed forum, there is limited opportunity for National Assembly debate and for the public to get involved

There have been a few exceptions to this trend Open, public debate, as well as organized opposition in the National Assembly, led to changes in proposed legislation on immigration and the outlawing of the Khmer Rouge Currently, there is much open debate on the extent to which press freedom should be allowed In this case, mounting public

pressure appears to have helped remove criminal sanctions for libel from the legislation These events give many optimism that a truly deliberative body will emerge in the future, probably after the next election

Opposition to authority has rarely been a feature of Cambodian public life With the signing of the Paris Agreement in 1991, hundreds of years of tradition began to bend Cambodians, since 1991, have exercised the freedoms of expression, association and movement like never before In 1995, however, some observers sense the traditional authoritarian ways may be creeping back into public life and society At times the executive branch has been quick to label opposition voices as traitorous and often seems unable or unwilling to control individuals, mostly in the security forces, who have been responsible for human rights violations More than any other trend, this may represent the greatest threat of all to Cambodia's transition from country-in-crisis to a democratic nation

Another aspect of the coalition government retarding the development of grass roots democratic governance are the civil servants appointed by the former government in the 1980s and early 90s who for the most part continue to run the country today, especially in the provinces where 85% of the population resides These government employees remain largely loyal to the CPP Some FUNCINPEC officials have begun to speak openly of their inability to affect the operation of provincial and local government, as well as of certain ministries There are calls for local elections, and in many talk of holding commune elections in 1996 These are not required by the constitution, but the fairness and systematic way in which such elections would be carried out would be an important indicator

There are strong incentives inherent in the peace process for continued compromise between the parties, including considerable international financial assistance and the chance to join other southeast Asian nations in unprecedented economic growth Both Co-Prime Ministers appear, to the frustration of some of their fellow party members, to be determined that the coalition government will survive until the next election in order to maintain stability Donors with expectations for more rapid development of democracy in Cambodia must take into account the likely scenario that the coalition will survive with direct implications for the pace, if not the direction, of democratic reforms

2 The Rule of Law

The *sine qua non* to democratic development in Cambodia is the establishment of the rule of law Across the entire landscape of issues, ranging from human rights and the legal system to civil society and commerce, Cambodia finds itself only in the earliest stages of development

At present there is no single basis for Cambodia's legal system There exist the laws from the State of Cambodia (the pre-Peace Accord government), UNTAC, and limited new ones promulgated by the RCG No unifying framework exists and several of the laws now relied upon are inconsistent A whole new set of laws and regulations needs to be written to address the issues facing Cambodia, but there are few qualified Khmer to undertake the task Judges at this time would be largely incapable of understanding and implementing any new laws put on the books, in any case In brief, the legal education system must be revived and reformed to train a new generation of Cambodians

Because of the nature of the coalition government and the limits on debate in the National Assembly, the required systemic changes in the Rule of Law will be difficult to achieve There is open disagreement over reviving the old, French-modelled legal system versus a hybrid, more modern system that addresses Cambodia's need to integrate into ASEAN and the world economy The debate is not along party lines as much as it is between overseas Khmer groups and others The French government, for example, has openly urged the RCG to revive the legal system in place before 1970 and has placed more that two dozen technical legal and economic advisors in various Cambodian ministries to advise RCG officials on reform measures There is growing evidence, however, that the RCG now better understands the requirements of operating a modern legal system and as a result is moving toward a legal system that incorporates the most appropriate parts of many different legal systems

The largest proportion of human rights violations and crime nationwide on a continual, daily basis is related to the actions of the RCG's military and police forces, a part of the legacy of the authoritarian ways of the former government Both the military and police are marred by weak command structures and a resulting lack of discipline The justice system has found it difficult, except in the most publicized cases, to punish members of the military or police The court system is ineffective, often corrupt, and controlled too closely by the central and provincial governments to be an independent agent in settling cases

involving the military and police

3 Civil Service Reform and Responsive Governance

Civil service reform is urgently needed, but the issue is trapped in the web of political alliances Many believe the pursuit of rapid reform directly threatens the sustainability of the coalition government itself Absent significant civil service reform, the RCG has made little progress in redefining the role of civil servants under a democratic system, directly hindering the delivery of tangible benefits from the new government to the people The existing civil service incentive system, with grossly inadequate salaries (the average government salary is between $10 and $20 per month) and lack of accountability, makes a government job one from which rents can be extracted -- in many cases as a means for meeting the poorly-paid civil servants' own basic needs Indeed, such rent-seeking behavior has come to be expected of government officials for most services rendered to the public

The RCG recently began a program of eliminating positions from the public payroll, with the goal being to one day raise the salaries of a slimmed down and more productive civil service The first step focussed on eliminating "ghost" employees and was largely viewed as successful More difficult steps are ahead, but the conditionalities attached to loans and grants from the IMF, World Bank and ADB may provide incentives in the long-term The more basic issue of reassessment of governmental priorities and the reallocation of budget resources to reflect these priorities has not yet begun

Change in the deeply ingrained, long standing adversarial and exploitative relationship between the government and the governed in Cambodia is occurring and more is needed More can be accomplished before the next election, but movement along this path of developing a more transparent, responsive, accountable government at all levels will take many years

4 The State of Civil Society

A debilitating legacy of the "Pol Pot years" and subsequent communist rule is the weakening or destruction of most local, non governmental means for association -- religious-, ethnic-, commercial-, common interest- and gender-based groupings crucial to the functioning of a pluralistic civil society USAID is most encouraged with progress on this front since the election The importance of Buddhism appears to be increasing in every day life, and agricultural production and savings

and credit organizations are emerging despite the residual distrust and dislike of cooperatives Though the growth of local organizations is being stimulated in no small part by externally financed NGOs, the distribution of local NGOs, especially those in the areas of human rights and social and economic development, is in fact spreading to even remote provinces

5 Elections

The 1998 national elections offer all participants in Cambodia's reconstruction an important marker for program planning purposes Enshrined in the constitution and much anticipated, the successful planning and execution of elections would greatly enhance the belief that Cambodia is on the road to democratization Unfortunately, little, if anything, is being done to prepare for national elections at this time It is theoretically possible that a new election would have to be held before 1998 if the coalition government falls apart and the parties are unable to form a new government Without a mechanism already in place to hold new elections, political compromise on the design of the election would be more difficult after dissolution of the coalition government than at the present time

There have been no preparations at the national level for provincial and local elections While the constitution does not require elections for the offices which are currently appointed, Cambodia's democratic system would clearly benefit from elections on a sub-national level

II U S G Support for Democracy and Human Rights

A USAID/Cambodia's Democracy/Governance Projects

Three USAID projects are providing democracy and governance assistance to Cambodia the Cambodian Democratic Initiatives Project (CDIP), the Technical Support Project (TSP), and the PVO Co-Financing Project

USAID's existing Cambodia Democratic Initiatives Project, currently authorized at $15 million, was designed and authorized in 1992 as the prime vehicle for funding D/G activities In the future this project will be relied upon to an even greater extent to fund D/G projects, as USAID consolidates its D/G activities under it All but $1 5 million of the Life of Project (LOP) authorization level has now been obligated

USAID/Cambodia is in the process of amending this project to increase LOP funding by $35 million, to $50 million, and to extend the Project Assistance

Completion Date (PACD) by one year, to 2000 This significant increase is larger than earlier anticipated because of the AID Representative's decision to consolidate funding for democratic governance activities particularly in relation to promoting economic growth, support of the 1998 elections, and an improved monitoring and evaluation plan under the CDIP A revised cable requesting authorization to increase the project is forthcoming USAID/Cambodia will also move to establish a bilateral agreement with the RCG to obligate funds on a yearly basis, as opposed to the current practice of obligating funds through individual grant agreements with our NGO partners

The project has been implemented through several American NGOs Direct grantees that have received funding are the Asia Foundation (TAF), the National Democratic Institute for International Affairs (NDI), the International Republican Institute (IRI), the Asian American Free Labor Institute (AAFLI), and Georgetown University's Center for Intercultural Education and Development (GU/CIED) TAF has played a pivotal and highly useful role in Cambodia by subgranting projects to other American NGOs, many of which now receive direct USAID funding after having established themselves and expanded their programs in Cambodia Former TAF subgrantees now receiving direct USAID funding include the American Bar Association (ABA), the International Human Rights Law Group (IHRLG), and the University of San Francisco School of Law (USF), all of which are funded, for the time being, under the TSP

The $10 million Technical Support Project (442-0110) was designed and authorized in 1992 to provide USAID/Cambodia with a flexible mechanism for providing technical and material assistance to targeted elements of the government expected to emerge from the UNTAC elections The TSP has proved to be a valuable tool in funding start up activities and shorter term technical assistance $7 8 million of its LOP funding has been obligated to date and USAID/Cambodia will move to amend it this calendar year to add an additional $10 million and extend the LOP through FY 1999 The TSP has provided the flexibility needed during the Mission's start up phase to hire the technical expertise needed to design and manage key projects and conduct evaluations of on-going work Recently, direct grants to the IHRLG, USF and the ABA have been made from the TSP, though these will be transferred to the CDIP in the near future Through buy-ins to the Regional Technical Support Project (RTSP), managed by the USAID Regional Support Mission (RSM) in Bangkok and implemented by a USAID contractor, support for Cambodia's economic transition and improved governance has been provided In the future the TSP will be relied on almost exclusively for short- to medium term technical assistance

Through the CDIP and the TSP, USAID seeks to influence the creation of

transparent, effective and efficient government structures through policy dialogue, training, and specific support for organizations which work to improve the democratic environment in Cambodia These projects support rapid, high-visibility, high-impact activities which build the capacity of the government, have widening geographic impact, and assure that traditionally excluded groups (particularly women) participate as both implementors of activities and beneficiaries While USAID's D/G focus in the immediate post election period, over the past two years, has been on the urgent needs of the national government, the next three years will witness a shifting of resources to provincial and local governance in anticipation of the 1998 elections

A third project, the PVO Co-Financing Project, which was not specifically designed for D/G activities, funds indigenous human rights groups and contributes directly to pluralism through support for myriad other local NGO's involved in training, health and income generation It also works to improve governance by placing American NGO's in the provinces that in many cases train and work with RCG counterparts on a daily basis, thereby ensuring more equitable service delivery to Cambodia's most disadvantaged For simplicity's sake, this and other projects related indirectly to the D/G portfolio are not elaborated on below They remain, however, important agents in the transition to democracy in Cambodia

B Other USG Interventions

USAID assistance is but one component of USG democracy-related assistance to Cambodia The Department of State, the US Information Service and the Department of Defense have supported activities aimed at promoting Cambodian democratic governance and human rights, as well All of these activities support this mission-wide strategy

Department of State (DOS) Within the Embassy community, the Ambassador broadly directs and coordinates programs of USG agencies in the area of democracy, governance and human rights to assure that they are consistent with U S foreign policy in Cambodia and to make sure that these various USG activities are coordinated and mutually reinforcing The Ambassador chairs the Embassy's democracy and governance coordinating committee, consisting of country team members, in which USG programs and priorities are discussed The Deputy Chief of Mission (DCM) is involved on a regular basis with the committee and with all USG agencies providing assistance in the democracy and governance area Under the Ambassador's guidance, Embassy officers engage the RCG, public interest NGOs, and key individuals to reinforce the democratic gains already made in Cambodia and to support continued democratic progress, better governance and rule of law, pluralism and human rights

The Washington-based Office of Cambodian Genocide Investigations, funded through the DOS, provides grant support for research and training related to documenting evidence of atrocities related to the Khmer Rouge era and provides Cambodians with the training required to use this evidence in possible future legal proceedings against the Khmer Rouge This training will have a positive carry-over effect in general knowledge on evidence, procedures and experience in criminal legal matters

Department of Defense (DOD) The International Military Education and Training (IMET) Program was expanded to include Cambodia in FY 1994 to help support democratic development through professional training of military officers and exposure to American institutions and values The bilateral grant program was inaugurated to support professionalization of the Royal Cambodian Armed Forces (RCAF) and to promote respect for human rights in the ranks of the RCAF The program promotes the concept of civilian control over the military and the role of the military as a servant of the people, especially through strengthening the military justice system Two seminars on these topics have been offered in Phnom Penh to date

US Information Service (USIS) USIS utilizes its International Visitor (IV) Program (IVP) to send Cambodians from both the government and private sectors to the United States on visits related to rule of law, human rights, press freedom, and other aspects of American democratic society Through the U S Speaker and Academic Specialist programs, Americans are brought to Cambodia as resource people or lecturers on similar topics Under its Fulbright, Humphrey and other programs, USIS provides scholarships for Cambodians to study topics such as political science and journalism in the U S Through its public information program, USIS provides books and documents in both Khmer and English translation to help educate Cambodians on the principles of democracy, human rights, press freedom, and the free market system VOA's shortwave broadcasts in both Khmer and English reach a wide audience in Cambodia, and local radio stations frequently record VOA's features on U S government and society for rebroadcast locally

III USAID/Cambodia's Democracy/Governance Strategy Through 1998

A Relationship of the Democracy/Governance Strategy to the Mission's Strategic Objectives

USAID/Cambodia's D/G Strategy directly promotes achievement of the Mission's Strategic Objectives One and Two As stated in the Mission's Strategy for the period 1994-97, and as approved by AID/Washington, these objectives are

SO1 *"to reinforce democratic gains by further strengthening the capabilities of public interest NGOs, strengthening processes and institutions, and to strengthen Cambodia's capacity to govern by helping to establish legal, regulatory, and judicial systems"*

SO2 *"to promote sustainable, broad-based economic growth by helping to establish an outward-looking, market-oriented policy framework"*

To these ends, USAID's strategic focus in programming funds across all project sectors through the end of the FY 95-97 Mission Strategy period is to provide a rapid-response, impact-oriented program which meets immediate, priority Cambodian needs in anticipation of the 1998 elections The program works at both the local level and the central level to effect impact on the system of governance, communication among Cambodians and between citizens and the government, quality of life of Cambodians, and the institutions of the rule of law as a basis for civil and commercial transactions

Support for democracy and democratic governance is a cross-cutting theme for all projects in USAID/Cambodia's portfolio The Mission's entire portfolio represents an integrated program which supports or will support activities to strengthen the capacity and performance of institutions key to promoting democracy and governance in the short term, and establishing the basis for sustainable evolution to a democratic society in the longer term

In projects outside of the democracy portfolio, USAID will continue to look for opportunities to support activities which primarily serve the economic growth or humanitarian needs objectives but which have a secondary democratic impact

Such ongoing activities divide basically into three types

a projects outside of human rights/rule of law which commit the RCG to respond to societal demands for good governance,

b macro-economic policy advice which supports deregulation and transparency, and

c NGO/PVO activities primarily designed to work in partnership with the RCG to provide services in the areas of health, population, basic education and environment

B The Relationship of the Democracy/Governance Strategy to the Analytical Framework within the USAID Democracy Guidelines

USAID's *Democracy Implementation Guidelines*[1] pose four analytic questions and suggest programmatic support when these questions are not answered positively The results of this analysis present a proposed mix of program interventions In Cambodia the questions and answers in this analytic framework are as follows

1 ***Are the basic institutions necessary for democratic governance in place? If not, USAID should consider support for developing basic constitutional framework, electoral processes, and legislative and judicial institutions***

Cambodia's form of government is based on the constitution promulgated by the National Assembly in September 1993 Article 1 of the Constitution establishes a monarchy under a rule "according to the Constitution and to the principles of liberal democracy and pluralism " The constitutionally-mandated Constitutional Council is not yet functional Having no tradition of such a system, Cambodia is in the process of defining the relationship between this relatively new form of government and its citizens

The National Assembly exists, but remains extremely underdeveloped as an institution The judicial system is centrally-controlled and rule of law does not prevail All levels of government are inefficient and subject to corruption

2 ***Is there a system of effective and transparent public institutions and are public officials accountable to the citizenry? If not, USAID should consider the reform of the governance infrastructure***

The dealings of public institutions are usually not transparent and public officials are usually not held accountable, nor does there appear to be interest from the central government in a precipitous introduction of such transparency and accountability An aggressive media to hold government leadership accountable is not yet firmly established The press is active and often adversarial, but journalists lack the training to be articulate advocates for the development of democratic institutions Few citizen watchdog groups exist, though at least one Cambodian NGO is attempting to develop rules and regulations for accountability

[1] USAID s Draft Democracy Implementation Guidelines Technical Annex C Democracy November 12 1994

and transparency, but it is too early to know how seriously the government will take their recommendations

The laws and regulations governing corruption, as well as a judicial system to deal with the crimes of government civil servants, are not in place

3 *Are the basic elements of a democratic political culture in place? If not, support might be directed toward human rights groups and other NGO organizations promoting democratic change, including labor unions and the independent media*

The elements of a democratic political culture, including respect for fundamental human rights, political space for independent groups, freedom of the press and the emergence of broad comprehension regarding the rules of political competition, are beginning to take root in Cambodia The RCG often feels threatened, however, by outspoken NGO leaders and has begun to pressure some by limiting access to state controlled and licensed media, especially television The Cambodian media is more independent than ever but remains vulnerable to intimidation by the government and others and is marred by a lack of training Free labor unions do not exist yet, though there are a few professional associations forming The RCG is undecided how to handle the demands from major donors for a liberal labor code versus the insistence of private investors, largely Asian, for severe restrictions on union activity

While elections were successfully carried out in May 1993, electoral processes do not exist and the framework for the next national election (due no later than 1998) has not been developed Political parties exist, but, except for the CPP, are extremely weak as institutions They are generally built around individuals rather than on strong organizational bases and are subject to non-democratic decision-making

4 *Does the nongovernmental sector have the capacity to engage in meaningful public policy review and to monitor effectively the activities of government institutions? If not, USAID should support the development of an independent media, civic groups, mechanisms of civil society participation in government policy and decision making and the establishment of cross-border and cross-sectoral networks of NGOs*

The NGO sector is relatively new to Cambodia but has become quickly

a major part of public life Cambodian NGOs were virtually non-existent before the Paris Peace Accord in 1991 Though some international NGOs had set up operations in Cambodia prior to the signing of the peace agreement, a massive influx was evident following the signing, using primarily offshore managers and experts Since that time considerable effort has been placed on developing indigenous NGOs, but the intervening time has been too short for strong indigenous NGOs to fully develop Nonetheless, this sector is growing and becoming more vocal, though still very much in need of international support

The international and local groups active in Cambodia in most cases work closely with their counterparts in the RCG At the national level there are regular meetings between the NGOs and RCG ministry people to determine policy in certain areas, such as health, education, and rural development

C Democracy/Governance Program Criteria

USAID's agenda for assistance in the short term, i e , through the 1998 elections, is derived from the criteria presented below, within the framework of USAID Democracy guidelines provided by USAID/Washington Within the D/G portfolio, the Mission will use the following criteria for prioritizing the allocation of resources

1 Provides Rapid, Visible Outcomes

USAID's strategic approach for assistance to Cambodia emphasizes achieving rapid, visible outcomes which can be achieved, at least in part, before the 1998 elections Such outcomes, be they tangible or intangible, will provide that pivotal proof to Cambodians that democracy has had a positive impact on their lives, their family, their villages, and their country For democracy to last in Cambodia, USAID must help get the "goods" of this system out to the people The survival of a democratic Cambodia is the USG's primary foreign policy objective for assistance in East Asia, and USAID's program there can support no more fundamental objective

2 Reasonable Likelihood of Sustainable Impact

In allocating resources among democracy project activities, priority will be placed on those which are likely to have a sustainable impact This might be in terms of leaving in place an institution which will continue

to carry out project-related types of activities after USAID funding ends, or producing an output which has significant positive impact on governance and pluralism in Cambodia after the activity itself ends Particular focus will be on supporting activities such as introducing pilot incentive systems which will improve the responsiveness and sustainability of government services can influence behavior in a way that systems might be improved

3 **Focused on Near-Term Institutional Capacity Building**

Institutional capacity building is a specific criterion in selection of all investments in this sector All of USAID's D/G activities will place emphasis on training and strengthening the institutional capacity of government and private institutions to deliver basic public services to Cambodia's citizens before the 1998 elections

4 **Focused on Provincial and Rural Activities**

In fiscal years 1995-1999, more of USAID's democracy project resources will be granted to provincial-level activities than to activities impacting Phnom Penh USAID's Mission Strategy notes a preference for supporting activities which are outside of the capital, and the D/G portfolio will follow suite

5. **Meets Needs of Women, Children, Minorities, and Less Accessible Regions**

Activities advanced by minorities, women, and groups in more remote geographic regions will receive special attention as appropriate These are all key but vulnerable groups in Cambodian civil society, so priority will be given to funding activities which address the needs of these populations and help to protect their rights and access to the legal system There might be a need to have very disparate programs to address the democratization-related needs of these groups, so flexibility will be required The most important issues currently affecting groups in less accessible geographic regions are, in fact, protection of their basic human rights and issues of accessibility to and equal treatment under the law Minorities and women's groups, especially initially, may request more basic organizational strengthening that is not so directly related to human rights/rule of law or legal advocacy activities

6 Provides Clear Basis for Impact Assessment

In democracy projects, perhaps more than in other sectors, the results are often difficult to measure Nevertheless, all grantees will be required to design tangible impacts into their projects and will be monitored and ultimately judged on their success in achieving these outcomes Priority will be placed on activities which, as an integral part of the activity, include realistic identification of goals, desired outcomes and measures to develop baseline and impact measures of how well these outcomes are being achieved

D Anticipated Outcomes

As a country in transition, the Cambodia program has been exempted from having to establish USAID's Program Performance Information System for Strategic Management (PRISM) through FY 1997 By that time, it is expected that baseline data will have been collected to serve as a foundation for assessing impact of future interventions While results monitoring at a national level will not be strictly pursued (in a PRISM sense), during the existing strategy period, the Mission plans to measure results of its activities as a basis for making sound management decisions and establishing a baseline for future program impact assessment The very nature of the program is to produce visible, quick-term results which have an impact on Cambodia's democratic development One specific criterion to be applied in funding decisions for new activities will be whether the activity includes realistic collection of baseline data, identification of proposed outcomes and measurement of impact

As a result of the interventions proposed in this strategic framework, the country strategy anticipated that the following program outcomes will be achieved in the short- to medium-term

- establishment of an institutional framework for national elections, to be contested by viable political parties,
- a legislative process that is better coordinated, more responsive to the expressed needs of the electorate, and a National Assembly which functions more independently and effectively,
- increased access to legal, regulatory, and judicial organizations providing services that are perceived as more transparent, predictable, effective, and fair,
- increased access to and tolerance of public information, including that provided by all elements of the media,
- increased access to information and organizations providing services

that affirm and promote human rights,

- improved capacity of policy making units in key development ministries sectors to generate and utilize information and analysis, and,
- increased opportunity for individuals, groups, and organizations to participate freely, effectively, and in an informed manner in shaping and realizing the national development agenda

E The Five Elements of USAID's Democracy/Governance Programming

USAID/Cambodia has identified five priority elements for USAID programming to best accelerate Cambodia's post-crisis transition 1) establishment and strengthening of political parties and electoral systems as a precursor to regularly held free and fair elections, 2) substantive legislative deliberation, 3) the rule of law, including the constitution and impartial and binding judicial rulings, 4) a growing and active civil society, and, 5) the adoption of democratic procedures at all levels of government

1 Elections Systems and Political Parties

Context The Cambodian constitution mandates that new national elections be held no later than 1998, but Cambodia lacks at present an electoral framework of any kind for either national or local elections

The creation of an electoral framework will take considerable time and require many difficult political decisions, as well as the establishment of technical capacity to conduct the elections The 1993 election was conducted at huge cost with the assistance of approximately 23,000 foreign and 55,000 Cambodian UN employees Clearly, the Cambodians will have neither the financial nor human resources to stage another national election on the scale of the one supported by the UN, but it is USAID's position that the earlier the Cambodians prepare for elections the better they will be run

Cambodia's two major political parties are fractured and have strong centralist tendencies Policy positions and internal administrative decisions are made at the top and, in most instances, dictated to the membership While some party officials push for more openness, there is little indication that the parties' leadership believe democratic reforms within the parties themselves are needed Though the parties were elected in 1993 with what they perceived at the time to be a popular mandate, current practices don't necessarily reflect the priorities identified by the parties during the campaign

US Policy Objectives The USG's policy objectives in the area of elections and political parties are twofold 1) to enact an electoral law and establish an electoral system for holding successful national elections in the time frame outlined in the constitution, and 2) to help the political parties evolve toward viable, national organizations with competencies to campaign effectively and maintain bases of support between elections as foundations for serious policy debate

Anticipated Outcomes Specific outcomes on which USAID funding is targeted are

- enactment of an electoral law by mid 1996,
- establishment of an electoral commission in keeping with the electoral law by late 1996,
- preparation of a timetable and plan for national elections by early 1997,
- more democratic functioning of political parties in National Assembly deliberations, as indicated by growing oppositional voting patterns across one or more parties,
- increased political party activities, especially in the provinces, in preparation for free and fair elections, as indicated by an increase in the number of active political parties, and increased party membership, enrollments and meetings,
- increased participation of women in political processes, as indicated by an increase in the number of women members and leadership in political parties, the number of women candidates, and the number of elected women office holders,
- the conduct of free and fair elections by the end of 1998 in accordance with the constitution

USAID Project Activities. USAID will provide support to the RCG for advances in the development of the electoral framework this year initially through the provision of legal technical assistance The exact nature of additional USAID assistance will be determined by the process established by the RCG USAID will remain flexible to respond to needs as they develop In 1996 USAID will help the RCG establish an elections commission and complete the framework for the 1998 national elections As the elections approach, more democracy program resources will be shifted toward supporting the successful conduct of open, free and fair elections and toward helping the political parties to participate in the elections

The focus at present is on accomplishing free and fair national

elections, but over time democracy could be strengthened by the holding of local elections There is, however, no constitutional or other legal mandate for holding local elections, and, in any case, USAID/Cambodia has neither the resources nor the staff to undertake a large project to develop support for local elections USAID ongoing assistance for civil society and democratic governance activities will be able, however, to lend some support for generating interest in elections at the local level over time

Throughout the strategy period USAID will work with the political parties in the National Assembly to develop democratic approaches to governance, especially through the mechanisms of party caucuses, commission hearings, and closer constituent links In FY 1996, after the establishment of electoral guidelines has encouraged the main political parties to reorganize themselves, USAID will issue a Request for Applications (RFA) for proposals on the training of political parties to help them better function in the elections

Other Donor Activities Little action on setting up national elections is underway at this point, although the Canadian government recently sponsored a seminar at the National Assembly to encourage MP's to start thinking about what will be needed

As far as local elections are concerned, UNDP and one or two local NGO's are currently working at the district level in two provinces, namely Banteay Meanchey and Kompong Speu, to develop methodologies acceptable to local leadership USAID will follow with great interest the work of UNDP and others in this area

2 The National Assembly

Context The Cambodian National Assembly is new, made up of Cambodians who were handpicked by their respective parties to fill slots won by the parties in the 1993 elections The political parties were required under UNTAC election law to publish, in priority order and well in advance of the election, the names of the candidates who would assume the seats won by the party in the election Current practice allows a party's leadership to remove from the National Assembly any MP it wishes to, according to its own internal rules This strict party control over MPs, in the context of a coalition government which prefers to make laws in private at the executive branch level, has worked to limit debate in the nascent National Assembly

Cambodia's National Assembly is still trying to define its role in the government, and a first, critical step for it as an institution has been to define its own internal rules of procedure The members of the Assembly are generally new to democratic politics and still require training in the workings of a deliberative body The concept of "constituency" is growing but needs continued attention Often, the relationship that does exist between representative and constituent is patronage based, with the handing out of cash to village organizations a growing feature of public appearances that the voters themselves are beginning to expect Elected officials have too few occasions to communicate with the average constituent because so much of their work is in Phnom Penh and National Assembly funding for travel is limited Also, many representatives have little or no family or other linkage back to the provinces they were elected to represent Funding during the last election was obtained often from foreign sources, so allegiances are sometimes blurred

The National Assembly at present operates in a less than transparent manner When bills come before the Assembly, they are not distributed to the public before final passage Public hearings on pending legislation are rare and attendance is limited, though some commission presidents do try hard to open the process The legislative calendar is hard to ascertain, although debate on the floor of the Assembly is broadcast live over radio and television and is listened to on a relatively widespread basis

There is little physical space in the Assembly's main chamber for attendance by the general public The nine commissions of the Assembly are allotted only one small meeting room each

U S Policy Objectives The USG's policy objective in the National Assembly is the creation of a knowledgeable, deliberative body which responds to the concerns of the citizenry and serves as a balance to the powers of the executive branch

Anticipated Outcomes USAID's support to the National Assembly will promote a role for the National Assembly which represents the views of Cambodia's population and develops a legal framework on which the government can operate As a result of USAID assistance, the National Assembly will have a more open, transparent, efficient and effective system of enacting legislation In addition, as an institution, the National Assembly will be able to better define its relationship with other branches of the RCG

Specific outcomes on which USAID resources will be targeted are

- improved analysis of pending legislation, research capacity and law drafting ability at the National Assembly, as indicated by the number of reports and laws written by Cambodian staff at the Legal Research and Documentation Center,
- public input into the legislative process, as measured by the establishment of a public hearing process and an increase in the number of public hearings in the period 1995-98,
- increased contacts between members and constituents, as measured by the number of trips MP's make to their home provinces,
- better functioning NA commissions with an increased role in legislative review and passage, as measured by the number of substantive hearings and meetings held by key commissions, and an increase in the number of draft laws amended by the commissions, and,
- improved access for women and consideration of women's issues in the legislative process, as reflected by the number of gender-related issues addressed by the National Assembly and increased discussion in general of how legislation will impact the lives of women

USAID Project Activities USAID's approach will be to help the National Assembly chart a course for itself which will lead to more independence for members and decision-making which takes into account constituent attitudes

USAID has already begun support to the National Assembly with training, technical assistance and limited commodity support, delivered primarily through the Asia Foundation USAID assistance has helped create at the National Assembly a Center for Legal Research and Documentation (CLRD) which is envisioned to function much like a legislative counsel office, the Center currently helps analyze legislation and draft bills through the assistance of longterm advisors, as well as train local Khmer staff in these technical skills USAID-supported legal advisors also work with the various commissions and individual members of the Assembly to improve their staff abilities and the roles they play in the legislative process The TAF/USAID partnership has supported the renovation of the main chamber and will fund a record-keeping system for the Assembly Study tours conducted by TAF have been offered to more than a dozen MP's and key staff so they may witness first hand the systems in other countries

USAID/Cambodia, in conjunction with the USAID Global Office's Democracy and Governance Center (G/DG), has supported the TAF Women in Politics (WIP) project This activity, among other things, specifically targets women MP's to increase their contacts with other women legislators in Asia and to help empower them to take on a greater role in advocating issues of concern to Cambodian women Funding for this project will increase in the current fiscal year

USAID has also supported local NGOs' attempts to hold seminars and produce television talk shows, outside the Assembly but featuring several outspoken MP's, to debate various legislative topics These fora proved to be very popular venues for the expression of opposition to RCG policies, by both the MP's and the public, and therefore attracted criticism from the RCG The organizers subsequently suspended their activities, and USAID is reviewing options for future funding of such activities

During the strategy period USAID, in addition to continuing current programming, will expand support to the National Assembly by funding long and short term legal counsel through the American Bar Association to provide specific legal expertise and to coordinate with the CLRD on the development of legal drafting skills

USAID will help the MPs reach out increasingly to their constituencies, such as by supporting the opening of provincial offices and the printing of Assembly newsletters USAID does not have the financial resources to expand the physical structure of the National Assembly building itself which would allow for a larger chamber or for members to have private office space

Other Donor Activities. The Inter Parliamentary Union (IPU) has been somewhat active in helping the National Assembly with its internal rules, but resources to do so are very limited A few Cambodian MP's and Secretariat staff have travelled to IPU international meetings The German government funded the construction of a small building near the main Assembly building to provide office space to the several Assembly commissions/committees The European Commission is prepared to provide technical assistance and some commodity support to the Assembly's human rights commission, and may channel this aid through TAF

CIDA, through a grant to the Parliamentary Center of Canada, plans to provide shortterm advisors to the Assembly's Secretariat in the areas of

budget and administration in 1995

→ Courts
→ Police
→ Education

3 Cambodia's Legal System

Context The Cambodian legal system is neither efficient nor effective There exist extreme needs at every level of the formal system, from the courts, to the police, to the legal education system

At present, there is no coherent body of laws and regulations Few laws have been enacted since the promulgation of the Constitution and those which have been enacted have not provided clear guidance for the criminal and civil systems of Cambodia Laws from UNTAC and the former State of Cambodia (SOC) remain the primary legal framework on the books

Cambodia's judicial system is weak, and roles of the Ministry of Justice and provincial authorities in it are confused Though the constitution calls for an independent judiciary, neither the French legal system it is based on nor current practice make it so Judicial staff throughout the system lack adequate training and material support The few judges with legal education were educated in the former Soviet Union or its then-client states Resolution of disputes between individuals, and between individuals and the government is neither transparent nor predictable and the rule of law often does not prevail Judges have some but usually little independence to decide cases based on laws and evidence before them, instead, their decisions are often based on instructions from the Ministry of Justice or on pressure from the provincial government or armed forces Prosecutors and defenders are not adequately trained and staffing levels are insufficient The accused in criminal cases can be detained for extended periods without access to judicial review of their cases Civil cases are backlogged, and it is common practice for complainants to have to bribe court officials for action on their cases

There are very few functioning lawyers or paralegals in Cambodia Of the 400 Khmer lawyers in Cambodia before 1975, 80% were either killed or left the country during the Khmer Rouge period Of those who survived, most are now either deceased or retired Further, there is no Bar Association with established licensing procedures to allow new lawyers, Cambodian or foreign, to practice legally and to maintain standards in the profession Important for the transition to a free market economy is the fact that there is only a limited history of private sector law practice Traditionally lawyers in Cambodia have

worked for the state, not in private practice There is a large and growing need for Cambodian lawyers to be trained to service the growing private sector

The legal education system has not developed replacement lawyers or persons with a practical knowledge of the law, public or private The Faculty of Law of the University of Phnom Penh system is widely regarded as providing an outdated education to young Cambodians It is based on an old-model French legal education system, a holdover from colonial days that makes little sense for Cambodia in its struggle to integrate into ASEAN and the international trading system [2]

Much of the legal reform work on-going in Cambodia is heavily influenced by the French colonial-era model, the French government is investing considerable funding to reconstruct a legal system mirrored on the one it had installed in the 1950s and 60s Continuation of relatively high levels of French aid is directly tied by the French to Cambodian compliance with the French policy objective of reviving French law, legal education and financial accounting systems, despite the fact that these systems will make Cambodia's integration into the Asian economy more difficult [3]

Police in Cambodia are underpaid and not professionally trained In the former regime, the role of police was one of asserting the government's control over its citizens That role of police in democratic society has not been adequately redefined in Cambodia Police often arrest without official warrants The accused are frequently not advised of their rights or charges against them Once in jail, suspects are sometimes physically abused Lack of accountability by police officers undermines the concept of a law-abiding police force A democratic concept of justice does not underlie the functioning of the

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[2] The former Cambodian government provided the French government with the exclusive right to rebuild the only Law School in Cambodia and train lawyers there The current government is unwilling, politically, to formally break the agreement for fear of endangering the entire French aid package to Cambodia Instead the RCG s Council of Ministers recently passed a resolution inviting the United States specifically into the field of legal education Classes at the University School of Law are taught in French, primarily by French law school students or recent graduates who come to Cambodia to earn credit for their work These teachers usually rotate through Cambodia on assignments lasting from two weeks to two months On several occasions over the past two years the Cambodian students have demonstrated against the system imposed on them and the forced study of the French language The University s Law School provides no flexibility for part time study or continuing legal education

[3] In a recent visit the French Minister of Commerce, when challenged on the conditions attached to French aid replied that France wanted Cambodia to be French-oriented so that Cambodians would buy French products for years to come

police systems Because the police are charged with providing evidence for trials and with housing suspects while awaiting trial, it is critically important that they respect rules of evidence and do not abuse prisoners awaiting trial if justice is to prevail In addition, if a positive relationship is to be built between the Cambodian government and its citizens, then police must understand their appropriate role vis-a-vis the citizens

Still, the conditions of Cambodia's legal system are better than during the pre-RCG period Significant improvement in the treatment of prisoners and prison conditions has been documented by international and local human rights groups The backlog of criminal cases has been much reduced Judges and their staffs have received some training and are learning more about the kind of behavior expected of them Non-government public defenders are operating freely in courts throughout the country, providing unprecedented access to competent legal help for Cambodians, primarily the poor New laws are being drafted, albeit slowly due to the lack of competent Khmer legal professionals

Alternative dispute resolution (ADR) prior to the Khmer Rouge era existed widely at the village level, with the village elder, the village leader and the monk providing arbitration and mediation While these mechanisms have reappeared to some extent since the signing of the Peace Accord, decisions are made primarily on the basis of power and wealth In addition, decisions are made in areas where there is no legal authority, such as granting of divorces, adding complication to an already-confused, formal legal system

US Policy Objectives The primary policy objectives of USG assistance in the area of rule of law is the establishment of competency and transparency in the legal system governing daily life and transactions between individuals, government authorities and private sector organizations This includes the development of a professional judiciary more independent from the executive branch, the establishment of laws and regulations consistent with the constitution that protect human rights, and access to the legal system for the whole population

Anticipated Outcomes USAID's support for rule of law reform includes quick impact institutional improvements in the functioning of Cambodia's entire judicial system to promote access, efficiency and effectiveness in decision-making in the system In addition, these

interventions will promote legal rights of individuals and education of the public in their legal rights and responsibilities

Specific outcomes on which USAID resources will be targeted are

- increased public understanding of and confidence in the legal system, the law and individuals' legal rights, especially by the rural poor, women, children and the illiterate, as indicated by the increase in the number of civil cases brought by private citizens to the formal justice system for resolution
- increase in the number of trained judges, lawyers, technicians (clerks and recorders), and police who understand and can better perform their proper roles in the system, as indicated by the reduction in both the backlog of prisoners detained without hearings and the waiting time required for both civil and criminal trials to be held,
- establishment of a professional Public Defenders Association of licensed lawyers that is active in all of Cambodia's provinces, as measured by the number of poor litigants and the accused receiving free legal assistance,
- establishment of a functioning, broadly-inclusive Bar Association,
- more informed and independent decision-making by judges, as indicated by the increase in the number of criminal trials and convictions of members of the police, the military and the wealthy,
- improved rules and treatment of evidence, as measured by the increase in use of evidence other than witnesses in trials,
- better record-keeping and documentation of cases, as evidenced by the level of organization of case files and the number of trained clerical staff in the provincial courts,
- increase in the number of government employees knowledgeable in basic law, as measured by the amount of legal documentation in conformity with existing laws being performed within ministries,

USAID Project Activities Significant USAID support for reform of the Cambodian legal system is in place USAID recently provided funding to the IHRLG to undertake a nationwide court training project to train judges, prosecutors and court clerks in as many provinces as possible, including support for minimal improvement of the physical infrastructure of the court system, at least to permit systematic record-keeping and documentation of cases Training of all parties in the

judicial system has been identified by the Minister of Justice as the highest priority within his ministry USAID's focus on the roles of the various actors in the legal system will lead to greater judicial independence through the gradual development of adversarial relationships

Through a subgrant to the IHRLG from TAF, USAID last year provided one year of intensive classroom training by three American lawyers for 25 non-lawyer public defenders in order to meet the critical need for defense in criminal cases in courts around the country [4] With the agreement of the Ministry of Justice, USAID has directly funded the IHRLG defenders training program for an additional year of on-the-job training Additionally, through TAF, USAID funds two local NGO's involved in providing legal defence in criminal cases

Since 1992 USAID has been one of the largest sponsors of local human rights and civic education groups Through TAF, USAID has funded more than a dozen local groups engaged in the education, monitoring and reporting of human rights and the constitution These efforts seem to be paying off well, with the expansion of indigenous human rights groups to all provinces in Cambodia and a combined membership of close to one million USAID also made a grant of $500,000 to the Trust Fund of the UN Center for Human Rights in 1993 This money is still being disbursed by the Center to Cambodian groups for many different human rights activities USAID will continue large levels of support to local groups through TAF through the 1998 elections and is considering another donation to the UN Center's Trust Fund this fiscal year

For the justice system in Cambodia to function, all individuals involved in the system must understand their appropriate roles and be adequately trained to carry them out Clearly the training of judges, prosecutors, defenders and clerks will improve the functioning of the system, but the system as a whole cannot assure justice unless all involved are committed to this goal The need for training Cambodia's police force is urgent and vital to the successful reform of Cambodia's judicial system and the protection of human rights The omission of police training from the USAID program is beginning to impede progress in legal system reform efforts around the country There exists a high level of enthusiasm among court officials for help in changing the role

[4] The training of non lawyer defenders is seen as an interim step and it is the IHRLG's, as well as USAID s intention to promote the 25 already trained into further training which will result in their being licensed as lawyers

of police in the judicial process Limited, targeted assistance at this time has a strong potential for positive impact

The U S Ambassador to Cambodia has decided to take the lead in obtaining a waiver of Section 660 of the FAA, which currently prohibits use of USAID funding for police assistance Congress has provided legislative waivers for such support where it can be shown that police training promotes democratic behavior among police forces and is part of a broader rule of law reform program In the past decade, USAID has increasingly been providing police assistance around the world, primarily using the U S Department of Justice's International Criminal Investigative Training Assistance Program (ICITAP) mechanism USAID will undertake a review of ways that an integrated police training effort might be included as part of the overall court training package [5]

Other Donor Activities The only police assistance currently being provided in Cambodia is a small police training program, focusing on administrative structures, with support from the Government of France

The French, as described above, are providing significant funding for legal education, legal code drafting and the training of judges The French have also conducted short training courses, at the Ministry of Justice, to prepare 35 Cambodians for licensing as lawyers

The UN Center for Human Rights is sponsoring a judicial mentoring program with funds from the Government of Japan This program, which is fully coordinated with the court training project of the IHRLG, is targeted at six of the worst courts in the country and will train the judges specifically in human rights

The EC has been an active player in funding many Cambodian human rights and civic education groups It recently opened a Phnom Penh office and has a full-time staff person tracking its assistance in this area Considerable coordination between USAID and the EC is

[5] The focus would be in looking at the political and structural issues related to the mandate of the investigative police function and its relationship with other parts of the justice system as well as institutional development issues outside of the scope of the French assistance and promotion of human rights Under USAID supervision this assistance would be only one part of a much larger rule of law assistance program and would incorporate interaction with the other components as a basis for developing and delivering assistance Under no circumstances would USAID propose any assistance for activities related to solving or prosecuting any specific crimes or cases major commodity support (and under no circumstances lethal weapons), or training for specific police operations

planned Several other governments have been active in human rights, as well

4. The Development of Civil Society

Context A major problem for Cambodia in realizing its constitutional goal of democracy and pluralism is the often adversarial relationship which continues to exist between the government and the people of Cambodia The current relationship is still more often one of government control, as opposed to one of government service The challenge for the RCG is to build a relationship based on respect for individual rights and freedoms, in which both civil servants and citizens know their rights and responsibilities There needs to be an across-the-board building of civic awareness -- both the rights and the responsibilities

Since the election, however, major advances have been made in freedom of movement, freedom of speech, freedom of the press, and the right to associate Nevertheless, debate exists on whether limits should be placed on any of these freedoms To date three drafts of a press law have been put forward to the National Assembly, and each was subsequently withdrawn after public criticism of their impact in reducing freedom of the press, itself a healthy sign of a growing democratic process There is no legal framework for the existence or operation of NGOs, and some local officials tend to see NGO activities as a threat to their power base

US Policy Objectives USG policy objectives in the area of civil society are 1) the free flow of information, including the freedoms of expression and association and the development of a responsible media, 2) a viable, nationwide network of NGOs, with increasing emphasis on the strengthening of indigenous groups, and 3) the education of the Cambodian population in democratic principles and the responsibilities inherent in a participatory, free market democracy

Anticipated Outcomes Outcomes on which USAID resources will be targeted are

- stronger and more numerous indigenous organizations involved in civic education and advocacy for human rights, as measured by the improved reporting of human rights abuses by local groups and the formal and informal interactions they have with the various levels of government,

- increased governmental attention to reports of abuse and positive action taken to address abuses, as measured by the number of government and military employees prosecuted and convicted in courts of law,
- development of stronger associations of journalists which can interact effectively with government and which can clarify responsible ethical standards for its members,
- increased governmental tolerance of a free, responsible press, as evidenced by the passage of a new press law and its effective, transparent implementation,
- the promulgation of a law rationalizing the existence and operations of NGOs in Cambodia,
- enhanced networking and coordination between and among NGOs, as measured by the number of coordination meetings and joint actions taken,
- constructive dialogue and negotiation between collective labor, the government and management, as indicated by the passage of an internationally acceptable labor law, the number of workers groups formed, and the positive role the government plays in enforcing labor regulations
- better understanding in the general public of rights and responsibilities of citizens in a democracy, as indicated by the numbers of Cambodians joining NGO's, political parties and other associations, especially in the provinces, and,
- greater participation by women in advocacy activities, as evidenced by their increased membership in civic organizations and other NGOs

USAID Project Activities Since before the elections USAID has supported several local NGO's involved in human rights education and monitoring, democracy education and promotion of a civil society During the strategy period USAID will continue to channel support to organizations and associations that actively promote human rights, media, labor, civics education, advocacy and the free market -- the basic elements of a democratic political culture and those that demand an accountable, transparent legal system Special consideration will be given to democratic concepts and ideas coming from minority, women's, and regional groups in more remote provincial areas

USAID has provided considerable assistance to the Khmer Journalists' Association through TAF, and will continue through the next elections, to promote journalistic ethics and in general a more professional media In addition, USAID has supported a TAF-led program of the Khmer

Women's Voice Center to train women photographic journalists, document major events, such as the last election, and assure that women's perspectives are increasingly included in the mass media USAID will explore co-funding with USIS programs which can expand education for responsible journalism

Support will also be provided to organizations which promote the dissemination of information related to citizens' legal rights Special consideration will be given to promoting the rights and participation of minority groups and women's groups Opportunities for collaboration in the RCG exist with the National Assembly, the University of Phnom Penh Law and Business faculties, the Ministry of Justice and the courts, and the Ministry of Economics and Finance and the Central Bank

Finally, USAID support will be given, as appropriate, to the National Assembly and the RCG for drafting a legal framework to define the context in which NGOs operate

Other Donor Activities UNESCO has been active in support for a free press in Cambodia, having recently co-sponsored the start of an Institute for Journalism at the University of Phnom Penh, among other things

The EC and other bilateral donors fund a number of local NGO groups

5 Promotion of Democratic Governance

Context Cambodia's successful transition to democracy depends upon the establishment and functioning of a strong free market economy The existence of a strong private enterprise economy requires a transparent set of rules that structure incentives to stimulate production and trade and provide the legal framework for growth At present, the legal framework for business is deficient Many critical areas such as companies, contracts, bankruptcy, mortgages, insurance, labor, accounting etc , lack adequate definition For existing laws, transparent implementation regulations are scarce and are not easily accessible Most regulations are thus negotiable, leading to problems of transparency and insecurity

Moreover the capability of the government to provide the services and guidance expected from, indeed required, from government is deficient There is no uniform civil service system Positions often have been allocated based on connections rather than skills Government

employees are often not trained for the positions which they hold The government is overstaffed (approximately 150,000 employees) and underpaid Government salaries (around $10 to $30 per month) are insufficient to support a family

Corruption permeates most of the Cambodian government, because accountability is rare and salaries too low Government officials often extract rents from citizens on a regular basis just to survive Cambodia's entire civil service must be reformed The World Bank, the IMF and UNDP are taking the lead in supporting a broad-based administrative reform program which will reduce the public sector roles by 20,000 employees by 1997

US Policy Objectives The focus of USAID activities in the area of governance is to help Cambodia create an institutional environment (laws, regulation and decision making processes) supportive of sustainable private sector led growth and leave to other donors such as the World Bank and the UNDP the task of civil service reform This will involve improving the RCG's capacity to provide services that are accountable and transparent and which increase opportunities for participation at every level USAID's approach will include building the institutional framework and capacity for public/private sector interaction as well as the individual capacities of critical public and private sector agencies

Anticipated Outcomes The outcomes for this element of the strategy are not at present at the stage to be categorized due to the rather late focus on this component Up to the present USAID/Cambodia is in the process of elaborating the specific targets on which we will focus We have initiated discussions with the University of Maryland's Institutional Reform and Informal Sector (IRIS) Project for a buy-in through USAID's Economic Growth Center to help the Mission develop a comprehensive strategy for the Governance component focusing on the issues of an appropriate institutional environment of private sector growth Once this strategy is completed in July/August we will finalize this element

USAID Project Activities USAID activities in the sector will include analysis, advocacy and institutional strengthening/building A number of ongoing activities associated with the other elements of the project, such as the National Assembly, NGO strengthening and Georgetown/USF Faculty of Business programs, are supportive of achievements in this element, also

An expanded ABA program will be an important component ABA advisors may be placed for up to a year in key ministries, especially those engaged in the areas of economics and finance and the Ministry of Justice Several dozen short term legal specialists will be brought to Cambodia, as well, under the ABA mechanism for primarily unpaid assistance The ABA's specialists will provide technical legal assistance, help their Cambodian counterparts draft laws and decrees, and provide ministries with the legal skills necessary to develop procedural and administrative systems

USAID proposes to establish a monitoring evaluation unit that will have the responsibility to measure project and program impact, working with NGOs, the RCG and the private sector In addition to providing project and program impact, this activity will, where possible, use local organizations such as the Cambodian Development Research Institute (CDRI) to develop Cambodian capacity to collect and analyze economic and social development data USAID's partners in this will liaise closely with the RCG at various levels in both Phnom Penh and the provinces to gather information and assure that findings and statistics are incorporated into the RCG's policy decisions

The issue of higher education reform in Cambodia is an urgent one In the medium to long-term, Cambodia needs to educate several thousand managers and specialists to improve the functioning of both the state and the private sectors To this end, USAID will be funding a long-term advisor to the soon-to-established National Higher Education Task Force (NHETF), a project designed and to be coordinated by the World Bank Through this mechanism, which will be established by June 1995, USAID can have direct impact on the direction of higher education reform, thereby further ensuring that any investment it makes in education institutions will be well used The IRIS strategy development exercise may lead to the placement of additional short and long term TA in other disciplines

In a significant effort to hasten the transition to a market-oriented, democratic society governed by the rule of law, USAID has supported two projects at the University of Phnom Penh Faculty of Business to develop a university-level, integrated business/law education These FOB programs, managed by the Georgetown University/Center for Intercultural Education and Development (GU/CIED) and the University of San Francisco School of Law (USF), are fully integrated in order to assure that business students get a significant education in the Rule of Law A prime focus of both programs is to train

Cambodian instructors in the shortest time possible to assume the responsibility for all classroom teaching at the FOB

GU/CIED is also conducting a Small Business Training Program at the Faculty of Business and in Battambang (soon to be expanded to the seaport city of Kompong Som (Sihanoukville), at the request of the Ministry of Education) for Cambodian entrepreneurs and government officials Assistance to the Faculty of Business was originally started by TAF in 1993, and GU/CIED took on the work directly in FY 1994

USAID has charged USF with the task of developing a modern, commercially-focused legal education curriculum for Cambodians at the FOB, one that meets the most immediate needs of the RCG, as well as the longer term needs of the legal system TAF completed the initial research and planning for legal education in 1994 before passing the project to USF The first students studying under the innovative USF approach will be graduated by the Summer of 1996, in line with the USAID criterion for immediate impact USF is also developing Continuing Legal Education (CLE) courses, in conjunction with TAF, to address the needs of the two generations of Cambodians whose educations were disrupted or denied by two decades of war The USF CLE program will allow part-time study by government employees and others in order to raise the general working-level knowledge of law in governmental and private sectors USF is also introducing an academic credit system to allow part time students to earn degrees, a tuition structure, and a revised compensation plan to better retain Cambodian law instructors, all in coordination with the Ministry of Education Certificate courses are based at the FOB in an effort to consolidate all USAID-funded legal training in a Cambodian institution It is USAID's expectation that the USF-led program will expand into the provinces within the next year The Ministry of Education has called the USF effort a model for all of higher education in Cambodia

USF is also working with the Ministry of Justice to train qualified Cambodians in a "special lawyers course", to help expedite the initial licensing of Cambodians with legal backgrounds to practice law

Much discussion and research has been completed but no final decision has been made on the creation of a separate faculty of law at the FOB (it has been proposed that the new school would be called either the Faculty or Institute of Business and Law) USAID has deferred that decision until it is clear that the soon-to-be-enacted Bar Association Code will allow Cambodians educated in programs other than the

existing Faculty of Law to be licensed to practice law Over the next few months, USAID and USF will work with the RCG to determine the legalities involved with the opening of a new law faculty

The training of government employees is and will continue to be a critical component across all USAID sectoral projects In the area of health care, USAID is funding NGO grant advisory assistance to a Provincial Office of the Ministry of Health to focus on primary health issues At the national level, USAID-funded NGO advisory assistance is being provided to the Ministry of Rural Development and the Secretariat of Women's Affairs In the area of environment, USAID will grant funds to an NGO consortium to provide advice to the Ministry of Environment on ways to improve environmental policy Similarly at the national level, USAID has funded an advisor for the Maternal Child Health Center, to work toward a better informed Ministry of Health in the area of birth spacing and HIV/AIDS prevention, and to strengthen the working partnership between government and NGOs in these important aspects of primary health

At the local level, for example, USAID assistance to NGOs involved in direct delivery of services in partnership with local government workers offers a major opportunity for strengthening local capacity of government NGOs implementing basic needs programs play an important role not simply in modeling service delivery at the local level, but by training and otherwise building delivery systems which, for example, include provision for cost recovery through user fees NGO activities to build capacity may include establishment of local school committees for construction and operation of primary schools, or development of community-based delivery of health care that charge small fees for health services NGOs may train local government workers to help establish and maintain community-financed potable water systems or farm-to-market rural roads USAID is providing grants to NGOs carrying out community-based activities in all of the areas listed above

Specific USAID funding is also being provided through TAF to a local institute for a program to develop awareness and understanding of corruption and to lay the groundwork for the establishment of an anti-corruption law and agency USAID will build on this work as targets of opportunity, with clear likelihood of success and replication, develop

Other Donor Activities

Please see Annex C

F Financial Resources

The Cambodian Democratic Initiatives Project is USAID's major activity implementing the D/G Strategy This is augmented through selected short term activities funded under the Technical Support Project In addition, USAID is funding other projects that advance D/G objectives in the five priority elements For example, the $50 million PVO Co-Financing Project funds small grants to indigenous human rights groups as well as grants for rural reconstruction that will significantly strengthen NGOs and their relationship with the Cambodian Government, thereby achieving positive changes in civil society and promotion of democratic governance Similarly, the $30 million Assistance to Primary Education and $20 million Family Health/Birth Spacing projects will fund NGOs that will work with local communities and the RCG to improve service delivery countrywide The first $10 million phase of the Emergency Roads Repair project played a significant role in the successful 1993 election by supporting rural roads development in Northwest Cambodia, thereby enabling the repatriation of displaced Cambodians in time to vote in the May 1993 national elections

The table below presents an estimate of how financial resources for the CDIP will be allocated over the period from 1993 to 1998 The table is based on the assumption that there will be a minimum of $50 million available for direct activities over the period, including support for the 1998 elections Note that this distribution does not include the contribution of other USAID projects towards implementing Civil Society and Promotion of Democratic Governance elements referred to in the paragraph above It does include, however, a line item for monitoring and evaluation of the D/G program

TABLE 1

Funding for D/G Elements
Over Life of Project (1992-2000)

Elements	Percent	($ Millions)
Elections/Parties	15%	$ 7 5
National Assembly	12%	$ 6
Legal System	20%	$10
Civil Society	15%	$ 7 5
Democratic Governance	33%	$16 5
Monitoring/Evaluation	5%	$ 2 5
Total	100%	$50*

* assumes $35 million increase

IV. Operational Considerations

A Implementation and Management

USAID's democracy, rule of law and civil society portfolio is one part of the USG's overall program to support Cambodia's nation-building effort As a part of the USG program, USAID-supported activities fall under the guidance of the Ambassador As part of the Embassy's democracy and governance coordinating committee, USAID coordinates closely with the DCM, the senior political officer, the public affairs officer, and other members of the committee as appropriate to ensure that the USG's overall program is internally consistent and effective

The general direction of all USAID assistance must be consistent with U S foreign policy objectives In the area of democracy and governance, the Embassy takes the lead in many interactions with the government, and the sensitivity of USAID interventions is high USAID will continue to work closely with the country team to assure that its programs are consistent with USG priorities for programming

The democracy and governance portfolio has an extremely sensitive and inherently political nature To meet USAID's requirement of assuring that program directions are consistent with USG priorities and that second-tier

programs are also consistent, USAID proposes to maintain substantial involvement in program directions of implementing organizations, except where clear identification of anticipated outcomes and implementing methods can be achieved in the design of an activity USAID must be accountable for directly funded programs as well as second-tier programs funded under sub-grants allocate resources according to the USAID's funding priorities The proposed program involves direct and indirect funding to several local and international NGOs A grant to such an organization effectively transfers funds for it to carry out its own goals according to its own program Because of the requirements for substantive involvement, USAID will employ cooperative agreements, rather than grants for most democracy activities in Cambodia over the next two years Grants will be considered when anticipated outcomes from the activity can be clearly defined before the grant is signed and agreement can be reached on how these outcomes should best be achieved

Management of the democracy/governance portfolio in USAID is and will remain in the Projects Office of the Office of the AID Representative to Cambodia, under the guidance of the Director of that division A Project Manager is on contract to USAID to provide technical guidance to grantees, oversee day-to-day implementation, and report to and advise Mission management on democracy and governance matters Given the management intensity of a program with several implementing organizations, USAID will continue to enter into umbrella cooperative agreements with American NGOs, as appropriate, for channeling assistance to smaller activities consistent with USAID democracy and governance priorities Nonetheless, as additional monies are invested in the D/G sector ($35 million more is planned between from FY 1995-98), the number of management units will rise This, plus the high-level visibility of project management, the need for continual close coordination with the Embassy and other donors, and the requirement of credibility at the highest levels of the Cambodian government, speak to a need for additional technical assistance, preferably USDH

B Mid-Term Evaluation

The Mission will conduct a mid-term review of the implementation of this democracy program with the country team in FY 1996 to assure that the areas of focus remain valid and that activities continue to be appropriate for achieving the desired outcomes in each area of focus Cambodia will certainly undergo a series of significant political changes over the next few years The implementation of assistance will need to reflect these changes to remain relevant and appropriate and this review will recommend mid-term course corrections The democracy assistance program must be ready to take

advantage of targets of opportunity as they emerge

It is also difficult to predict the extent to which the government might attempt to control indigenous nongovernmental organizations in terms of their funding sources, their activities, their membership/leadership and, indeed, in terms of their very existence This strategy cannot be implemented in any significant way without continued USAID access to international and local NGOs which come about through free association, are free to receive USG (or any other donor, local or foreign) support and conduct legitimate activities If the freedom of NGOs in Cambodia were to be seriously circumscribed and USAID access to them severely curtailed, the USG would need to re-evaluate its D/G strategy and the very basis for its assistance program in Cambodia

C Coordination Issues

Department of State coordination of human rights and democracy-related activities by USG agencies will be continued, primarily through the democracy and governance coordinating committee, under the Ambassador's guidance As USAID continues to examine and seek opportunities to support democratic development in Cambodia, it will be important to continue and enhance communication and coordination among donors Assistance in the area of democracy and governance cannot be or be perceived as an "American plan", assistance must be coordinated so that it reinforces Cambodian initiatives to develop a "Cambodian plan" for democracy and governance Both formal and informal communications among donors will be reinforced to assure complementarily of programs

VI Development of the Strategy

USAID/Cambodia developed its democracy assistance framework in close collaboration with other units in AID, the USG, the RCG and the non-public sector In October 1994, representatives from the Mission met with other Agency units and U S -based NGOs undertaking democracy and governance activities in Cambodia to discuss the impressions of these organizations and their recommendations for priority attention In December, a design team with members from AID's Center for Democracy and Governance (Global Bureau), the Office for East Asia (ANE Bureau), Regional Mission for East Asia, the State Department's Office for Resource Allocation, and the Mission worked closely with counterparts from the RCG (at the national and local levels), the Embassy, and NGO representatives in Cambodia involved in civil society and humanitarian programs In April 1995, the Strategy was discussed and modified based on inputs from within the USG and with NGOs

ANNEXES

Annex A

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Annex B

Listing of
Cambodian Legal/Human Rights NGOs

1 ADHOC (Cambodian Human Rights Association)

2 CADEAS

3 Cambodian Institute for Human Rights

4 CHARTO

5 Cambodian Women's Voice Center

6 Human Rights Vigilance of Cambodia

7 Khmer Institute for Democracy

8 Khmer Journalists Association

9 Khmer Students' Association

10 Khmer Students' Intellectuals Association (KSIA)

11 LICADHO

12 Outreach

13 Ponleu Khmer

Annex C

Other Donor Activities

Several other countries, private foundations, and international organizations provide assistance to Cambodia for projects related to democracy, governance and human rights Some share with USAID explicit commitments to promoting democratization, human rights, and/or good governance In preparation of this document, USAID met with other donors to share program information and obtain recommendations regarding priorities No other bilateral donors have a major priority focus on democratization and human rights

There are varying degrees of cooperation and communication among donors, depending upon the development sector In health and family planning, for instance, cooperation and communication are very good In the area of democracy, human rights and governance, however, there is still only limited interaction among donors Official communication among donors and the RCG takes place at the annual meetings of the International Committee for the Reconstruction of Cambodia (ICORC), now hosted by the World Bank In addition to the ICORC, the UN hosts local consultative group meetings of donors several times a year The meetings deal almost exclusively with economic policy and project implementation issues

The Ambassador meets regularly with principal officers of other embassies to discuss political developments and assistance needs At the technical level, USAID is working to improve contacts and communications regarding programs

a Bilateral

While significant donor resources have been pledged for Cambodia's rehabilitation and reconstruction, only a small portion of this proposed support is directed toward democratic development, human rights, the legal system, National Assembly, elections and parties and governance (aside from more sector-specific economic policy support) Most donor assistance is programmed into priority areas identified in the RCG's new national development program as presented at the ICORC The U S is unique among donors in its explicit focus on political systems, democratic civil society, rule of law and governance Other donors providing support in these areas are Australia, France, Britain, Canada, Germany and Japan

Australia is working directly with the Cambodian Development Council (CDC) to coordinate economic assistance and develop solid foundations for central governmental actions with the donor community The Australian government is interested in human rights in Cambodia and has worked with the penal system to provide some basic physical upgrading for prisons in Phnom Penh, Prey Sar and Kandal Australia is

also providing English language instruction to staff at the National Assembly In addition, Australia is presently undertaking an assessment of administrative and legal needs in Cambodia to guide possible future programs, Sweden has expressed interest in collaborating with Australia if appropriate activities, complementary to other donor activities, can be identified

The French government is sponsoring a police training program, including creation of a police academy The primary focus is on administrative structures of the police system, with training primarily at the most senior levels French resident experts are presently serving in several ministries, including Finance and Economy, Justice, and Interior, and there are plans to place experts in the ministries of Education, Agriculture, Public Works, Health and Foreign Affairs France supported revision of the curriculum of the faculty of law, introducing joint training with the University of Lyon, a similar revision was supported for the program at the Institute of Economics In addition, the French government is undertaking a restructuring of the Ecole Royale d'Administration, Cambodia's governmental school of public administration

The British Overseas Development Assistance program focuses primarily on English language training for professional staff of various ministries While not a direct democracy and governance program, this assistance does permit access to a broader body of knowledge by the trained staff and opens communications with the donor community which will serve to improve functioning of these target ministries

Germany and Canada have been involved in minor support related to democracy and governance The Canadian International Development Agency (CIDA) includes women in development (WID) and participatory development among its priorities in Cambodia CIDA is in the process of developing a strategy for human rights, good governance and democratization, which should guide its future support for NGO programs in Cambodia The strategy includes the following objectives

> (a) to increase the capacity of organizations and institutions that protect and promote human rights ", (b) "to strengthen democratic institutions ", (c) to build the role and capacity of civil society in order to increase popular participation in decision- and policy-making", (d) "to foster the political will of leaders to respect rights, rule democratically, and govern effectively", (e) "to enhance the competence of the public sector in order to promote the effective, honest, and accountable exercise of power "[6]

While the four principles guiding Japan's aid worldwide are the "promotion of democratization, market-oriented economy, and human rights and freedoms," Japan's

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[6] Human Rights, Democratization and Good Governance (Draft), Ottawa Good Governance and Human Rights Policies Division, Policy Branch, CIDA, March 11, 1994 p 5

programming in Cambodia is focused primarily on the second principle, promoting a market-oriented economy Japan's pledges for Cambodia at meetings of the ICORC have consistently been the most significant bilateral commitments for Cambodia To date, however, this aid has supported mainly infrastructure projects and not significant programs in the democracy and governance sector

b **Foundations**

Several foundations and private voluntary organizations provide assistance to Cambodia relevant to the area of democracy, governance and human rights Some of these, e g , The Asia Foundation, receive most or all of their support from USAID

German assistance abroad includes work of several political party-related Stiftungen (foundations) (1) the Konrad Adenaur Stiftung, which has a project with the Khmer Institute for Democracy, (2) Friedrich Ebert Stiftung, which works with labor, (3) Friedrich Naumann Stiftung, which sponsors dialogue (including trips of officials to Germany) to promote democracy and promotion of women's rights, (4) Hans Seidel Stiftung, which focuses on environmental issues

c **Multilateral**

The World Bank and the Asian Development Bank are the major multilateral donors to Cambodia Among the smaller multilateral donors are United Nations Development Program, United Nations International Children's Education Fund, World Health Organization, and other United Nations specialized agencies The UN has placed a human rights center in Phnom Penh to provide funding for the work of human rights groups in Cambodia

The UNDP, though traditionally focused on technical assistance for economic development, has in the last year and in close consultation with the RCG become more oriented toward issues surrounding good government, human rights, and advocacy UNDP has been working for several years with NGOs, including providing help to set up a UN NGO Forum UNDP is working with the CDC to promote rational prioritization and use of economic assistance from the donor community In human rights, UNDP is sponsoring three projects strengthening management and research capacity of indigenous NGOs, providing program support to indigenous NGOs and media development, and, supporting NGO work with prisoners In addition, UNDP is presently considering funding a proposal from the UN Center for Human Rights to train judges and prosecutors, assist the legislative commission on human rights, and promote public education on human rights

The World Bank, the IMF and the UN are working together on an extensive administrative reform program for Cambodia The current government work force

stands at 150,000 This must be significantly reduced and, at the same time, civil service reform, training and salary rationalization must be implemented UNDP has developed an extensive, long-term administrative reform program to provide technical assistance to strengthen the capacity of various ministries of the government, stimulate civil service reform, and improve relations and communications between provincial and central government The program contains timetables and targets and the World Bank has put conditionality in its loan program which requires the RCG to meet these targets (e g , reduction in the government work force by 20,000 employees by 1997) Likewise, the IMF is working with the Ministry of Economy and Finance and the central bank to help rationalize the costs and revenues related to running the government

Among the other multilateral donors, the International Labor Organization (ILO) has a particular interest in worker rights and union participation