Democracy and Governance
Assessment for Cambodia

and

Proposed USAID Strategy
for Cambodia

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Prepared for USAID/Cambodia
by
Vivikka Molldrem, Team Leader
James Vermillion
Ed Anderson
Eric Bjornlund
Bradley Bessire

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Sok Narin
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I. Executive Summary

Progress since 1998 in Cambodia’s democratic development has been limited. The overwhelming strength of the ruling Cambodian People’s Party (CPP) and its leader Hun Sen, the CPP’s unwillingness to give away any significant control, and the impunity afforded to party-loyal officials combine to constrain democratic openness and to create an environment where ordinary people’s basic human rights are not secure.

A. Status of democracy in Cambodia

Among the five key elements of democracy\(^1\), consensus and inclusion are the least problematic. There is widespread consensus on the legitimacy of Cambodia’s statehood, borders and constitution. Cambodians accept their form of government and their political leaders. Consensus is eroding regarding the relationship between the state and individuals where civil society activists and political parties vie for greater voice in national life. Discrimination remains against Vietnamese and other minority groups, and genuine reconciliation of former Khmer Rouge has not occurred; however, these groups, by and large, are considered citizens and can vote. They and their fellow Cambodians exercise this right in large numbers.

The rule of law is absent. Wealth and political power rather than justice serve as the basis on which disputes are resolved. Human rights abuses are common. Notorious offenses such as trafficking of women and children undermine fundamental rights. There is neither implementation of law nor political will for change.

Avenues for competition of ideas are narrowly controlled. While on paper FUNCINPEC, the royalist party, shares power, in reality it must bow to the CPP’s directives. The three major political parties are distinguished more by personalities than by differing platforms. Members of the legislature are accountable to their parties, not their constituents, and the CPP does not permit meaningful dialogue. Intimidation and interference in recent elections frightened opposition candidates and diluted their campaign efforts. Civil society organizations have proliferated and are growing more mature and more strategic, but even the most daring self-regulate their activities for fear of reprisal. Similarly, while the written press is quite free, its reach is limited to the cities. Most Cambodians rely on the heavily controlled broadcast media.

Cambodia falls very short on the pillars of good governance: accountability, transparency, predictability, participation, responsiveness and protection of citizen rights and security. Neither legislature nor judiciary is independent of the executive. The Cambodian Government has embarked on an ambitious, ten-point Governance Action Plan; however, progress is slow and Cambodia’s leaders seem more motivated by the need to appease donors than by sincere desire to change. From lack of accountability and transparency arises corruption, a systemic problem throughout government.

\(^1\) USAID’s Center for Democracy and Governance has identified five key elements of democracy: consensus, rule of law, competition, inclusion and good governance. See “Conducting a DG Assessment: A Framework for Strategy Development”, Center for Democracy and Governance, USAID, November 2000.
Finally, progress in every front is hampered by the scarcity of trained, experienced people and the low capacity of institutions to carry out analysis needed to shape good policy and to implement programs effectively.

Based on this assessment, the most important problems Cambodia must address to achieve a more democratic regime are absence of justice, corruption, lack of fora for competition of ideas, and inadequate human and institutional capacity.

B. Forces Affecting Democratic Development

Cambodians and many donors seem to accept the view that change must occur over the course of a generation. Few people think in terms of five or even ten years. After so many devastating years of war, Cambodians cherish peace over the conflict that could result from intense competition with power-holders. Reformers are justifiably concerned that pushing too hard will jeopardize their personal security. Yet the slow pace of reform may itself lead to the conflict Cambodians wish so much to avoid. Many factors associated with destabilization in other countries already apply here.

Still, there are bright spots. First, now that the country is at peace, Hun Sen’s regime is concerned about Cambodia’s international image. It understands that its future legitimacy depends on improving living standards and that this is best done through direct foreign investment. Cambodia has joined the Association of Southeast Asian Nations (ASEAN) and desires entry into the ASEAN Free Trade Agreement (AFTA) and the World Trade Organization (WTO). This will require Cambodia to take serious steps to improve governance, to control corruption, and to protect investors’ and workers’ rights. Second, the donor community is pressing hard for reforms on all fronts. Cambodia is highly dependent on foreign aid, and this gives aid agencies genuine influence. Third, civil society organizations that monitor human rights, advocate for reforms and expose corruption have grown in numbers and maturity. They know the limits within which they can safely act and continue to challenge those limits. Finally, the recent commune elections, despite irregularities surrounding them, had the beneficial impact of involving 75,000 candidates in local politics, most for the first time, including a surprising number of women.

C. The Strategy

Absent political will to implement the rule of law, USAID cannot address the central problem of lack of justice. Instead, USAID’s strategy addresses justice indirectly by seeking to increase the power of groups in Cambodian society who compete with central government for equity and voice.

The proposed strategic objective (SO) for the three-year period 2002 to 2005 is

“Increased competition in Cambodian political life”.

In an ideal world, five Intermediate Results (IRs) would contribute to this SO:
IR 1: Focused Monitoring and Defense of Human Rights: Funding of NGOs engaged in human rights monitoring and investigation in key areas would encompass women’s rights (and trafficking), worker rights, minority rights, Khmer Rouge reconciliation, and resource rights (e.g. land and fisheries). USAID could assist the Ministry of Women’s Affairs to help it strengthen its women’s rights programs in coordination with NGOs.

IR 2: Increased transparency and accountability on key economic and political issues: Activities would address corruption through investigations and audits directed to issues that affect development including foreign investment, such as customs reform, intellectual property rights and assets disclosure. Targeted assistance to civil society organizations would help them do research and analysis needed to engage with government and other actors. USAID could also assist the National Audit Authority or similar governmental entities, if they are judged to be independent.

IR 3: Political processes and parties that meet international standards: If a sufficient commitment to reform is demonstrated, US assistance for elections could help constitute more legitimate electoral authorities. It could also include support for Cambodian NGOs to monitor elections and to advocate for fairer election processes. Assistance to parties would help them to develop more effective and internally democratic procedures and to improve their organizational capabilities, leadership development and message development. This assistance would include a focus on women in politics and on party development outside of national politics.

IR 4: Engagement of newly elected local officials with central, provincial and district officials on key development issues: Political competition on issues important to citizens at the local level can be achieved by assistance for associations of local officials, community leaders and/or local governments that engage central government counterparts on these issues.

IR 5: Increased capacity of future leaders in and out of government to develop policies and effect change: U.S. based participant training would provide exposure of young future leaders inside and outside of government not only to skills and knowledge in selected subject areas, but also to democratic governance, western values and culture.

The above is an “ideal” strategy absent constraints of Congressional restrictions on assistance to the Cambodian Government or USAID dollar and staff limitations. Taking these constraints into consideration results in eliminating IRs 4 and 5 from the strategy. Assistance under IR 1 with the Ministry of Women’s Affairs and under IR 2 with the National Audit Agency are eligible under the law because of notwithstanding language on anti-corruption and human trafficking, but Congressional consultation will be required.
II. The Status of Democracy in Cambodia

A. Character of the Regime

The Royal Government of Cambodia (RGC) is a semi-authoritarian regime. The leadership monopolizes political power but allows some economic liberalization, a growing and vibrant civil society that monitors human rights and advocates change, and limited degrees of freedom of expression and association. The description of Cambodian government presented in USAID’s 1999 Democracy and Governance Assessment for Cambodia remains valid:

“The key to the political game in Cambodia today, if we reduce it to a personality, as Cambodians generally do, is the country’s..prime minister, Hun Sen. He is a crafty, energetic, supple and despotic politician, almost immune from the checks and balances that exist, in theory and on paper, in the judicial system, the national assembly, and competing branches of government. . . . Hun Sen’s control over the government, for the foreseeable future at least, is not at risk.”

There are liberalizing factors that influence government operation. After three years of relative peace, the RGC has begun to focus on changing Cambodia’s international image to that of a productive player in regional and international fora. Tourism and textiles are creating a new urban middle class. Donors have become more demanding on governance reform; and well-educated reformers can be found throughout government and within the Cambodian People’s Party (CPP). But these factors have not yet created significant openings for democratic reform. Key actors in the CPP have no desire to relinquish power. Hun Sen has proven adept at manipulating people and policies to do just enough to satisfy international demand while minimizing loss of control. As a result, progress in democratic openness is occurring, but at a snail’s pace.

B. Priority Ranking of Problems

Four problems must be addressed for development of democracy in Cambodia.

Lack of justice. Public officials who tow the ruling party’s line are above the law, while the government tolerates violations of basic human rights guaranteed in Cambodia’s constitution. The judiciary lacks independence from the executive branch. Judges are poorly trained and extremely underpaid. Laws are outdated or inconsistent, a situation used to justify adverse government action and judicial abuse. Individuals and groups advocating change dare not step too far.

Corruption. The absence of justice enables those with power to act illegally. Bribes are expected for virtually all services. Corruption in customs significantly

2 Democracy and Governance Assessment for Cambodia, DAI, July 1999, page 14
increases the cost of imported goods on which Cambodians depend and undermines revenues necessary for development. Corruption enables the continuation of destructive logging practices, "land grabbing," fisheries exploitation, money laundering, drug trafficking and human trafficking.

**Lack of fora for competition of ideas.** Limitations on freedom of expression, association and press inhibit the growth of institutions that can effectively compete for political power. One consequence is a scarcity of empirical analysis of the key issues facing Cambodia and their consequences.

**Poor human and institutional capacity.** Progress on every front is hampered by the scarcity of trained, experienced people and the poor quality and low capacity of institutions to carry out analysis needed to shape good policy and to implement programs effectively. The very size of the governance agenda agreed upon between the RGC and donors indicates the scope of the institutional problem. Senior officials express concern about their reliance on foreign advisors to draft laws and policies. NGOs compete with each other for qualified staff to carry out their operations. And with adult literacy at only 67 percent, many rural voters have to rely on radio, a tightly controlled medium, for information.

**C. The Elements of Democracy**

1. **Consensus**

Cambodians accept Cambodia’s borders (though there are issues of border encroachment with Vietnam and Thailand), its form of government, its constitution, its head of state, and its criteria for citizenship. They agree that Cambodia is committed to becoming a market economy and has left communist economics behind.

Consensus has not been entirely reached on national reconciliation. Political reconciliation has occurred in areas that until 1998 were Khmer Rouge strongholds. Former KR cadres have integrated into rural Cambodian life. Yet the atrocities of the Khmer Rouge era, 1975-1979, leave an open issue in Cambodian society. Individuals still ask why and how this happened and most Cambodians have not had a chance to come to terms with the traumas of that era. Consequently, social reconciliation between the former KR and their neighbors is far from complete. Accepting that former warring factions are now fellow Cambodians with the same hopes for their country will take a concerted effort. (Annex A offers thoughts on the reconciliation process.)

Thanks to the reach of NGOs throughout the country, more and more Cambodians are aware that their constitution guarantees them certain internationally accepted human rights. They also know, from long experience, the limits to which they can safely exercise those rights. The major democratic problems - lack of justice, corruption and lack of competition - are well understood. So are the rules by which

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3 Education Indicators, 1999-2000, UNICEF
power is distributed. But consensus is eroding about these rules as civil society and opposition parties strive to gain a greater share of political decision making.

Cambodians broadly agree on the priorities for their country’s future. First and foremost is peace and stability, critically important after so many years of war. Second is development of the basic infrastructure needed for economic security – roads, irrigation, schools and health care. Related to that is land security because clear title to property enforced by law remains elusive for most Cambodians. For most, these basic issues of peace and economic security take precedence over democratic development.

Finally, there is a troubling consensus that a 10- to 20-year timeframe for significant economic and democratic progress is acceptable. Inside and outside of government, people say change can only be incremental. “It takes time to grow a tree from a seed”. “We must think in terms of the next generation, not this one.” These are typical comments. Reluctance to take controversial action is understandable among people so concerned about maintaining peace and so intimidated by their leaders. Unfortunately, acceptance of a long, slow road to democratic and economic development by the country’s reformers gives those who oppose change a perfect excuse for inaction. What change does occur is driven more by donor pressure than by Cambodians. Meanwhile, Cambodia runs the risk of falling farther behind other nations with which it must compete in the global economy.

2. Rule of Law

The rule of law is absent in Cambodia. Impunity by government officials remains unchecked. Wealth and political power, rather than an underlying concept of justice and fairness, serve as the basis on which disputes among individuals and between individuals and the state are resolved. The concepts of impunity and corruption arise unprompted in almost all discussions about the political or economic environment. Political actors play the game of politics following a set of rules on which there is at least in principle general agreement. Yet in practice candidates are killed and political actors serve at the whim of their party leaders. Personal and property security is of great concern, as rights of all kinds are generally not respected by governmental institutions or powerful economic actors. Human rights abuses are common. Notorious offenses like trafficking of women and children undermine fundamental rights.

Structural bases for the rule of law are incomplete. The 1993 Constitution, drafted with significant external assistance, is a model document assuring basic human rights and liberties and defining the role of government as well as checks and balances on governmental institutions. In addition, some exemplary basic laws have been drafted, again with donor assistance. There exist three basic sets of laws for reference in the existing civil law system – those from the former State of Cambodia (post Khmer Rouge laws – dating back to 1978), those left by the United Nations Transition Authority for Cambodia (UNTAC), and those being enacted by the existing RGC. While about
160 new laws have been enacted since 1993, some 4000 pieces of legislation are pending\footnote{According to the Council of Jurists, these include laws, decrees, subdecrees, and government regulations.} and there is no clear legislative agenda to address national priorities.

More importantly, there is neither implementation of law nor political will for change. When discussions of reform of the environment for rule of law do take place, including in the government’s strategy for judicial reform, focus is almost exclusively on drafting of improved laws rather than on radical changes in the system to assure equal access and accountability. In this team’s interviews of officials on needs for reforms in the courts, two items were highlighted: building of courtrooms and travel for justice officials. Though donors are placing high priority on legal reform, there is little evidence that efforts in this area are likely to produce meaningful change. (Donor assistance for legal reform and other issues of democracy and governance can be found in Annex F.)

The courts are universally regarded as corrupt and unpredictable. All current justices are members of the CPP and there are widespread allegations that important decisions are dictated to these judges by the party or the government.

3. Competition

Political competition in Cambodia is severely constrained by the overwhelming power of the executive branch, the legacy of communist party control and a widespread fear of renewed conflict, particularly violent conflict. Neither the judiciary nor the legislature is independent from the executive. While on paper FUNCINPEC, the royalist party, shares power, in reality it must bow to the CPP’s directives. The three major political parties, for the most part, lack clear and distinguishable platforms. Members of the legislature are accountable to their parties, not their constituents, and the CPP does not permit meaningful dialogue. Intimidation and interference in recent elections served to frighten opposition candidates and dilute their campaign efforts. Civil society organizations have proliferated and are growing more mature and more strategic, but even the most daring self-regulate their activities for fear of reprisal.

The print media in Cambodia offer some opportunities for competition of ideas, but their reach is limited to the cities. Most Cambodians rely on the heavily controlled broadcast media. While no legal restrictions now exist on reporting that criticizes the government, the prime minister or the king,\footnote{As noted above, however, election rules bar politicians from criticizing other parties or political leaders.} there is considerable self-censorship, particularly in the broadcast media. Official censorship exists as well. Before the commune elections, for example, the National Election Commission banned broadcasts of election messages, tried to censor NGO voter education materials and refused to allow broadcast of candidate debates and voter information roundtables.

Emergence of labor unions and business and professional associations is bringing new civil society actors into the debate on worker rights and economic governance reform. The newly elected commune councils offer a potential opportunity
for creation of new competition between central and local government on policies related to central resource allocation. (A full discussion of the institutions of governance and how they relate to each other is found in section D below, “The Institutional Setting”.)

4. Inclusion

The only officially disenfranchised people are the ethnic Vietnamese, many of whom are unable to establish that they resided in Cambodia prior to the war. Population pressures in Vietnam have caused in-migration of Vietnamese to rise in recent years. Unofficially, racism and distrust of other groups does result in discrimination and human rights abuses against other minority groups such as the Khmer Kampuchea Khrom, Chinese and former Khmer Rouge. By and large, however, mistreatment of minorities is not a major problem.

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**MINORITY RIGHTS:** Minority groups such as the ethnic Vietnamese, Khmer Cham, Khmer Kampuchea Krom, and the northeastern hill tribes are still subject to abuse at the hands of local officials and their own neighbors. Animosity toward the Vietnamese is widespread. For example, last year, the Cambodian League for the Promotion and Defense of Human Rights (LICAHDO) provided support to a group of Vietnamese workers who were the alleged victims of forced labor in a Phnom Penh factory. Instead of lauding LICAHDO’s work, elements of the Khmer press were highly critical.

The Cambodian constitution guarantees equal rights and suffrage for men and women. In fact, women here are not valued highly. By social indicators of health and education, women fare poorly compared to men. Sex trafficking of women and children reached an estimated 80,000 to 100,000 in 2001. The enforcement of anti-trafficking laws and prosecution of perpetrators has been inconsistent at best, though prosecutions of traffickers have increased and the government seems to be devoting greater attention to this problem. Last September the Ministry of Women’s and Veteran’s Affairs launched a public education campaign against trafficking that is focusing on the border provinces. This is a positive development as by the end of 2001 there were no other actions taken on the July 1999 5-year plan against child sexual exploitation.6

Domestic violence and rape are also reportedly widespread. One survey found that 15 percent of married women aged 15 and over said they had experienced violence during the past year.7 Nonetheless, in the political realm there is potential for increasing status and rights of women. The three largest political parties set targets for 30 percent of their commune council candidates to be women, and achieved 16 percent. Several

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hundred women candidates were high enough on the party lists to become council members.

Cambodians exercise their right to vote. Any citizen aged 18 or over is eligible to vote. For the commune elections 83 percent of eligible voters registered.

5. Good Governance

Good governance refers to the manner in which public power and authority are formed and used to control and manage society’s resources. Governance involves the interaction between the constitution, legislatures, the executive, the judiciary and civil society. The legal system figures prominently as the primary means through which access to justice should be ensured. The pillars of good governance are accountability, transparency, predictability and participation, combined with responsiveness to citizen priorities and the protection of rights.

Most Cambodians lack familiarity with the concepts of democratic governance. Democratic form prevails over substance. Today a thin veneer of democratic governance stretches from Phnom Penh to the provinces. Governance in Cambodia is characterized by absence of independence of the judiciary and legislative branches from the executive, absence of a strong legal system to ensure access to justice, strong central government control of resources without a mechanism to ensure public input, and high levels of corruption.

In response to widespread concerns, the RGC has put forward an ambitious Governance Action Plan (GAP) that is meant to unify governance interventions under an umbrella framework that may help in making and monitoring progress on reforms. The GAP identifies a number of areas under which reforms are considered most crucial. Governance reform efforts, however, are clouded by suspicions that Cambodia’s leadership may have embarked on this path more from the need to appease donors than from a sincere desire to share power with the people.


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8 Democracy in Cambodia: A Survey of the Cambodian Electorate, Center for Advanced Study and The Asia Foundation, 2001
9 These include judicial and legal reform, civil administration and deconcentration, decentralization and local governance, customs administration, tax administration, budget management, anti-corruption, demobilization, land and forestry management.
Corruption is a systemic problem running throughout the three branches of government. Politically, it undermines the credibility and authority of government and impedes the growth of democracy. Economically, it distorts the allocation of public resources and discourages private sector investment. The social costs of corruption are evident in the high correlation rates between corruption and poverty.

In a groundbreaking survey of public attitudes towards corruption, the Center for Social Development concluded that most Cambodians believe that corruption is the normal way of doing things but that it should be ended.\textsuperscript{10} A World Bank survey of 1999 found that 66 percent of households considered corruption much worse than it was three years earlier.\textsuperscript{11} Eliminating corruption will require political will and a sustained effort to change attitudes.

Logging, fisheries, land management and customs have emerged in recent years as the focus of the international community’s efforts to reduce corruption. The pernicious effects of corrupt practices in each of these areas are now fairly well documented, as are ties to vested interests within the government. The government’s recent agreement to end illegal logging can be attributed to pressure from Global Witness and several local NGOs. It is not clear, however, that it will be enforced.

Equally damaging but less understood is transnational organized crime. Cambodia is often identified with money laundering and human trafficking. The illegal drug trade is a domestic problem with links to organized crime. President Bush in November 2001 removed Cambodia from the annual Majors List, which identifies countries that are major producers of illicit drugs entering the United States or whose territory serves as a transit route for drugs.\textsuperscript{12} The UN International Drug Control Program, however, has estimated that the illegal export of marijuana from Cambodia to Europe generates around $1 billion in revenue annually. The UNDCP has described Cambodia as a “weak link” in regional anti-drug efforts and said that the military police are more “part of the drug trafficking problem than its solution.”\textsuperscript{13}

D. The Institutional Setting for Democracy and Governance

1. The Executive Branch of Government

King Norodom Sihanouk is the Chief of State of Cambodia. The head of government is Prime Minister Hun Sen, and the cabinet consists of a Council of Ministers that is appointed by the monarch on the recommendation of the prime minister. A Royal Throne Council chooses the monarch; and the monarch appoints the prime minister after a two-thirds vote of confidence by the National Assembly.

\textsuperscript{10} National Survey on Public Attitudes Towards Corruption, Center for Social Development, Phnom Penh, August 1998.
\textsuperscript{11} Cambodia Governance and Corruption Diagnostic, World Bank, May 10, 2000
\textsuperscript{12} President Bush’s November 2001 statement to Congress stated: “In recent years, there has been no evidence of any heroin transiting Cambodia coming to the United States.”
\textsuperscript{13} Economist Intelligence Unit, Cambodia Country Report, August 2001.
Virtually unfettered power resides within the executive branch. The National Assembly does not provide a significant check on executive power. The judiciary is not independent. On December 3, 1999, for example, the Prime Minister issued an order to rearrest “all suspect armed robbers, kidnappers and drug-trafficking criminals,” thereby overruling decisions of the Phnom Penh Municipal Court.14

The executive branch directs the civil administration and the military. Low salaries in the public sector are a fundamental structural problem with direct implications for accountability and transparency. The Asian Development Bank and other donors believe that the salary issue is a major obstacle to all governance reforms, although there is no willingness to address the issue by reducing the bloated size of the bureaucracy.15 Comparative empirical evidence does not demonstrate that raising salaries alone is a significant determinant in improving governance.

The government has four accountability institutions: the Ministry of Parliamentary Relations and Inspections, inspection departments within each ministry, the Anti-Corruption Unit of the Secretariat for Administrative Reform and the newly established National Audit Authority.16 The first three have no real independence from the executive. The National Audit Authority, in theory and according to the Law on Audit, is an independent, public entity that will report directly to the National Assembly, the Senate and the government. Audit reports will be considered public documents. In practice, the National Audit Authority is untested, having yet to conduct its first audit. The Authority has a small, newly trained staff and currently lacks the resources to fulfill its mandate. Reports indicate that is already politically polarized.

Expectations for the National Audit Authority are unrealistically high. Among other things, its mandate calls for the audit of government programs receiving donor funds and of the government’s consolidated financial statement. Without proper training and reasonable systems providing for the prioritization and conduct of audits, the Authority is likely to fail. At the very least, without adequate systems in place and skilled staff, it will be subject to executive interference.

2. The Constitutional Council

The 1993 Constitution provides the legal basis for the establishment of Cambodia’s Constitutional Council. The Constitutional Council became a functioning body in 1998, formed while leaders of FUNCINPEC and what is now the Sam Rainsy Party (SRP) were out of the country after the violent takeover by the CPP in 1997. The

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14 Amnesty International Report ASA 23/01/00, Kingdom of Cambodia: Law and Order – Without the Law.
16 According to officials interviewed by the team, the Ministry of Inspections handles investigations in areas where opportunities for corruption are great (e.g. where there are user fees, such as ferries), the inspections units (or “special operations units”) of key ministries focus on corruption within those ministries (e.g. customs), the Anti-Corruption Unit identifies “ghost” civil servants, and the National Audit Agency carries out financial and performance audits of government operations.
Council was established to mediate disputes, when requested, between the three branches of government. It examines draft laws to determine whether they are consistent with the Constitution. Once an opinion is issued, it is final, precluding any opportunity for appeal. The Council is made up of nine members: three each appointed by the King, the National Assembly and the Supreme Court. The six members from the National Assembly and the Supreme Court favor the CPP, while the three appointed by the King can legitimately claim to have some neutrality. In practice, the Council is unable to perform its functions without CPP approval, as a minimum of five consenting members is required for any action.

3. The Judiciary

Chapter 11 of Cambodia’s Constitution states that the judiciary shall be independent and impartial and shall protect the rights and freedoms of the people. Article 130 states that "judicial power shall not be granted to the legislative or executive branches of government." Constitutional provisions aside, the implementation of new laws generally depends on directives from the Prime Minister, and government policies, often issued as sub-decrees, carry more weight than laws enacted by the legislature.

Most of Cambodia’s 169 judges and prosecutors and 200 lawyers have only a superficial understanding of the country’s body of jurisprudence. This is a function of the government’s inability to disseminate information about new laws and the fact that many ostensibly legal decisions are actually political ones. The problem is particularly acute in rural areas. The lack of a common donor approach contributes to the problem. Still unresolved, at least among donors, is the debate over civil versus common law, with separate donors providing legal drafting assistance in both traditions. Moreover, foreign advisors sometimes work on different versions of the same laws in different ministries.

To facilitate judicial reform, the Government Jurists Council (GJC) was established in 1993. The GJC is subsumed under the Council of Ministers. Its primary function is to assist the government in developing a legal framework, acting as the gatekeeper on all new laws. The Jurists Council provides a technical review of all laws and sub-decrees before sending them to the National Assembly for final approval. A further layer is the Supreme Council for Magistrates (SCM), established in 1998 to ensure the King of the independence of the court and to discipline, promote and transfer judges. In the last year 26 judges have been disciplined, the harshest penalty being transfer. No judges have been removed, although many reportedly may retire once a law called the statute on judges is enacted. The statute on judges will supposedly allow for the recruitment of more and better-educated judges, perhaps less susceptible to corrupt practices. The statute will also contribute to greater judicial independence by providing the judiciary with control over its operating budget.

In addition to the problems of executive interference, poor donor coordination and the confusing panoply of councils charged with reforming the judiciary, corruption among Cambodia’s judges and court personnel is widely considered the most pervasive
in Southeast Asia. This fact alone is often cited as the major reason why the country’s political and economic systems have failed to provide citizens and potential investors with the safeguards that are required for democratic development (and foreign direct investment).

4. The Legislature

The Cambodian legislature is bicameral, consisting of the National Assembly, with 122 seats chosen through proportional representation by province, and the Senate, with 61 seats. The King appoints two senators, the National Assembly elects two, and “functional constituencies” elect 57. Members of both bodies serve five-year terms. Ideally, Cambodia’s legislature would play a crucial role in promoting transparency and accountability. As the intermediary between the electorate and the government, the legislature should exercise oversight powers to ensure that mechanisms for accountability work effectively, to guarantee the effectiveness of government programs, to control corruption, and to promote the interests, rights and welfare of citizens. However, because of executive interference and the influence of patronage politics, the Cambodian legislature’s power and ability to review, evaluate and monitor the implementation of enacted laws and policies, including use of government funds by the executive branch, is severely limited.

5. Political Parties

Three political parties are currently represented in the National Assembly: the Cambodian People’s Party, (64 seats); FUNCINPEC17 (43 seats) and the Sam Rainsy Party (15 seats). Hun Sen’s CPP has had unchallenged control over the country since it was installed in office by Vietnam in 1979, except when it was in a coalition with FUNCINPEC from 1993 to 1997. Formerly the communist party, the CPP retains tight control and seems obsessed with party discipline, as demonstrated, for example, by the Party’s recent dismissal of three senators for criticizing a government-sponsored bill on the Senate floor.

After the controversial 1998 elections, FUNCINPEC agreed to join a coalition with the CPP, which gave the government the two-thirds support required under the constitution. Party leader Prince Norodom Ranariddh became president of the National Assembly, and CPP president Chea Sim became president of the newly created Senate. FUNCINPEC tries to walk a fine line between cooperation and competition with the CPP. While the 2002 commune elections have exposed tensions between FUNCINPEC and the CPP, FUNCINPEC’s leaders emphasize the paramount importance of avoiding conflict. Such conflict may be hard to avoid in the run-up to national elections expected in July 2003.

17 The National United Front for a Neutral, Peaceful, Cooperative and Independent Cambodia (known by the acronym of its name in French)
Cambodia’s only significant opposition party is named after and led by former FUNCINPEC Finance Minister Sam Rainsy. Formerly the Khmer Nation Party, the party was forced to change its name before the 1988 elections when the CPP-dominated National Election Commission (NEC) allowed an unrelated party to claim that name. (For a more detailed discussion of political parties, see Annex B.)

6. Civil Society and the Media

i. NGOs

Cambodia’s growing vocal civil society is repeatedly cited as one of the strong points in its political and democratic development. In the last decade a multitude of civil society organizations has been formed, many with USAID support. Several of these work on issues of critical concern. In the area of human rights, USAID-supported organizations lead the effort to document abuses and educate Cambodians about issues related to impunity and corruption. The leaders of organizations such as these have taken controversial positions and may even jeopardize their lives with their forward-leaning approaches.

Most civil society organizations are funded primarily with donor resources and do not have a popular membership base. Among donors, USAID is one of the few that provide “core” funding. If donor funding is reduced or eliminated, many of these organizations are likely to disappear. The number of indigenous NGOs is still small, and the number that receives funding mainly from local sources is an extremely small subset. Competition among NGOs for donor funds is widespread and for almost any issue on which NGOs are working there is a factionalization of the NGO community and a duplication of overhead and operating costs. In addition, most NGOs are based in the capital, which limits access of the majority of the population to program benefits and may increase program costs.

ii. Labor and Business Associations

Newly-emerging voices in civil society are labor and business associations. Thanks to the Cambodia-US Trade Agreement on Textile and Apparel, the textile industry in Phnom Penh has already grown to a billion-dollar business with a work force of 180,000, almost entirely young women, organized into eight union federations. There are prospects for forming associations to protect workers’ rights in other industries as well, including tourism, reconstruction, and teachers. Even with the pro-labor provisions of the textile agreement, however, there are labor issues at textile factories that would likely be bigger challenges in other sectors: politicization of many of the unions, firing of union chiefs who push too hard for reform, and inadequate freedom of association for union workers.

While Cambodia’s private sector is small, there has been increased economic activity, particularly in Phnom Penh, and the developing business and labor interests offer hope for dialogue on some of these politically important issues. Numerous
business and professional associations have developed representing such groups as bankers, journalists, midwives, and many others. A few associations of small and micro enterprises are also emerging, such as the rice millers’ association.

iii. Media

Newspapers have considerable freedom to report stories, although newspaper circulation reaches only about 4 percent of the population, primarily in Phnom Penh, with some extension to major provincial cities. Magazines and other periodicals are not prevalent. English- and French-language newspapers, distributed in Phnom Penh and abroad, report rather freely on local and international events, although even they decline on occasion to report certain stories. Khmer-language newspapers are linked almost entirely with political parties or the government, and reporting is generally biased towards the opinions of party leaders.

Radio broadcasting is almost completely controlled by government. One indigenous source, the USAID-supported Women’s Media Center, does provide FM radio programming in many areas of the country. It has relative freedom to report if it confines itself to women’s issues. Another indigenous station, “Beehive Radio,” reports freely and openly, but its broadcasts are limited to the Phnom Penh area. Radio Free Asia broadcasts three times a day on short-wave frequencies, and its reporting is widely listened to and is objective and free, although it too is careful about reporting stories critical of the ruling party. The Voice of America (VOA) has applied for FM licenses from the government for English- and Khmer-language broadcasts, but these applications have been rejected, most recently in January 2002. Radio France International (RFI) and the British Broadcasting Corporation (BBC) broadcast locally in Phnom Penh on FM frequencies. Local, regional radio does not exist outside of the capital, but most Cambodians have access to radio broadcasts from Phnom Penh.

Television broadcasting is also nearly totally controlled by government. There are two private stations in Phnom Penh, but their range is limited and they reportedly practice self-censorship and do not criticize the government or the ruling party. Many televisions sets exist outside of the capital, powered by battery and watched primarily in group settings but, because of state control over the stations that reach most of the country, television does not serve as a medium for receiving objective information.

Other forms of media are in preliminary stages. Internet is available, but is restricted by cost and limited access. Costs at “internet cafes” in Phnom Penh and provincial cities are prohibitive for most citizens. In any case, few Cambodians own or know how to use a computer. Internet is not censored in any reported manner, so despite its limited availability, it is a reliable source of information. Recently, a US company received licensing rights from the RGC as an Internet Service Provider. It has an agreement with the Ministry of Tourism to establish Information Centers in various provinces that would provide banking, tourist information, and a means for lodging complaints to the police. This company is proposing to establish Community Access Points in rural areas, where a host of activities could be accomplished. As suggested in
USAID’s 2001 Information and Communications Technology report, this could open up opportunities for local NGOs to exchange information and obtain accurate news.

7. The Electoral Process

The UN-supervised elections in 1993, although widely viewed as successful, were plagued by violence, in part because the Khmer Rouge rejected the process. Despite FUNCINPEC’s clear victory, the CPP was able to force its way into a governing partnership, with Prince Ranariddh and Hun Sen as co-prime ministers. The elections failed to bring democracy or stability, as Second Prime Minister Hun Sen overthrew his putative coalition partner Ranariddh in a violent confrontation in July 1997.

Similarly, elections became the focus of the international community’s efforts to move forward after the 1997 violence. The EU, Japan, Australia and the UN offered money, equipment and technical assistance for election administration. Having suspended aid after the 1997 violence, the US declined to join the consensus and channeled its assistance to nongovernmental monitoring and voter education efforts.

After the return from exile of leaders from FUNCINPEC and the Khmer Nation Party (subsequently renamed the Sam Rainsy Party), Hun Sen’s CPP won a plurality of votes and a majority of seats in national elections held on July 26, 1998. The election campaign was marred by violence, and the CPP government manipulated the election framework, dominated the National Election Commission (NEC) and denied “opposition” parties access to radio and television. The last days of the campaign period were relatively peaceful, however, and 93 percent of eligible Cambodians cast ballots on Election Day.

Then the process completely fell apart. After a perfunctory attempt to conduct recounts in a few token locations, the NEC and the Constitutional Council summarily rejected formal complaints from the SRP and FUNCINPEC. After Election Day it was revealed that the NEC had secretly altered the formula for allocating seats, which gave the CPP a majority in the National Assembly. Post-election protests turned violent, and the formation of a new government stalled amid finger pointing and threats. Finally, under donor pressure to avoid a return to armed conflict, FUNCINPEC joined the CPP in forming a CPP-led government. (For a fuller discussion of the electoral process, see Annex B.)

8. A Look at the 2002 Commune Council Elections

The international community has also long pushed for commune elections, to be held on February 3, 2002. For whatever reason, neither elections nor decentralization (as opposed to deconcentration) appear to have ever been considered for provincial or district governments.
The team conducted its assessment in January, during the immediate run-up to the 2002 commune elections. Not surprisingly, many Cambodian politicians, government officials, NGO leaders and journalists, as well as foreign diplomats and development professionals, were focused on those elections and related issues. While the team’s role was not to assess the 2002 electoral process, that experience will provide the foundation for decentralized development and future political competition in Cambodia. It also will necessarily provide the point of comparison for even more consequential donor decisions about support for new national elections expected in 2003. Accordingly, some consideration of the 2002 commune pre-electoral process is warranted.

On February 3, Cambodians will elect 1,621 brand new commune councils from party lists by proportional representation: about 14,000 commune council members across the country. The system in essence merges executive and legislative functions. The candidate at the top of the party list gaining the most votes becomes the new commune council chief, while the candidate at the top of the slate gaining second place becomes deputy. These councils range in size from five to 11 members. Approximately 75,000 candidates from eight parties are competing. The CPP has fielded candidates in all communes; FUNCINPEC has candidates in 1,603 communes, or nearly 99 percent; and the SRP has candidates in 1,501 communes, or nearly 93 percent. None of the other parties has fielded candidates in more than 63 communes. About 12,000 candidates, or 16 percent, are women, several hundred of whom are among the top three-ranked positions on their party’s slate. Election results are not available as of the preparation of this report.

Most Cambodians, diplomats, and bilateral and multilateral donors believe that the commune elections are intrinsically valuable, as they necessarily represent a breach in the CPP’s longstanding total control of local government and offer a beachhead for opposition participation in local politics. In addition to giving a role in commune councils to the SRP, the principal national opposition party, the commune elections similarly give to FUNCINPEC, the CPP’s junior coalition partner at the national level, a stake in commune governance for the first time. Even more than in 1998, consensus opinion in Cambodia appears to be that flawed elections are preferable to no elections.

Nevertheless, because the elections are proportional, party-based ones, the February process does not give control of any commune council to a single party. While the process by definition breaks the CPP stranglehold on commune government, the ruling party will presumably still have members in every commune council across the country. Unless voting patterns are dramatically different than in 1998 (which were themselves similar to voting patterns in 1993), CPP members will be either chief or deputy chief in the vast majority of communes. (The SRP’s own pre-election projections put the number of councils it is likely to control at about 300 of the 1,621, or less than 20 percent, and even that result would represent a substantially improved performance for SRP compared to 1998.) The experience of coalition government at the national level, even when FUNCINPEC ostensibly held the top positions from 1993 to 1997, offers little to support the proposition that the CPP will be giving up significant control. Moreover,
the Ministry of Interior will place full-time officials, or “clerks,” in each commune to “assist” in the work of the commune councils.

Many Cambodian activists and observers also argue that the proportional representation system, as opposed to system of direct elections of individual candidates, will ensure that elected councilors are more responsive to the interests of their parties rather than to the interests of commune residents. The looming national elections might further exacerbate such incentives, as national parties jockey for local resources and advantage.

The 2002 election campaign process has suffered many of the same flaws as the election process in 1998.

First, violence again plagued the campaign. Since January 2001, according to the Special Representative of the UN Secretary-General for Human Rights in Cambodia as of January 10, 2002, “fifteen political activists have been murdered or have died in circumstances that are suspect.” Six of these deaths occurred in November and December 2001, and three were in the first week of 2002. Five of the murdered activists were from FUNCINPEC and four were from SRP.18 CPP leaders, including Deputy Prime Minister Sar Kheng, promptly pronounced that these murders were not politically motivated – arguing that they resulted from local disputes or common crimes – and dismissed their importance.19 Accordingly, debate about the murders seems to have gone off on the tangential question of the killers’ motivations rather than the more central question of impunity. There have been virtually no prosecutions for murders that occurred during the political violence of July 1997 or the some 40 allegedly politically motivated killings that took place in the first half of 1998. In early 2002, after strong protests from the international community, investigations and prosecutions were launched in at least some of the cases of candidate murders. Unprosecuted murders of opposition and FUNCINPEC candidates certainly contribute to a climate of intimidation, but only a small number of SRP and FUNCINPEC candidates have withdrawn.

Six flaws marred both the 1998 and 2002 election campaigns:
1. Violence and political killings
2. Interference with opposition party campaigning
3. Interference with media access by parties
4. CPP-controlled election authorities
5. Obstacles to domestic election monitoring
6. Inconsistent, uninformed involvement by the international community

The 2002 election campaign process has suffered many of the same flaws as the election process in 1998.

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19 CPP leaders also claim that the media has failed to report violence against CPP members. They cite eight incidents since late 2001, at least four of which resulted in deaths. None of the incidents cited appears to involve a CPP candidate for commune council.
Second, parties have not had freedom to campaign. The elections took place under rules that prevent any candidate or party from criticizing other parties, candidates, or the government or from claiming credit for party accomplishments. Thus, the NEC, provincial election committees and commune election committees placed considerable obstacles on the SRP campaign. One informant advised, for example, that authorities in many locations prevented the party from playing a tape of a speech from party leader Sam Rainsy, though he had reportedly provided the speech to the NEC in advance and had received no objections to any of its contents. Authorities also confiscated SRP printed materials that included a photo of Rainsy with the King, even though the rules appear to ban only the use of the King’s likeness as a logo. FUNCINPEC said that it has restrained its campaign activities significantly to avoid conflict with the CPP.

Third, early promises of fair and equal media access for parties during the campaign proved empty. After promising to air a series of 15 voter education roundtables sponsored by NGOs, in which each party had equal time to answer questions about agreed-upon issues, the NEC reversed itself and decided not to allow the state-run television stations to air the programs. During the taping of one such roundtable, the Minister of Women’s and Veterans’ Affairs, who represents FUNCINPEC, indirectly credited her party for a ministry program to improve the situation for women. Accusing the minister of improper behavior, the NEC cancelled the entire series. The minister was forced to write a letter of apology to the prime minister which was broadcast nationwide, and – bizarrely, given that the program was never broadcast – the government literally dropped from an airplane thousands of copies of a news release criticizing the minister on the matter. Later confirming its cancellation of all of the party roundtables, the NEC explained only that some parts of the discussions “may incite problems with the people.” Similarly, both state-run and private television stations refused to air taped debates among commune candidates in the absence of NEC endorsement. An NEC member reportedly warned all television stations privately not to carry the programs. Deputy Prime Minister Sar Kheng supported the NEC’s decision because the election law does not specifically require roundtables or public forums; “These roundtables might create political confusion, focusing too much attention on what should be small elections,” he said.

The European Union Election Observation Mission found that state TV and radio gave 75% of coverage to government and a further 12% to CPP. FUNCINPEC received 2% of coverage and Sam Rainsy Party less than 1%. The President of the National Assembly received 8%. Coverage by private Cambodian TV showed a similar bias. National Radio gave 80% coverage to the government, 13% to CPP and 7% to the President of the National Assembly.


Fourth, the legal framework for elections failed to establish impartial electoral authorities. The NEC retained essentially the same CPP-dominated membership it had in 1998. The only changes were the replacement of ostensible FUNCINPEC representative with a genuine FUNCINPEC representative, and the addition of a representative from the Sam Rainsy Party. The Prime Minister, echoing the private views of some donors to the election process, has implicitly acknowledged the NEC’s lack of credibility by calling for reform of the election commission before the 2003 elections, after the mandate of the current NEC expires.

Fifth, besides censoring voter education materials, the election authorities placed obstacles in the way of domestic election monitoring. Most notably, the commune election law created a new Coordination Committee for Associations and NGO Electoral Observers (the NGOCC) to “coordinate with the NEC in organizing Associations and NGO observers” for the election process. While the principal domestic election monitoring organizations (EMOs) first attempted, in effect, to boycott the NGOCC, the new entity eventually received donor funding from Australia and the Netherlands. The NGOCC organized training sessions for observers and rejected the accreditation of the slate of observers proposed by the Committee for Free Elections (COMFREL) on the ground that their training was inadequate. The NEC imposed a cumbersome process of accreditation on domestic election monitoring groups. After the NGOCC and the NEC approved an organization’s proposed list of observers – based on what criteria is unclear – it referred the lists to the relevant Provincial Election Commissions (PECs). There, observers were supposed to present photos and photocopies of the identification cards in order to be issued accreditation cards. In response to objections from EMOs, however, the NEC directed PECs to loosen these procedures.

Sixth, international engagement with the election process was inconsistent and largely uninformed by the experience of 1998. International donors committed to US$15 million of a budget for election administration of US$18 million. This included $3 million for registration alone, notwithstanding a complete voter registration exercise in 1998. The team was told that the budget was excessive and that there was considerable corruption in procurement of election materials. Yet a UN team in Phnom Penh in 2001 recommended a considerable increase in the initial proposed budget. A technical expert recommended the creation of the NGOCC, also donor funded, although the problem the NGOCC was created to solve was never made clear.

Virtually everyone in Cambodia seems to regard this year’s commune elections as a dry run for next year’s national ones. As of this writing, it is not known whether Cambodians will be able to vote freely, vote counts will be accurate or further manipulation of the rules will occur. Thus far, however, the February 3, 2002 commune election experience points to the need for major reforms if national elections in 2003 are to be better.
III. Forces Affecting Democratic Reform

A. Lack of Political Will

Perhaps the greatest single constraint to Cambodia’s democratic progress is the desire by its current leadership to retain power. Given the rent-seeking opportunities available in government positions, incumbents have strong financial and personal interests in maintaining power. The balance of power within the ruling party remains unclear, although it appears that decision-making is the result of a negotiation of vested interests and that dramatic change toward the basic elements of democracy would likely have negative impact on many of these interests; in fact, dramatic democratic change might even lead to armed conflict among interests within the ruling party.

B. Lack of Urgency for Change

The leadership of the CPP understands that continued legitimacy for the government requires real economic growth, with new jobs created and an improvement in the standards of living both in Phnom Penh and in the countryside. This comes at a time when global changes place Cambodia in a precarious situation with respect to its competition, particularly places like China. Nonetheless, the permeating sense of complacency prevails in the government, in civil society and even in the donor community that democratic and economic change in Cambodia must be slow. Indeed, in almost all discussions on progress and Cambodia’s needs for change, people refer to where Cambodia was ten years ago or how well Cambodia is doing compared to neighboring communist and totalitarian states, rather than Cambodia’s global competitive status and how it is doing in the rapidly changing world.

Reluctance of Cambodians to press hard for democratic and economic reform is understandable. After many years of war, peace is their highest priority. In fact, avoidance of conflict or confrontation of any kind seems prevalent. Even those who are prepared to challenge the current system or fight for human rights have to proceed with great caution, fearful for their personal security.

Unfortunately, time is not on Cambodia’s side. The Cambodia conflict vulnerability assessment prepared for USAID’s strategy points out that the country possesses many of the characteristics associated with destabilizing regimes:

- It is a post-conflict country.
- It is an intermediate regime (neither completely authoritarian nor democratic).
- It has high levels of poverty and low economic growth.
- It has experienced severe environmental degradation and intense competition exists over natural resources.
- Land tenure and land titling are key issues.
- Job creation falls short of growth in the labor force.
- Trade openness is below average.
• Infant mortality is high; and
• Rapid rural to urban migration is occurring.

Under these conditions, there are several “triggers” that could set off civil unrest. Among those identified in the analysis were political events like the Khmer Rouge tribunals or the 2003 elections, economic shocks and natural disasters. The longer Cambodia takes to make needed reforms that protect rights and stimulate growth, the longer it remains vulnerable to future destabilization.

From the Cambodia Conflict Vulnerability Assessment of Jan. 2002:

“The likelihood of large-scale violence or collapse of government control is relatively low; however the potential for civil unrest and communal conflict is high with a potential outcome being increased central government control, with the high risk of stalling or reversing progress in consolidating democracy and strengthening democratic institutions. These risk factors are exacerbated by the existence of weak and corrupt state institutions and by manipulative political systems and parties that principally serve the purposes of elites. Risk factors, in and of themselves, do not necessarily cause conflict. The capacity of groups to translate their grievances into collective action depends on their ability to harness financial, human and other resources. The demographic shifts taking place in Cambodia, the wealth of natural resources and pervasiveness of illegal trafficking in a variety of areas, can provide the opportunities for mobilization under effective leadership.”

C. Desire for International Recognition and Increased Investment

Cambodia wants to be seen as a regional and global partner both economically and politically. It has joined the Association of Southeast Asian Nations (ASEAN) and has indicated that it will comply with ASEAN’s conditions for entry into the ASEAN Free Trade Agreement (AFTA) as well as the World Trade Organization. But Cambodia has yet to satisfactorily address critical questions such as means of protecting rights, ownership and contract sanctity; land security and the role of foreign ownership within the context of land and investment; taxation (including customs, income, property and transaction taxes); and the fundamental role of government in the economy.

Cambodia may well experience drops in foreign assistance in the next three to five years as a result of factors that have nothing to do with Cambodia. These could include global economic recessionary trends, falling donor assistance levels and diversion of limited assistance resources to new priorities such as the “front line states” where the war on terrorism is to be fought. At the same time the multi-fiber agreement (MFA), which has stimulated significant growth in the textile industry, will come to an end in 2005 and Cambodia will have to rely solely on competitive advantage. This comes while major producers such as China are engaged in far-reaching reforms to comply with rules of the World Trade Organization (WTO). The rhetoric of ASEAN and
WTO desirability may well serve as a positive force for democratic change if the immediacy of the issues at hand can become part of the political debate.

In the garment industry over $1 billion of annual exports has led to large-scale job creation and a concomitant voice for exporters as well as for labor unions. While both of these forces are somewhat unintended consequences of this growth, each offers an important new voice on the political spectrum. Labor in particular is of interest since it is comprised of mass-based, membership organizations (maybe the only such large organizations in Cambodia) and unions are consistently ‘testing’ the levels of freedom of association, freedom of speech and basic human rights as related to working conditions. While government may not cherish these new voices, political will for economic growth has led to tolerance of them.

D. Chinese and Vietnamese Interests

China’s investments in Cambodia have grown dramatically in recent years and its foreign assistance to Cambodia has likewise increased; this increased involvement has coincided with the government’s reconciliation with the Chinese-backed Khmer Rouge. China has become involved in Cambodia’s internal political environment with recent material contributions to both the CPP and FUNCINPEC. Chinese long-term interests in Cambodia remain unclear, yet pose potential problems for democratic political openings. Vietnam has had long-standing relationships with the ruling party since it supported the invasion of Cambodia in 1978-79 to topple the Khmer Rouge, establishing the communist party precursor of the CPP. While the CPP has undergone some transformation from a communist mechanism of control to a national political party, there remain troubling signs of vestiges of its communist past in party functioning.

E. Influence of the Donors

Donors are united in insisting on improvements in government efficiency and effectiveness. In some ministries, particularly health and education, notable progress has already occurred. Because of the importance of aid flows to Cambodia’s economy, the donors have substantial influence with the government. But another side of donor-generated change is the involvement of many donors in each sector of governance and the lack of coordination among them. Indeed, there are often competing and contradictory expert opinions for action, as the examples of donor assistance to elections, described above, show. The assessment team found that donors were not unified regarding the urgency of reform, or with what Government actions should take priority. As several donor representatives noted, “Everything is a priority.” Overall, there seems to be no clear vision in the donor community (or in the RGC itself) as to what Cambodia should look like five years from now.

F. Elected Local Government

Elected commune-level governments offer the possibility of providing new opportunities for citizens to engage government to address their priority needs and for
groupings of local governments to engage the central and regional governments on key issues of importance at the local level. It is important to note, however, that expectations for these new local governments in Cambodia are already unrealistic. The CPP sees the councils bringing new blood into the party and new commune chiefs who are more acceptable to the local people. Other parties, donors, NGOs and Cambodian voters see them bringing political choice into local leadership (however flawed the election process) or at least getting citizens into the voting “habit”. The government has used election of councils as a signal to the international community of willingness to expand political participation, and expects, as a result, increased donor resources for council training and local development.

There is no empirical evidence that decentralization alone helps to alleviate poverty or increase participation. The literature raises questions as to the likely success of decentralization programs where there has not been a clear definition of power, access to resources and legal structures at the local and national levels in advance of implementation.23

There are many reasons to be skeptical that the RGC’s decentralization plans will work. Given the clear lack of will of the ruling party to give up any political control at the central level, one can hardly expect that meaningful responsibilities will be authorized for local bodies that include opposition parties. As of this writing, key implementing regulations guiding commune council administration have yet to be completed (related to specific functions, transfer of funds, accounting procedures, intergovernmental relationships, and council training). Though the RGC budget contains funds for councils’ administrative costs, only 220 communes (those already in the UNDP-supported SEILA program) will receive development funds this year. Expansion of development budgets to all communes will require the government to increase its contributions to 5 percent of the budget or rely on more donor resources. Further, deconcentration of central government functions from the provincial to the district level and below, a process that should theoretically take place concurrently with decentralization, is moving on a much slower track.

On the other hand, there are programs in place to help decentralization along. Despite absence of a clear set of operating regulations, the model established for rural development under the SEILA program (proven procedures for planning, procurement, accounting, monitoring and ensuring local contribution for small infrastructure projects) offers a good basis to build on. The National Committee to Support Commune Councils, responsible for developing regulations, providing training and assisting councils over the next five years, has significant NGO and donor input. These factors, as well as the consultative group’s scrutiny of the RGC’s governance reforms and donor willingness to support elements of decentralization will all keep pressure on the RGC to effect some transfer of power to the communes.

G. The Military

Cambodia’s excessively large military is not an independent threat to democracy, although parts of the military still hold allegiances to political parties rather than to a civilian-controlled central government. Most members of the armed forces are not trained, functioning military operatives; rather they live at home, carry out daily private economic activities and function as civilians, although many wear military uniforms. The number of trained soldiers is relatively small. That said, a portion of the armed forces has trained and skilled soldiers with ample arms to create problems. Cambodia’s military needs to be professionalized and needs to come under a unified civilian control; at this time, however, there is no apparent political will for such a change.

H. The Khmer Rouge Legacy

The impacts of the Khmer Rouge on human capacity and national infrastructure are well known. The Cambodian people have not had many opportunities to come to grips with this horrendous past, move on in their lives and assure that such atrocities could not happen again. From a political perspective, Cambodians value peace at almost any price and this translates to a tolerance of impunity and intimidation in the political spectrum that goes unchallenged. Yet this short-term formula for conflict avoidance undermines the channeling of disagreements through democratic means and creates a real possibility of future conflict.

IV. Arenas Conducive to Democratic Reform

The analyses above point to several areas that hold strong potential for interventions to expand the ability of Cambodian citizens and institutions to increase their participation in political life and protect their rights.

A. Human Rights

Monitoring, investigation and defense of human rights violations play a crucial role in the promotion and protection of human rights in Cambodia. USAID has provided significant amounts of funding to a wide number of human rights groups since 1993. In many cases, these organizations are now receiving assistance from a variety of other donors. They have become more professional and courageous, and USAID can be proud of its pioneering support of these groups.

The work of these groups is far from complete. Though the human rights picture in Cambodia has improved markedly since the overthrow of the Khmer Rouge in 1979, violations still abound. The seriously flawed judicial system and the culture of impunity exacerbate the situation. Violence casts doubt over elections, makes citizens fearful and suspicious of authority, and feeds an environment in which trust among diverse groups is difficult to achieve. In the absence of the rule of law, vigilantism remains a serious, unchecked problem.
Cambodia’s donors remain a very strong human rights pressure group. In recent years donor governments have urged the government to fully comply with international standards. In some cases international human rights organizations have called for bilateral and multilateral donors to condition any direct assistance to the Cambodian government on demonstrable progress in prosecuting human rights abuses, strengthening the rule of law, implementing judicial reforms, initiating anti-corruption measures, and bringing Khmer Rouge leaders to justice. This agenda remains unfulfilled.

Needed now is a more focused approach, in which high profile cases with the ability to influence national policy will be taken over the more mundane disputes that legal aid and human rights organizations often entertain.

B. Political Parties

Though the CPP dominates the political landscape, FUNCINPEC and the Sam Rainsy Party both offer alternatives that could help develop a broader basis for competition on political issues. Although neither currently stands a real chance of gaining national power in the 2002 local elections, they offer an important opportunity for democratic development, particularly as the 2003 national elections approach. If Cambodia is to deal with pressing economic issues in the next five years, the 2003 election will need to include debates over fundamental economic issues and articulate a choice on these issues for the voters so that the new government has a popular mandate for difficult changes. But, even more importantly, Cambodia’s political parties need to be nurtured as institutions to help develop a forum for broader and more inclusive discussion and debate on critical political issues over time, and to develop party platforms.

C. Decentralization and Local Elected Government

The fact that 14,000 fresh new grass-roots politicians will appear on the scene must be viewed as a potential opportunity for democratic development. Several hundred will be women – a small number in absolute terms, but a strong beginning for inclusion of women in political participation. Some donors have already expressed interest in financing training for commune officials and resource transfers to commune governments for local infrastructure. With organization, either within their parties or across party lines, these officials could have influence on central government policies and resource allocations to the local level.

D. Economic Governance

The RGC says that it is determined to achieve economic development, increase foreign direct investment and enter into the WTO. If it is serious, this process will force the RGC to adopt laws and procedures to increase transparency, expand market access, protect intellectual property rights and reduce costs of doing business. It will
also nurture a new set of actors who interact with government for their own interests. Strengthening associations of indigenous businesses who would benefit from a more level playing field could help expedite change.

Further, to improve the environment for private investment, the government must take steps to reduce corruption. A two-track approach to the problem of corruption would include changing the environment in which the public sector and citizens interact and mobilizing public support for change. Programs designed to change the environment in which the public and citizens interact have the twin goals of minimizing opportunities for corruption and changing the incentive structures that often encourage corrupt behavior. Government reform and institution building in Cambodia are problematic, absent the will to embark on a path toward meaningful reforms, though the National Audit Authority may offer one exception.

Mobilizing public support for change, on the other hand, is a more promising area. It can help in creating an environment in which high levels of corruption are no longer tolerable. This involves working with targeted civil society organizations to better identify and expose corrupt practices, as well as to promote active engagement by all sectors of the public to monitor government activities and to advocate changes in attitudes and practices.

V. The Ideal USAID Democracy and Governance Strategy

Though the most serious democratic problem in Cambodia today is lack of justice, the absence of political will to reform the judiciary and implement rule of law precludes a strategic objective centered directly on justice.

The underlying democracy/governance problem in Cambodia is that the government is overly powerful and unaccountable to the people. Improved governance in the executive and judiciary branches and civil service reform are important targets of World Bank and other economic assistance and are crucial to the institutionalization of market-oriented reforms. Absent clear political will by the government to undertake serious reform of the government, however, USAID assistance to the government reform effort is not likely to be effective. Further, in the absence of any indication that the executive is willing to relinquish control, traditional legislative strengthening programs directed to such things as legal drafting, strengthening committee systems, computerization and research support services would be ill advised.

Instead, the optimal strategy seeks to increase the power of those groups within Cambodian society who seek equitable treatment for Cambodian citizens to compete for their demands from a government intent on control.

The proposed strategic objective for the three-year period 2002 to 2005 is

“Increased Competition in Cambodian Political Life.”
It is important to take note of a theme that pervaded the team's interviews and this report: the strong desire among Cambodians to opt for slow, incremental progress on democratic reforms, to avoid personal harm and potential civil conflict. An objective of increased competition to put democratic development on a faster track may well entail greater risks. Those who challenge government actions need protection. The assessment team has attempted to suggest strategy options and program implementation ideas that will limit risk to democratic actors.

Under an ideal strategy, the team recommends five intermediate results within the SO. Based on the assessment, no assistance is proposed that might serve to strengthen government control. Some IRs, however, do propose including certain individuals and institutions within government as a means of improving competition of ideas within government.

**Relation to other sectors:** Increased “competition” for influence on national policies, resource allocations, and rights benefits development in all sectors of importance to USAID. It ensures that central government policies are informed by a wide range of stakeholders, including local communities, differing branches of government, political parties and business and labor interests. Opportunities for abuse of power and corruption are reduced when such competition occurs.

**IR 1. Focused Monitoring and Defense of Human Rights**

USAID should support the enforcement of human rights norms through monitoring and investigation. As Human Rights NGOs evolve and become more effective they traditionally gain more important roles, adding to their initial work of fact-finding and standard setting to serving as ombudsmen intervening on behalf of the oppressed. USAID should give preference to organizations and programs that monitor and protect human rights over those that are focused primarily on general awareness-raising. USAID should, in particular, support NGOs who take on “cutting edge” cases that have high public visibility or that have the potential to influence government policy. USAID should encourage these front-line grantees to form links with international human rights NGOs, both to give them a greater level of protection on controversial cases and to add a focus on international standards.

The front-line human rights NGOs have reached a level of sophistication at which they no longer need funds funneled to them through an intermediary US organization. In fact, direct grants to the front-line organizations, including core funding, would both empower these organizations and provide greater protection for their staff who take on controversial cases. Assuming these NGOs are able to meet USAID financial standards for direct grants, these grants could be structured to enable them to contract or subgrant with other local or international NGOs (for example, for legal services to pursue certain cases, or for technical assistance on strategic planning).
USAID should not fund programs of broad-based legal services or legal education. Though they are good things to do, they are unlikely to have systemic impact on Cambodia’s legal system or on human rights status. USAID’s limited funds are better applied to the front-line human rights groups which can, in turn, contract for the legal services they need to pursue important cases. Legal education, except as an element of targeted civic or voter education programs, is unlikely to yield significant return on investment as long as there is no political will to enforce the law.

USAID should not fund general programs of civic education. USAID’s extensive experience shows that successful information campaigns should be linked to specific behavioral change, focused on a limited number of messages (usually five or less), targeted to specific audiences, and tested for desired behavioral change.

Finally, USAID should not support establishment of new media outlets. Media are clearly very important to disseminate information. Because it is relatively free, the written foreign-language press in Phnom Penh is particularly useful for human rights and government watchdog groups to gain visibility among officials and donors for cases of abuse. For that reason, grantees may choose to use some of their funds for information dissemination through media. But since broadcast media are so constrained in reporting and since operating costs are so high, projects to promote expansion of media outlets and range are not likely to be cost-effective or sustainable. One exception worth considering is the proposed Community Access Points (CAPs) for Internet service alluded to in the narrative above.

Relation to other sectors:

Among the important human rights issues addressed within IR 1 are women’s rights, labor rights, land use and land ownership. A comprehensive approach to women’s rights address similar issues as those targeted in the health strategy. Women at risk of domestic violence and trafficking as commercial sex workers are also those most vulnerable to STDs, HIV and other reproductive health problems. The health strategy supports a multi-sectoral approach to address reproductive health issues. The D/G women’s rights activity (possibly carried out through the Ministry of Women’s Affairs) should be coordinated closely with the organizations implementing the multi-sectoral health strategy to enhance the effectiveness of both.

Labor rights are important both for improving the environment for economic growth and for protecting rights of women. Cambodia’s biggest foreign exchange earner, the garment industry, has a labor force almost entirely of young women who have recently moved from the countryside to Phnom Penh. An economic downturn could easily send them into the commercial sex business. For that reason, the health strategy includes a focus on garment workers. USAID’s D/G and health interventions aimed at labor should work in tandem.

Land rights are a major human rights issue. Legal Aid of Cambodia advises that some 40 percent of the cases it defends are land rights issues. Decisions on land ownership and land and water use relate directly to the sustainability of natural resource management.
Monitoring and defense of human rights could include

- Assistance to the Ministry of Women’s and Veterans affairs for a focused women’s rights/anti-trafficking program. Cambodian activists in this field argue that education and awareness programs geared to high-risk populations are the best and most effective opportunities to contribute to change. Women’s rights programming encompass gender-based violations such as domestic violence, rape and other types of gender-based human rights violations, working on high-profile cases and high-impact cases.

- Human rights of minority groups, including indigenous, ethnic, cultural and linguistic minorities. This includes activities that help members of disadvantaged groups obtain land title under the new land law.

- Programs to protect the rights of workers to organize and obtain fair treatment. In addition to textile workers, this could include labor areas such as construction, hotel workers, teachers and others.

- Limited assistance to help Cambodians deal with past human rights violations such as those committed by the Khmer Rouge. The finding, recording and preserving of history associated with the Khmer Rouge for cathartic and potential evidential purposes also promotes justice and accountability.

- Development of an ASEAN human rights mechanism. (Funding may be available from Washington for this regional activity.) An inter-governmental body within ASEAN that would promote human rights in cooperation with civil society might provide an excellent opportunity to affect change in Cambodia. In the same way the Inter-American Human Rights Commission was an important step in adjudicating human rights abuses in the western hemisphere, an ASEAN human rights mechanism could do the same for Southeast Asia.

**IR 2. Increased Transparency and Accountability on Important Economic and Political Issues**

Essential to good governance is the need to reduce corruption. Politically, it undermines the credibility and authority of government and impedes the growth of democracy. Economically, it distorts the allocation of public resources and discourages private sector investment. The social costs of corruption are evident in the high correlation rates between corruption and poverty.

USAID should focus its efforts in the anti-corruption area on investigations and audits that are directed to important economic and political issues. These may include customs reform, trade and investment, intellectual property rights and assets disclosure. The objective is not simply to raise public awareness about corruption but to establish the basis for enforcement. To do so will require engagement with a limited number of local organizations that are prepared to conduct the research and provide the analysis...
that is necessary for engaging with government and other actors in a reasoned discussion. Too often these sensitive issues are debated solely on an emotional level.

USAID should also explore the possibility of providing assistance to the National Audit Authority or other similar governmental entities that are responsible for exposing corrupt practices. If there are prospects that the NAA is likely to have sufficient independence from the government, technical assistance through, for example, USAID’s Inspector General’s Office could be beneficial in two ways. First, it would help to strengthen the capacity of one of the key institutions of transparency and accountability in the RGC. Second, it would demonstrate clearly to the RGC the importance the US attaches to this issue. Engagement with the NAA would entail some risk. USAID would have to be ready to disengage immediately, should it become apparent that the Authority is not able to act independently or publicize adverse findings.

USAID should not fund activities to educate the public on the evils of corruption. Surveys indicate that people already consider corruption a problem.

USAID might select one or two local grantees for direct assistance to analyze and foster public debate on key corruption issues. As with the human rights grantees, these organizations could then subgrant or contract with other organizations for assistance (for example accounting services or polling). Organizations willing to take on key corruption issues are at risk, just as are the front-line human rights organizations. Direct grants with the US, as well as links with international anti-corruption NGOs, provide a measure of protection. Illustrative activities:

- Surveys and diagnostics on targeted areas of high corruption such as customs, public procurement and the judicial system. The objective is to expose corrupt practices and to highlight their costs to society.

**Relation to other sectors:**

Corruption is a deterrent to investment and contributor to natural resource degradation. Corruption raises costs of almost all government services, including education and health care. Research and analysis related to corruption under this IR might include

- Identifying the irregularities that raise the costs of doing business in Cambodia and analyzing the opportunity costs to the country.
- Identifying and publicizing the costs to the economy of government practices in land concessions and fishing concessions.
- Analyzing and publicizing the informal payments that raise the costs of health care. In 1999, people's expenditures on health averaged $29 - over 10% of per capita income. There are indications that sale of land to pay for medical expenses is an important cause of the rise in landlessness. Since the Ministry of Health appears serious about reducing the costs of health care, analysis of the informal costs could help bring about change.

This IR addresses economic growth by helping business associations and think tanks to advocate for reforms that reduce corruption, increase transparency, lower the costs of doing business, protect intellectual property rights and pave the way for WTO accession.
• A needs assessment of the National Audit Authority, including an opinion as to the advisability of USAID assistance for capacity building within the Authority.

• Public opinion surveys. In partnership with the grantee, USAID might choose an area of public service delivery such as water or power, then conduct surveys, on an annual or biannual basis, of the public’s perceptions about how well these services are delivered. (The World Bank’s Cambodia Governance and Corruption Diagnostic of May, 2000 provides a good baseline.) The result will be the issuance of “Service Delivery Report Cards” that can be shared with the responsible government departments and the public. The service delivery report card concept was created by an NGO in Bangalore, India, and it has yielded significant results in a short period of time.

• Support to indigenous business associations or similar groups to advance the case with government for reforms that simplify business operations and reduce informal costs. (This might be done through a single grant to an intermediary US organization or possible to a Cambodian anti-corruption NGO. Either way, the emphasis of the grant should be not on internal strengthening of associations, but on helping them engage the government on reform issues.)

IR 3. Political Processes and Parties That Meet International Standards

Political competition in Cambodia is severely constrained by the legacy of communist control and a widespread fear of renewed conflict, particularly violent conflict. Elections have been significantly flawed and may not offer a genuine possibility for an alternative government to come to power. The ruling party has dominated the electoral authorities. Political parties have yet to develop as modern, ideologically oriented, internally democratic organizations. Very few women participate in the political process. Accordingly, USAID can work to improve political processes, including elections, and political parties in Cambodia.

USAID should help political parties to develop more effective and internally democratic procedures and to improve their organizational capabilities, leadership development and message development. Comparable US technical assistance should be offered to all significant political parties, including parties in government, as long as they forswear violence and accept competition in democratic elections.

Political party assistance should be inclusive for several reasons: because all parties – including the CPP - need to adapt to a genuinely democratic, multiparty political environment and to accept democratic rules of the game; and because such assistance can strengthen reformers within even more-or-less authoritarian parties. Political party representatives with whom the team spoke, including those from FUNCINPEC and SRP, agreed that assistance is needed and would be valuable for all parties. It is entirely appropriate for the US government and the international community to insist that political processes in Cambodia are democratic, but it is Cambodians, not Americans, who should decide who is elected to public office in their country. Working with all parties will avoid the highly dangerous – and
counterproductive – perceptions that the US favors one side in the political competition. While party assistance should be offered to all major parties, programs need not work with all parties simultaneously; rather US technical assistance should be offered separately and targeted to the individual needs of each party.

- In its political party and other programs, USAID should consider efforts to encourage and aid the participation of women in political life. This might include working with women candidates for public office from all parties, in multiparty or separate single-party programs, or supporting the development of caucuses of elected women officials.

- USAID could support efforts of one of the Cambodian EMOs to monitor national and local elections, including efforts to advocate to fairer election rules and institutions. It is not practical for USAID to grant funds to more than one EMO, though USAID’s grantee could conceivably subgrant to other EMOs for specific activities.

- USAID should avoid funding multiple international election monitoring projects. Any international election monitoring project should focus on the entire process, including the political environment, the legal framework, voter registration processes and vote tabulation, adjudication of complaints and formation of the government after elections.

If a sufficient commitment to reform is demonstrated, US technical and material assistance could help constitute more legitimate electoral authorities and bring about a genuinely democratic electoral process, one that meets international norms. USAID should reconsider its past reluctance to engage directly in the organization and administration of national elections in 2003 only if there is genuine reason to believe that the rules will meet democratic norms and authorities will be impartial.

IR 4. Newly Elected Local Officials Engage with Central, Provincial and District Officials on Key Development Issues

Significant donor attention is already being focused on training of newly elected local commune officials with regard to helping these officials more efficiently and effectively carry out their duties. Given the intense attention of other donors as well as the unclear legal and policy environment in which these new officials will work, additional USAID attention on capacity building of these local officials is probably not an
area where returns on US investment are likely to be marginally significant beyond what will be accomplished by others.

But there is promise in working with newly elected local officials, particularly in creating new opportunities for competition of ideas beyond the existing, limited fora that already exist. Evaluations of local government programming in other countries indicate that important new political engagement on issues important to both the concept of decentralization and the needs of citizens at the local level can be achieved by associations of local officials, local community leaders and/or local governments that engage their central government counterparts on these issues. Limited donor investments have proven to have high returns in national level change, for example in terms of legislative action, policy change and resource flows.

USAID could focus on helping organize associations of elected officials within districts and provinces, as well as nationally, to represent issues of local governance at each level of government. Even across party lines similar issues will be common to local governments and these newly formed associations can give a voice to lobby the central government and its subsidiaries for laws, policies and resources needed to successfully implement the national decentralization program.

IR 5. Increased Capacity of Future Leaders in and out of Government to Develop Policies and Effect Change

Human capacity has been identified as a major constraint to development in almost every sector as well in terms of general management, governance and policy analysis. Evaluation of development assistance has shown that development impact from long-term participant training has had a singularly important impact in overall development. While admittedly it takes as much as 15 to 20 years for returns on participant training to be realized, such training is wanting in the Cambodian context. US based participant training would provide exposure not only to excellence with regard to skills and knowledge in selected subject areas, but also to functioning democratic governance and western values and culture.

To achieve this IR, USAID could ‘buy-in’ to the existing Fulbright program administered by the US Embassy in Cambodia. This would be a cost-effective way to maximize the number of participants that could be supported. Focus would be on selecting candidates who are not already well-connected and who belong to under-

Relation to other sectors:
Associations will enable local officials to have influence on resource allocations and policies affecting development sectors important to their constituencies. Health and education services are both being deconcentrated to the district level, at least in some parts of the country. Since decision-making for these services will be at a level close to the elected commune councils, associations can serve as both monitors, to ensure that resources are allocated effectively and efficiently, and advocates for their communities on service delivery.
represented groups (women or people from outside Phnom Penh) and training them in policy analysis as well as in management of sectors of focus for the entire USAID program, including health and education.

VI. The Practical Strategy

Three main factors prevent USAID from implementing the ideal strategy.

Legislative restrictions prevent USAID from providing assistance to the central government. Notwithstanding language would allow for activities in IR1 to the Ministry of Women’s Affairs for programs in human trafficking and women’s rights and in IR2 to the National Audit Agency. In both cases, Congressional consultation would be required. The team suggests that in both cases, the potential gains from assistance make a persuasive case to consult with Congressional committees. The legislative restrictions would require elimination of IR 5 in entirety and possibly IR 4 as well.

The team notes that current legislative restrictions are not helpful or necessary. As should be very clear from the assessment, assistance to the RGC for governance activities would not be justifiable with or without the legislative language. But the language does prevent USAID from engaging in highly targeted activities with those in the government who, with assistance, could offer new ideas that challenge government operations from within.

Dollar resources are limited and, at best, will remain at current levels unless the political situation here changes dramatically. Even if legislative restrictions were limited, the cost of implementing IR5 would likely be prohibitive. A fairly large “critical mass” of officials would have to be included in the program to have a meaningful impact on change, and this is not possible with current funding levels.

USAID management resources are very stretched. The proposed strategy suggests several new areas for support, and each of these entails additional management burden. The team’s assessment is that IR4 would be particularly staff-intensive.

For these reasons, the team’s practical strategy eliminates IRs 4 and 5. Other IRs should remain as described above, without the proposed activities for which Congress is unwilling to agree.

Here, then, are the SO and IRs recommended by the team based on the practical constraints discussed above:

**SO:** “Increased competition in Cambodian political life.”

**IR1:** “Focused monitoring and defense of human rights.”
IR2: “Increased accountability and transparency on important economic and political issues.”

IR3: “Political processes and parties that adhere to internationally accepted standards.”

Suggested performance measures for the SO and each IR are found in Annex C.

VI. Relation of Strategy to the Mission Program Plan (MPP)

The U.S. Government’s strategic goal in Cambodia is the advancement of democracy and human rights. Primary US national interests are democracy and human rights, promotion of good governance and accountability for the atrocities committed by the Khmer Rouge. As a signatory to the Paris Peace Accords, the U.S. has strong interest in promoting democracy, rule of law, political pluralism and improved respect for human rights in Cambodia.

The USAID Democracy and Governance Strategy described in this report contributes forcefully to U.S. national interests.

- It puts high priority on protecting human rights.
- It addresses accountability and transparency of governance directly. In doing so, it supports development of an environment that encourages an open market economy and promotion of labor practices that meet international standards, to promote sustainable economic growth.
- It opens the door for engaging directly with the RGC on anti-corruption issues and on human trafficking and related women’s rights issues.
- It promotes pluralism and political openness by supporting democratic development of all major political parties.
- It includes support for documentation of Khmer Rouge atrocities as well as for achieving national reconciliation.

The strategy is aimed at stepping up the pace of democratic reform in Cambodia by encouraging increased competition in political life. USAID’s analysis of Cambodia’s conflict vulnerability concludes that it possesses most of the characteristics associated with destabilizing countries, and that it faces significant risk of future civil unrest. Steady movement towards democratic and economic openness is needed to reduce that risk.
ANNEX A. KHMER ROUGE TRIALS/DOCUMENTATION CENTER

The atrocities of the Khmer Rouge era, 1975-1978, leave an open issue in Cambodian society. Individuals still ask why and how this happened. Most Cambodians have not come to terms with what happened during that era. Cambodia’s citizens need some way to agree on how to bring closure to this past and move beyond it. One option being explored is trials for the most notorious of the leaders of the Khmer Rouge era. The USG has already offered some support to this process, although progress has been subject to difficult political negotiations between the UN and the government of Cambodia. A particular area of support has been the documentation center that has gathered evidence for any tribunal. While it is important for political reasons to continue to pursue the tribunals, any trials are likely to address only the most extreme cases and would be limited in scope in terms of the cathartic effect on society.

Other countries have used different methods to address past abuses. Methods such as truth commissions and amnesties have helped to stimulate public acknowledgement of what happened and who was involved and provided a forum for coming to terms with and grieving the past. Many believe that some such approach to coming to terms with the past is essential for national reconciliation and progress.

Already the work of the documentation center offers valuable input to any method of dealing with past abuses in Cambodia. It is worthwhile to continue to help the documentation center as it develops evidence of past abuses, but also it would be helpful to support the documentation center, or some other such Cambodian organization, to help achieve national consensus on how Cambodia might learn from lessons of other countries and permit its citizens, both at home and abroad, to grieve and move onward. While it would be presumptuous to propose for Cambodia what this solution should look like, support for developing a national consensus is certainly worthy of further USAID support. This could include input from political parties, civil society and private citizens in Cambodia, as well as the large population of Cambodians abroad who fled the Khmer Rouge. Resources for actual implementation of plans could be raised from the global Cambodian community and USAID could provide seed funding for such a venture. One proposal that has been put forward includes a holocaust museum in Cambodia. This is probably not a good candidate for international support, since funding from international organizations would make it an international rather than a Cambodian effort, thereby missing the opportunity for Cambodians be a part of the solution. But it might well be worth supporting the local entity charged with developing conciliatory actions to engage the global Cambodian community.

Whatever solution is chosen should represent a wide agreement among all factions of Cambodian society. The atrocities of the Khmer Rouge era were national, and each part of Cambodia has its own ‘killing fields’ and memories. Former Khmer Rouge still live among former victims. Whatever approach is found should help put accumulated anxieties and hatreds in the past. Community based hearings, general amnesties and even local memorials are worth exploring.
ANNEX B: POLITICAL PARTIES AND THE ELECTORAL PROCESS

There are three political parties currently represented in the National Assembly. Except when it was in a coalition with FUNCINPEC from 1993 to 1997, Hun Sen’s Cambodian People’s Party (CPP) has had virtually unchallenged control over the country since it was installed in office by Vietnam in 1979. The CPP seems to have moved surprisingly little from the authoritarian structure it built as a communist party, as demonstrated, for example, by the Party’s recent dismissal of three senators for criticizing a government-sponsored bill on the Senate floor. A CPP leader spent considerable time in his meeting with the team talking about the importance of party discipline, stating that the Party will not tolerate any deviation from its party line. Observers offer differing assessments of the extent of competition and dissent within the Party. It is impossible to verify long-standing rumors of splits within the CPP. Some view Deputy Prime Minister Sar Kheng as a potential challenger to Hun Sen.

The National United Front for a Neutral, Peaceful, Cooperative and Independent Cambodia (known by the acronym of its name in French, FUNCINPEC) benefits from its association with the monarchy. FUNCINPEC’s leader, Prince Norodom Ranariddh, is the son of Cambodia’s popular king, Norodom Sihanouk. Prince Ranariddh served as First Prime Minister after his party’s victory at the polls in 1993 until he was removed, stripped of his parliamentary immunity and forced into exile in 1997. Prince Ranariddh returned to Cambodia under international protection in early 1998 and, after the controversial 1998 elections, agreed that FUNCINPEC would join a coalition with the CPP. In accordance with that agreement, Prince Ranariddh became president of the National Assembly and CPP president Chea Sim became president of the newly created Senate. Prince Norodom Sirivudh, a stepbrother of the King and former Cambodian Foreign Minister, has reclaimed his earlier position as FUNCINPEC secretary general. Prince Sirivudh was arrested, expelled from the National Assembly and forced into exile in late 1995 but returned to Cambodia in 1999 in the face of strenuous objections from the CPP, including threats to shoot down his plane.

Cambodia’s only significant opposition party is named after and led by former FUNCINPEC Finance Minister Sam Rainsy. Sam Rainsy was expelled from the National Assembly and from FUNCINPEC in 1995 and founded the Khmer Nation Party. On March 30, 1997, unidentified assailants threw grenades into a rally led by Sam Rainsy, killing a reported 17 individuals. (An American citizen was seriously injured in the attack.) After the violent ouster of FUNCINPEC ministers from government in July 1997, Sam Rainsy, like other CPP opponents, went into exile in Bangkok and did not return to Cambodia until early 1998. In 1998, with elections approaching, the CPP-dominated National Election Commission (NEC) formally allowed an unrelated party to register as the Khmer Nation Party. Presumably to avoid further NEC interference or public confusion, the party was renamed the Sam Rainsy Party (SRP). The SRP is the only opposition party represented in the National Assembly.

The 1998 elections were held by proportional representation by province. After a change in the formula for proportional representation which was not reported until after...
election day, the CPP was awarded 64 of the 122 available seats in the National Assembly based on approximately 42 percent of the national vote. FUNCINPEC won 31 percent of the vote and 43 seats. The SRP won 15 seats in the National Assembly. Because the constitution requires two thirds of the members of the National Assembly to support the government, the CPP was unable to form a government until FUNCINPEC joined a coalition in the fall of 1998.

THE ELECTION PROCESS

Elections have played a prominent role in Cambodia’s democratization process since the signing of the Paris Peace Accords in 1991, which called for liberal democracy and multiparty elections. In 1993 under the supervision of UNTAC, Cambodia held multiparty elections, which most Cambodians and the international community viewed as a great success. (The elections were for a constituent assembly, but after adopting a new constitution the assembly transformed itself into a parliament and ratified the formation of a new national government.) But the election was plagued by violence – in part because the Khmer Rouge rejected the process – and despite FUNCINPEC’s clear victory the CPP was able to force its way into a governing partnership, with Prince Ranariddh and Hun Sen as co-prime ministers. UNTAC itself organized the election process, and little institutional or physical infrastructure or indigenous experience with elections remained after UNTAC departed. The elections themselves, of course, failed to bring either democracy or stability, as Second Prime Minister Hun Sen overthrew his putative coalition partner Ranariddh in a violent confrontation in July 1997.

Similarly, elections became the focus of the international community’s efforts to move forward after the violent government takeover in 1997. In late 1997 and early 1998, the “Friends of Cambodia” (comprising the principal donor countries) pushed the CPP to allow exiled political leaders to return and to hold, in the words of a Japanese-brokered agreement, “free, fair and credible” elections. Nevertheless, while they deplored Hun Sen’s violent putsch, many donors and diplomats appeared to believe that Cambodia could not be stable without him in charge. Thus, an election – even an imperfect one – that offered Hun Sen legitimacy and preserved a niche for political opposition seemed to be the best available option. Accordingly, the EU, Japan, Australia and the UN offered money, equipment and technical assistance for election administration. Having suspended aid after the 1997 violence, the US declined to join the consensus and channeled its assistance to non-governmental monitoring and voter education efforts. That split in approach among donor countries with regard to assistance to the government continues to this day.

After the return of leaders from FUNCINPEC and the Khmer Nation Party (subsequently renamed the Sam Rainsy Party) from exile, Hun Sen’s CPP won a plurality of votes and a majority of seats in national elections held on July 26, 1998. The election campaign was marred by violence, and the CPP government manipulated the election framework, dominated the National Election Commission (NEC) and denied “opposition” parties access to radio and television. Two weeks before Election Day, a joint NDI-IRI team concluded that the process up to that point was “fundamentally
flawed.” The last days of the campaign period were relatively peaceful, however, and an astonishing 93 percent of eligible Cambodians showed up on Election Day to cast their ballots. Domestic and international observers praised the administration of the balloting and initial vote counting. Yet after Election Day, the process completely fell apart. After a perfunctory attempt to conduct recounts in a few token locations, the NEC and the Constitutional Council summarily rejected formal complaints from the Sam Rainsy Party [and FUNCINPEC]. After Election Day it was revealed that the NEC had secretly altered the formula for allocating seats, which gave the CPP a majority in the National Assembly. (There is some evidence international advisors to the NEC were trying to quietly correct a technical mistake, but the unannounced change gave CPP several additional seats in the Assembly.) Post-election protests turned violent, and the formation of a new government stalled amid finger pointing and threats. The relatively upbeat assessments of election observers (Stephen Solarz had notoriously called the election a potential “miracle on the Mekong”) looked increasingly inappropriate.
ANNEX C: SUGGESTED PERFORMANCE MEASURES

Strategic Objective: “Increased Competition in Cambodian Political Life”

What follows is a selection of performance measures from among which USAID/Cambodia can choose, depending upon the management burden and cost it is able to assume.

1. Reported abuses of human rights decline.

   If there is increased competition in political life, opportunities for powerful elites to abuse citizens’ rights will be reduced as other actors in society compete to protect these rights. Reported abuses can be measured by using the statistics gathered annually by the UNHCHR or other international and local human rights organizations.

2. Efficiency and equity in use of government resources improves.

   This would be a direct result of increased accountability and transparency in government operations. It could be measured in a number of ways.

   - USAID could rely on annual qualitative assessments done by the IBRD and ADB in the context of the Consultative Group meeting and the GAP. This would have the advantage of being easy to measure, but the disadvantage of being highly subjective, since many GAP indicators relate to passage of new legislation.

   - USAID could study central resource allocations reaching local areas in a sample number of districts (including some with communes that elected FUNCINPEC or SRP commune chiefs). A baseline study of resources that actually reached the district for key services like health care, education, infrastructure and agricultural development would be compared with a similar study taken after 2 years. The study would assess whether transfers increased, reached the districts earlier in the fiscal year, and in amounts based on a legitimate formula (e.g. population, income levels).

   - USAID could study changes in the informal (unofficial, under-the-table) costs of a few key services (like education, health care, or business licenses) over time, to see if they decrease. This could be done by a grantee under IR 2.
3. Citizens perceive they have more options for protecting their interests.

If competition in political life increases, citizens should be able to identify more people and places they can go to for help in protecting their interests, and should be able to distinguish between the philosophies of the major political parties. USAID could commission a poll of citizens to determine where they go when they need help to resolve an issue; whether they know who their local representatives are; whether they consider them helpful in problem-solving; and whether they can distinguish policy differences between the three parties. This could be done in 2002 or 2003 to establish a baseline and again in 2005.

4. Cambodia achieves entry into WTO and AFTA.

If Cambodia becomes a member of WTO and AFTA, it indicates the country has made reforms in economic governance that open the door to more direct foreign investment. This measure has the beauty of being costless for USAID. It can only be used, however, if USAID's activities under IR 2 have helped to create demand for adoption of these reforms.

IR 1: Focused Monitoring and Defense of Human Rights

This IR is intended to support those human rights activities that involve the most important abuses (usually related to impunity of government officials), are visible both in Cambodia and in the international human rights community, and/or have strong potential to bring about change in government practices.

The human rights organizations that implement USAID-funded activities are taking political risk. Their leaders should have a say in developing the performance measures, because they know best what cases they can safely take on and how much progress they can expect to make. That said, the following measures might be used:

1. Government practices are influenced by activities of human rights groups.

   Emphasis here is on government practices rather than government policy, because in absence of rule of law, policy alone has little value. To show results, grantees would have to engage with government to resolve issues. USAID would ask grantees to track and record cases they work on where their advocacy leads the government to decide differently than it otherwise would have. Though this would include cases that go to court, it would also include cases where the government reconsideres or revises its decision because of discussions with the NGO. It would also include cases where, thanks to NGO pressure, serious investigation is made of human rights abuses and corrective action is taken.

   The types of actions that would qualify and quantitative targets should be determined through consultation between USAID and the core grantees.
Grantees would report to USAID annually on these impacts, and USAID would do independent verification in year 2 or 3.

2. Adherence to basic workers’ rights increases.

Grantee/s would track obstacles by employers and/or government to basic worker rights including organization, speech, assembly, and reasonable working conditions. Initially, as more workers attempt to organize, USAID can expect an increase in the number of worker rights violations. Over time, however, the number of independent labor organizations should increase and the number of cases of labor rights abuses should decline.

USAID may also want to track growth in democratic organization of labor unions, to ensure that they truly represent the workers. This might be done through a review, by the grantee or by an independent organization, of the organizational structures and participatory mechanisms used by the labor groups receiving USAID funding.

3. Government policies and practices to improve protection of the rights of women adopted and implemented.

Should USAID grant funds directly to the Ministry of Women’s and Veteran’s Affairs to protect women’s rights, USAID and the grantee would track changes in government policies and practices in areas that the ministry and cooperating NGOs work on. USAID could also track changes in the number of trafficked women and children reported to human rights organizations and the government.

4. Media report key human rights cases regularly.

Media coverage of human rights abuses is constrained, except for the Phnom Penh-based written press. Nonetheless, if the human rights agencies focus on important cases that have potential to affect government policies or practices, more cases should get news coverage. Grantees should seek to get news coverage when the government takes appropriate actions as well as when it takes inappropriate action. The grantees should keep press clippings and track radio and television coverage on cases they cover. If progress is being made on this IR, there should initially be an increased number of human rights cases that draw attention from the press, but as the government reacts to avoid criticism by curbing human rights violations, there should be fewer cases for the press to report in later years.

IR 2; Increased Transparency and Accountability on Important Economic and Political Issues
Illustrative measures:

1. Government practices are influenced by analysis and discussion of key corruption issues.

   As with human rights, the grantee or grantees working on corruption should have a say in developing specific measures and targets, because they take risk in studying and publicizing corruption issues. The grantee would track changes in government practices that result from its studies. To achieve this end, grantees must engage with government on results of their analysis. The grantee could also take credit for donor use of grantee analysis to press government on corruption issues.

2. Public opinion surveys show improved satisfaction with service delivery.

   The public opinion surveys and resulting “Service Delivery Report Cards” described in the strategy narrative have the dual advantage of affecting service delivery and evaluating it over time.

3. Government practices are influenced by analysis and advocacy of business and professional associations.

   USAID’s grantee should track any changes in government practices that result from specific advocacy programs carried out by USAID-supported associations. Rapid reconnaissance polling could also be used for specific businesses or professions to see if members perceive government practices as improving.

4. Impartial findings of audits and investigations of government bodies and projects are available to the public.

   If USAID provides assistance to the National Audit Agency or other government inspections body, the grantee (e.g. USAID’s IG) should annually evaluate the impartiality of the audits/investigations undertaken and the extent to which these results were available to the public. To confirm grantee findings, USAID should track (perhaps through its grant to an anti-corruption NGO) the number of newspaper articles that appear revealing audit results critical of the government, and the ability of NGOs to obtain in a timely manner the full audit reports, particularly for audits with adverse findings.

IR 3; Political Processes and Parties That Meet International Standards

There are separate measures for political party development and for electoral processes.

1. Political parties develop more democratic structure and mechanisms for member participation.
USAID could develop an index, based on key characteristics of a democratic political organization. The index would assign values and weights to each of the characteristics suggested below (or others as determined by USAID). Each political party receiving USAID support would be graded each year according to the index. Parties showing progress in developing democratic structures would earn a higher ranking each year. Characteristics:

- The party has a geographically-distributed base of support with low-level organization throughout the country.
- The party has an identifiable platform based on specific ideologies and/or policies.
- The party has internally democratic structures, including regular party meetings at all levels, and a caucus or other internal process to solicit views of members, to determine leadership, and to establish policies.
- There are significant numbers of women in leadership positions in the party, at all levels.
- The party runs candidates in most locations during elections.
- The party has good systems for internal communications.

Annual ranking of parties on this index could be done in a number of ways: by the grantee, by an independent expert on party development, or by a committee consisting of USAID D/G staff, the Embassy political officer, and other experts. However the ranking is done, it should involve inputs from party members themselves. One option is to ask party leadership to do their own ranking for comparison with that done by outside evaluators.

A simpler alternative to an “index” is a narrative analysis, prepared annually, that states whether progress has been made on each characteristic and supports each statement with specific examples.

2. The election process allows for fair and equal treatment of all parties.

USAID will provide assistance for administration of the 2003 election only if there is a fair legal framework for elections and all major parties accept the legitimacy and impartiality of a newly constituted National Election Council. If USAID does support the election administration, the process should be evaluated on each of the following characteristics:

- Reasonable opportunities for all parties to compete; e.g. absence of obstacles to campaigning and equal access to media.
- Impartial election authorities.
- Absence of intimidation, serious investigation of excesses of previous elections and immediate, serious and fair investigation of any violence or intimidation that occurs in the run-up to the 2003 election.

USAID can carry out such an evaluation on its own, with assistance from Embassy political staff, or it may ask an impartial outside observer to do so.
3. If USAID determines it cannot support the election administration in 2003 and supports only election monitoring and voter education, it should evaluate whether (1) election monitors understood their roles and carried out their responsibilities conscientiously, (2) voters were free to cast their ballots as they chose and (3) ballot count was accurate.

    USAID could carry out such an evaluation on its own or by hiring an outside observer. Evaluation information would include reports of the Embassy and USAID staff who observe the election, news reports, and reports of domestic and international election monitors.
ANNEX D: PEOPLE INTERVIEWED

Royal Cambodian Government
H.E. Sok Siphana, Secretary of State, Ministry of Commerce (1/11/02)
H.E. Say Bory, Constitutional Council (1/14/02)
H.E. Son Soubert, Constitutional Council (1/14/02)
H.E. Mu Sochua, Minister of Women’s Affairs (1/14/02)
H.E. Sum Manit, Secretary of State, Council of Ministers, (1/14/02)
Mr. Tep Darong, Deputy Secretary General, Council for Administrative Reform, Council of Ministers (1/14/02)
Mr. Paul Pidou, Assistant to the Prime Minister, Deputy Secretary General of the Council for Administrative Reform, Council of Ministers (1/14/02)
H.E. Kong Korm, Senator, Vice President of Sam Rainsy Party (SRP) (1/15/02)
H.E. Neav Sithong, Minister of Justice (1/15/02)
H.E. Kassie Neou, Director, Cambodian Institute of Human Rights and Vice Chairman of National Election Committee (1/15/02)
Mr. John Lowrie, Senior Program Advisor, Cambodian Institute of Human Rights (1/15/02)
H.E. Sak Setha, Director General of Administration, Ministry of Interior (1/16/02)
H.E. Kem Sokha, Senator (FUNCINPEC)
H.E. Monh Saphan, Member of Parliament (FUNCINPEC)
Mr. Nin Non, Chief of Judges, Battambang Court (1/18/02)
H.E. Khun Haing, Minister of National Assembly-Senate Relations and Inspection (1/21/02)
H.E. Dith Munty, President, Supreme Court (1/21/02)
Mr. Leng Penh Long, Member of the Government Jurists Council (1/22/02)
Mr. Lim Samkol, Director of International Relations, Council of Ministers (1/22/02)
H.E. Hang Chuon Naron, Deputy Secretary General, Ministry of Economy and Finance (1/22/02)
H.E. Chan Tani, Secretary –General, National Audit Authority (1/23/02)
H.E. Sam Ramsek, National Audit Authority (1/23/02)
Mr. Seng Ronn, Deputy Auditor General, National Audit Authority (1/23/02)
H.E. Sin Po, Deputy Auditor General, National Audit Authority (1/23/02)
H.E. Tip Jahnvibol, National Election Committee (1/23/02)

Civil Society
Mr. Yi Kosal Vatanak, ADHOC (1/11/02)
Mr. Sam Kol, ADHOC Battambang Office (1/18/02)
Ms. Nanda Pok, Executive Director, Women For Prosperity (1/11/02 and 1/18/02)
Ms. Chea Vannath, President, Center for Social Development (1/11/02 and 1/21/02)
Ms. Naly Pilorg, LICADHO (1/11/02 and 1/17/02)
Mr. Sun Tek, LICADHO, Battambang office (1/18/02)
Ms. Tive Sarayeth, Co-Director, Women’s Media Center (1/11/02)
Mr. Kao Kim Hourn, Executive Director, Cambodian Institute for Cooperation and Peace (1/11/02 and 1/16/02)
Mr. Sok Sam Oeun, Executive Director, Cambodian Defenders Project (1/14/02)
Mr. Bun Rithy, Cambodia Defenders Project Battambang Office (1/18/02)
Mr. George Cooper, Legal Consultant (land law), Legal Aid of Cambodia (1/14/02)
Mr. Michael Hayes, Publisher and Editor-in-chief, Phnom Penh Post (1/15/02)
Mr. David Bloss, Editor-in-Chief, The Cambodia Daily (1/15/02)
Mr. Sam Borin, Deputy Director, Cambodian Service, Radio Free Asia (1/15/02)
Mr. Pen Samitthy, Editor-in-Chief, Rasmei Kampuchea Daily and Director, Club of Cambodian Journalists (1/15/02)
Mr. Hang Puthea, Executive Director of NICFEC (1/15/02)
Mr. Um Sarin, President, Cambodian Association for Protection of Journalists (CAPJ) (1/15/02)
Mr. Sam Rithy Duong Hak, First Vice President, Cambodian Association for Protection of Journalists (1/15/02)
Dr. Ngoun Sopheap, Executive Director, COFFEL (1/16/02)
Mr. Ang Eng Thong, Bar Association of the Kingdom of Cambodia (1/16/02)
Dr. Lao Mong Hay, Executive Director, Khmer Institute of Democracy (1/16/02)
Mr. Heng Mony Chenda, Director, Buddhists for Development (1/17/02)
Mr. Kim Sedara, Cambodia Development Resource Institute (CDRI) (1/18/02)
Mr. Ok Serei Sopheak, Coordinator, Centre for Peace and Development, CDRI (1/22/02)
Ms. Sao Vantha, Cambodian Migration and Development Center (1/18/02)
Mr. Koul Panha, Executive Director, COMFREL (1/21/02)
Ms. Carol Strickler, Executive Director, Coordinating Committee for Cambodia (1/21/02)
Mr. Thun Saray, President, COMFREL (1/23/02)

Business
Mr. Dusty Kidd, Vice President, Nike (1/18/02)
Mr. Breton G. Scianroni, American-Cambodian Business Council (1/21/02)
Mr. David Doran, DFDL/Mekong Law Group (1/21/02)
Mr. Khov Boun Chhay, President, Association of Banks in Cambodia (1/21/02)
Mr. Van Sou Ieng, Chairman, Garment Manufacturers Association in Cambodia (1/21/02)
Mr. Robert Hirshon, President, American Bar Association (1/14/02 and 1/15/02)
Mr. Tim Dickinson, Chair, American Bar Association, International Law Sector (1/114/02 and 1/15/02)
Ms. Lisa Dickisson, American Bar Association, Asia Law Council (1/14/02 and 1/15/02)
Mr. Nick Rice, University of Michigan Law School (1/14/02 and 1/15/02)

Political Parties
H.E. Son Chhay, Member of Parliament for Siemreap Province, Sam Rainsy Party (SRP) (1/12/02 and 1/22/02)
Col. Heng Chan Tha, Deputy of FUNCINPEC for Battambang province and Battambang Police Commissioner (1/18/02)
Mr. Sareth Pen, President, Sam Rainsy Party, Battambang (1/18/02)
H.R.H. Prince Norodom Sirivudh, Secretary General, FUNCINPEC Party (1/21/02)
Mr. Hem Keth Sunda, Special Advisor to Prince Sirivudh, FUNCINPEC (1/21/02)
H.E. Chanthol Sun, Deputy Secretary General, FUNCINPEC (1/21/02)
Mr. Keat Sukun, Adviser to the President, FUNCINPEC (1/21/02)
H.E. Say Chhum, Secretary General of Cambodian People’s Party (1/22/02)
H.E. Sam Rainsy, SRP (1/22/02)
H.E. Ou Bun Long, Senator, SRP (1/22/02)

International NGOs
Ms. Nancy Yuan, The Asia Foundation (TAF), Washington DC office (9/10/01)
Mr. Bill Cole, Democracy/Governance Sector Chief, TAF San Francisco (1/4/02)
Mr. Gordon Hein, Vice President for Program, TAF San Francisco (1/4/02)
Dr. William Fuller, President, TAF San Francisco (1/4/02)
Mr. Jon Summers, Director, TAF Cambodia (1/10/02)
Ms. Nancy Hopkins, TAF Cambodia (1/10/02)
Mr. Tim Meisburger, TAF Cambodia (1/10/02)
Ms. Sarah Newhall, PACT (9/10/01)
Ms. Peggy Hicks, Program Director, International Human Rights Law Group (IHRLG)
Ms. Margaret Carpenter, Board Member, IHRLG
Ms. Elizabeth Dugan, International Republican Institute (12/28/01)
Mr. Tim Johnson, International Republican Institute (12/28/01)
Mr. Judd Iverson, Faculty of Law, University of San Francisco (1/3/02)
Ms. Linda Clarity, Associate Dean, Faculty of Law, University of San Francisco (1/3/02)
Mr. Jason Judd, Country Representative, American Center for International Labor Solidarity, Cambodia Office (1/11/02)
Mr. Eric Kessler, National Democratic Institute (1/12/02)
Mr. Daniel Adler, Program Development Advisor, Community Legal Education Center, University of San Francisco (1/14/02)
Mr. Tuon Siphann, Academic Manager, Community Legal Education Center, University of San Francisco (1/14/02)
Mr. Kurt MacLeod, Country Director, PACT Cambodia (1/21/02)

Donor and Embassy Officials
H.E. Louise Hand, Ambassador, Embassy of Australia (1/10/02)
H.E. Stephen Bridges, Ambassador, British Embassy (1/10/02)
Mr. Katsuhiro Shinahara, Counselor Minister, Embassy of Japan (1/10/02)
H.E. Normand Mailhot, Ambassador, Embassy of Canada (1/10/02)
Mr. Urooj Malik, Country Resident Representative, Asian Development Bank (ADB) (1/11/02)
Mr. Piseth V. Long, Program Analyst, Cambodia Resident Mission, ADB (1/11/02)
Mr. Chamroen Ouch, Social Sector/Poverty Specialist, Cambodia Resident Mission, ADB (1/11/02)
Mr. Bonaventure Mbida-Essama, Chief of Resident Office, World Bank (1/11/02)
Mr. Blair Exell, USAID, (1/11/02)
Mr. Daniel Asplund, Head of Development Co-operation Section, Embassy of Sweden (1/11/02)
Ms. Agneta Danielsson, Deputy Head of Development Cooperation Section, Embassy of Sweden (1/11/02)
Mr. Katsuki Okajima, Project Formulation Advisor, Japan International Cooperation Agency Cambodia Office (1/12/02)
Mr. Lejo Sibbel, Chief Technical Advisor, International Labor Organization, Garment Sector Working Conditions Improvement Project (1/11/02)
Ms. Pat Baars, Land Reform, Asian Development Bank (1/14/02)
Mr. Scott Leiper, Programme Manager, Partnership for Local Governance (UN-Donor Support to the RGC’s Seila Programme), United Nations Office for Project Services (1/16/02)
Mr. Kong Sokuntho, Senior Provincial Program Advisor, Battambang Province, Partnership for Local Governance, UNOPS (1/17/02)
Mr. Peter Koeppinger, Konrad Adenauer Foundation (1/18/02)
Ms. Dominique McAdam, Country Representative, United Nations Development Program (1/22/02)
Mr. Jonathon Burrough, Election Team Leader, UNDP (1/22/02)
Mr. Mark Stevens, Deputy Chief Observer, European Union Election Observation Mission (1/15, 1/16 and 1/17/02)
Ms. Andrea Malnati, Media Advisor, European Union Election Observer Mission (1/17/02)

US Officials
Mr. Paul Grove, Senate Appropriations Committee, Foreign Operations Subcommittee (9/10/01)
Mr. Gregory Lawless, Cambodia Desk Officer, State Department
Ms. Judith Strotz, Director, Office of Burma, Cambodia, Laos, Thailand and Vietnam, State Department
Mr. Robert Griffiths, Deputy Director, Office of Burma, Cambodia, Laos, Thailand and Vietnam, State Department
Ms. Cathy Stump, Bureau of Democracy, Human Rights and Labor (DRL), State Department
Ms. Deborah Cahalen, DRL, State Department
Ms. Lisa Chiles, Mission Director, USAID/Cambodia (1/10/02)
Mr. Kevin A. Rushing, Director, Office of General Development, USAID/Cambodia (1/10/02)
H.E. Kent M. Wiedemann, Ambassador, US Embassy to Cambodia (1/10/02)
ANNEX E: REFERENCES

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Cambodia Country Report, Economist Intelligence Unit, August 2001

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Cambodia: Enhancing Governance for Sustainable Development, Asian Development Bank, Programs Department (West), October 2000


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Towards an ASEAN Human Rights Mechanism: Proposals, Declarations and Related Documents, Working Group for an ASEAN Human Rights Mechanism, 1999

What Does the Future Hold? Cambodian NGOs Organizational Development, Independence and Sustainability, Christina Mansfield with Chhay Sarath and Um Samav, for PACT, January 2001
ANNEX F: DONOR SUPPORT FOR GOVERNANCE AND DEMOCRACY

Legal Reform: Japan, France, World Bank, Konrad Adenauer Foundation, Asian Development Bank

Judicial Reform: World Bank
(Australia provides assistance for judicial police)

Public Administration (Civil Service Reform): UNDP, World Bank, Asian Development Bank, Japan, Australia, Canada, France

Decentralization (inc. Seila) and Deconcentration: UNDP, Germany, United Kingdom, France, World Bank, Asian Development Bank. Australia is considering assistance for decentralization; Sweden is considering assistance for commune councils.

Public Finance: IMF, Asian Development Bank, World Bank, Australia, United Kingdom

Anti-Corruption: World Bank, Asian Development Bank (corruption survey)

Demobilization: World Bank, Japan, Sweden, Holland, World Food Program

National assembly: World Bank

Human Rights: UNHCHR
 Trafficking and Women’s rights: Finland, UNDP, USA, Japan considering assistance to Women’s Affairs ministry

NGOs: USA, Sweden, Denmark, Australia, Norway, United Kingdom, EZE (a German church-affiliated NGO), Oxfam GB, Oxfam US, Oxfam Hong Kong, Dutch Inter-Church Organization for Development Cooperation, and others

Labor: USA, International Labor Organization

Political processes:
 Parties: China, German Stiftungs, USA
 EMOs: USA, Sweden, Canada
 Nat’l Election Commission: 14 donors led by UNDP
 NGO Coord. Council: Australia, Holland
Other civil society:
Civic/voter
Education: Australia, USA
Media USA, Konrad Adenauer Foundation

(This information is derived from team interviews and various documentation sources.)