

# Reflections on Cambodian Civil Society

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In this series of papers, KEPA publishes reflections on the state of civil society in the countries in which it operates (Cambodia, Laos, Mozambique, Nicaragua, Tanzania, Thailand, Vietnam). These reflections, based on KEPA's own work with its partners, member organisations and their partners in the country, provide an overview and highlight some current issues and developments in the role of civil society organisations.

Civil society consists of many different actors from small informal activist groups to big institutionalised organisations. In these reflections, civil society organisation (**CSO**) is used as an overall concept to cover all these actors. The term **NGO** is used only if it specifically refers to registered, institutionalised non-governmental organisations, while **CBO** stands for community-based organisation. **INGO** refers to international non-governmental organisations.

## KEPA in Cambodia

In the Mekong region countries (Cambodia, Laos, Thailand, Vietnam), KEPA operates from a regional office based in Bangkok. KEPA Mekong forms partnerships with civil society actors to support them in influencing development policy processes in the region. Partnerships are linked to KEPA's key policy themes: development cooperation, global economic policies and climate justice.

Since February 2011, KEPA has had one long-term partner organisation in Cambodia, the NGO Forum on Cambodia. KEPA supports the NGO Forum's Development Issues Programme, under which Cambodian NGOs cooperate to influence the government's and development partners' policies and practices. In early 2011, KEPA also signed an activity-based cooperation agreement with the Cooperation Committee of Cambodia (CCC) for a project called "From Aid Effectiveness to Development Effectiveness".

## Historical background

Formal CSOs are a relatively new phenomenon in Cambodia. Only in the 1990s, with the work of UNTAC (United Nations Transitional Authority in Cambodia), foreign development actors took some initiatives to organise civil society in the country. As a result, local CSOs started to emerge supported by development actors. With flexible CSO rules and regulations along with easy availability of external funds, Cambodia has seen a rapid growth of the CSO community.

Many CSOs in Cambodia support and even replace the state authorities' work on service delivery in rural development, education, health, and social development sectors. There are also CSOs that are involved in capacity building, information sharing, policy advocacy, and the monitoring and evaluation of large-scale development projects. In addition, a number of CSOs work on natural resource management and land issues. A couple of umbrella organisations coordinate the work of CSOs. In recent years, CBOS have also emerged.

## Main actors in Cambodian civil society

At the end of 2010, there were 2,675 registered NGOs in Cambodia, approximately one thousand of which are active. Of those, 316 are international NGOs. CSOs also include many different types of unregistered CBOs. Working with or through CBOs is common practice for many NGOs, but this engagement is less collaborative and more for the purposes of service delivery. According to the NGO Forum on Cambodia, CSOs have five key roles: service delivery, dialogue facilitation, social conscience (e.g. promoting human rights), advocacy, and providing policy advice.

There are a few key umbrella

organisations in Cambodia. The Cooperation Committee of Cambodia (CCC) is a membership organisation, whose main role is to act as the voice of CSOs to the government and donor community. The NGO Forum on Cambodia is a coordinating organisation for some 100 CSOs working on development, environmental, and livelihoods issues. MEDiCAM is a membership organisation for some 115 CSOs active in Cambodia's health sector. The Cambodian Human Rights Action Committee (CHRAC) is a coalition of 21 CSOs, which works towards the promotion of and respect for human rights, democracy, and the rule of law in Cambodia.

In August 2009, a new network of local and international CSOs working on climate change was born. The National Climate Change Network (NCCN) comprises around 45 organisations. The network's main objectives are to improve coordination between donors, civil society, researchers, and government representatives, and to facilitate information sharing and capacity building among network members. Despite its success in bringing together different groups and having participated in the United Nations climate change conference in Copenhagen, the network still mostly acts as a channel for sharing information among members, lacking a common position on climate policy. In 2010, Oxfam America commissioned a consultant to develop methods to institutionalize the network.

There are no networks or CSOs working specifically on international trade issues. The NGO Forum used to have a Trade and Economic Development programme in 2004-2008, but the programme was discontinued due to the passivity of member organisations on the issue. Trade unions have been active in demanding better trade deals and work conditions, but their situation is challenging as a considerable number of labour activists were laid off during the recent global economic downturn.

In the field of development financing, the leading CSO umbrellas (CCC, NGO Forum and MEDiCam) have been actively working on civil society participation in the joint government-donor meetings. They coordinated the preparation and publication of NGO Position Papers on Cambodia's Development in 2009-2010 as well as the NGO Statement on Priority Issues to the 3rd Cambodia Development Cooperation Forum, organised in June 2010. The same umbrella organisations have also helped CSOs to voice their concerns related to the development of the five-year National Strategic Development Plan (NSDP) for 2009-2013. In order to improve and develop the role of CSOs in aid effectiveness, CCC held five regional training workshops and several multi-stakeholder dialogues between November 2009 and November 2010.

## **Government–civil society relations**

No legal framework governing the work of CSOs exists today. The Constitution of 1993, however, recognizes civil organisations, but there is a lack of clarity about CSO registration processes. Some register through the Council of Ministers, some with line ministries or provincial authorities.

The NGO law, known formally as the Law on Associations and Non-Governmental Organisations, was first proposed in 1997 and revived in late 2008 by the Prime Minister Hun Sen. The first draft of the NGO law was released by the Ministry of the Interior on December 2010, and the second draft in March 2011. The proposed legislation is perceived by many as an attempt to limit the space for an independent civil society. CSOs feel that the law's new requirements for registration and reporting are excessive, prohibitively burdensome, and violate the freedom of association. The registration requirements will be especially difficult to

meet for smaller organisations and those located in rural areas (e.g. CBOs), as they lack the capacity to fill in complicated forms and reach administrative centres to deliver them. There is no clear or transparent process for evaluating applications, and a limited right to appeal was removed from the first draft. This might make it especially difficult for organisations deemed critical of the government to operate freely.

The CSOs, led by the CCC, the NGO Forum and MEDiCam, met with government representatives on January 10th, January 21st, February 23rd, and March 29th, 2011 to discuss points of ambiguity and concern. In the initial meeting, many recommendations were provisionally accepted. However, in a follow-up meeting on March 29th, where representatives from both the Ministry of Interior and Ministry of Foreign Affairs and International Cooperation were present, the government was less willing to discuss and amend the law in any substantive manner.

In April, as the draft law was being forwarded to the Council of Ministers, CSOs both in Cambodia and abroad sent separate petitions to the Cambodian government urging a new drafting process. One petition was sent by 62 INGOs working in Cambodia, another by 8 international human rights groups, and the third by 315 Cambodian CSOs. Several donor governments also asked the Cambodian government not to pass the current NGO Law proposal.

## **Current issues and latest developments**

Land grabbing has become a tragic epidemic in Cambodia, as poor and vulnerable people have lost their homes and livelihoods. Forced evictions are occurring in the context of rapid foreign investment, skyrocketing land prices, endemic corruption and an absence of secure land tenure for low-income households. According to the local CSO Sahmakum Teang Tnaut, at least

120,000 people have been displaced since 1990 in the capital Phnom Penh alone. Nationwide figures are hard to ascertain, but conservative estimates suggest that at least 150,000 Cambodians currently live under the imminent threat of forced eviction, and over 250,000 Cambodians have been affected by land disputes.

Cambodian CSOs have been working on the land issue for years, but there is no sign that the authorities are moving to solve the problem. The response from the government is typically a blanket denial that any problem exists. However, during the past few years, several people have died and hundreds have been injured as the police and the army have dispersed local demonstrations against land concessions.

In August 2011, the World Bank announced that it will not give loans to Cambodia until it has solved the problem of forced evictions in Phnom Penh. Such threats may not be effective, as Cambodian tycoons and their friends in government are profiting by selling or leasing farmland and prime real estate to foreign firms. Most of these firms are Chinese, and China is offering more development money than Western donors, with fewer strings attached.

China is Cambodia's biggest source of foreign direct investment (FDI), and in the first seven months of 2011 it pledged \$8 billion for 360 projects, the same amount it invested in the whole of Southeast Asia in 2008.

According to the NGO Forum on Cambodia, the environmental impact assessment processes of Chinese companies are not open to the public. China also often requires high interest rates and provides loans for short terms. Cambodian civil society is also worried that Chinese companies are increasingly involved in land-grabbing, logging, and the exploitation of mineral resources in Cambodia's Northeast, affecting the livelihoods of ethnic minorities.

Hydropower dams have been another big issue discussed among civil society actors in Cambodia. Despite the government's announcement in 2010 that they would prioritize renewable energy in rural electrification, five hydropower dams have been approved since 2005, with numerous other large dams currently under feasibility study, including two huge dams on the Mekong's mainstream (the Sambor and Stung Treng dams). According to CSOs, these projects would have significant adverse impacts on Cambodia's fisheries and forests, and cause large-scale displacement of communities.

The American company Chevron discovered oil in Cambodia in 2005, and the country is expected to start oil production in 2012. Estimates for the oil revenues are about 1.7 billion US dollars a year; the government's yearly budget is \$1.2 billion.

Understandably, Cambodian civil society fears the 'resource curse'. According to the NGO Forum, there has been very little information about developments in the oil and mining sectors, and the government has not come up with a coherent plan for managing oil revenues. Cambodia has not joined the Extractive Industries Transparency Initiative. The country is at the bottom of Transparency International's corruption index, as corruption, nepotism, and patronage are common practice in managing national assets under the Hun Sen administration.

## **Funding for civil society actors**

In 2010, Western donors provided Cambodia with 1.1 billion US dollars in aid, a major increase from the previous year's 950 million dollars. This happened despite the Cambodian government falling short of the standards the Western governments were pushing for. The main aid sectors were government and administration, health, transportation, education, and rural development.

More than 103 million US dollars was distributed to Cambodian CSOs in 2009 by international NGOs, foundations and donor governments. This is equal to approximately ten per cent of official development assistance, but only about 20 per cent of the aid was delivered at the local (sub-national) level. Most Cambodian CSOs work in the areas of health, community and social welfare, education, agriculture and rural development, and governance.

As the Cambodian CSO sector is still dominated by international NGOs, most local CSOs lack grassroots ties and are not embedded in the local society. The relationship between international and local CSOs is, in most cases, hierarchical. The dependency of local CSOs on international donors makes them financially unsustainable.

## **Role of INGOs**

There are over 300 INGOs present in Cambodia. Many of them have their own projects in the country and also provide funding to local CSOs. In the past few years, many of the CSOs that were originally set up by foreigners have transitioned into Cambodian management. However, it is generally accepted that international CSOs are very influential in setting agendas and providing resources for development projects in Cambodia, since local CSOs have to depend heavily on funding from international donors.

It is difficult for Northern CSOs to reach local Khmer-speaking CSOs, so working with national CSOs to strengthen and reach local networks could be one strategy to create linkages between local and national civil society movements.

## Finnish CSOs in Cambodia

Name of Finnish CSO	Name(s) of Cambodian partners	Number of projects in Cambodia	Sector of work
FIDA International	Cambodia Global Action	1	Multisectoral for social services
Frikyrklig Samverkan	United Methodist Church in Cambodia	1	Agriculture development
Finn Church Aid	Lutheran World Federation	2	Rural development, gender equality
The Finnish Evangelical Lutheran Mission	International Cooperation Cambodia, Wholistic Development Organisation	6	Women's and children's rights, education, strengthening civil society, ethnic minorities
The Finnish Red Cross	Cambodian Red Cross	1	Health education
The Finnish Association for the Deaf	Maryknoll Cambodia	1	Democratic participation
Operation Day's Work Finland (Taksvärkki)	LICADHO	1	Child labour
ABILIS	Different disabled people's organisations	10	Disabled people's rights and participation
The Finnish NGO Foundation for Human Rights KIOS	Protection of Juvenile Justice	1	Human rights
Trade Union Solidarity Centre of Finland SASK	Cambodian Construction Worker Trade Unions Federation, Cambodian Federation of Building and Wood Workers	1	Labour unions