



**advocacy in  
cambodia:  
  
increasing  
democratic  
space**



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## ACRONYMS

ACHR	Asian Coalition for Housing Rights
ACILS	American Center for International Labor Solidarity
ACWO	ASEAN Confederation of Women's Organizations
ADB	Asian Development Bank
ADHOC	Cambodian Human Rights and Development Association
ADI	Analyzing Development Issues
AFL-CIO	American Federation of Labor-Congress of Industrial Organizations
ASEAN	Association of Southeast Asian Nations
CBO	Community-based organization
CCBL	Cambodian Campaign to Ban Landmines
CCC	Cooperation Committee for Cambodia
CCEL	Commune Council Election Law
CCWO	Cambodian Confederation of Women's Organizations
CDMC	Community Development Management Council
CDP	Cambodian Defenders Project
CDRI	Cambodia Development Research Institute
CEDAW	Convention to End Discrimination Against Women
CFDS	Cambodian Family Development Services
CLO	Cambodian Labor Organization
CMN	Cambodian Men's Network
CNCC	Cambodian National Committee for Children
COCOM	Coordinating Committee (of the Ministry of Health)
COFFEL	Coalition for Free and Fair Elections
COMFREL	Committee for Free and Fair Elections in Cambodia
COPCEL	Conflict Prevention in the Cambodian Elections
CPN+	Cambodia Positive Network
CSO	Civil society organization
CSW	Commercial sex workers
CWCC	Cambodian Women's Crisis Center
CWPD	Cambodian Women for Peace and Development
DOF	Department of Fisheries
ECPAT	Ending Child Prostitution and Trafficking
EMO	Electoral monitoring organization
EPZ	Export Processing Zone
EU	European Union
FACT	Fisheries Action Coalition Team
FAO	Food and Agriculture Organization
FHI	Family Health International
FTUWKC	Free Trade Union of Workers of The Kingdom of Cambodia
GAD	Gender and Development
GDP	Gross domestic product
GMAC	Garment Manufacturers' Association of Cambodia
HACC	HIV/AIDS Coordinating Committee
HRTF	Human Rights Task Force
ILO	International Labor Organization
IO	International organization
KANAN	Kompong Cham NGO Advocacy Network
KHANA	Khmer HIV/AIDS NGO Alliance
KNCED	Khmer National Community Economic Development
LAC	Legal Aid of Cambodia
LEUCINA	LEUCINA
LICADHO	Cambodian League for the Promotion & Defense of Human Rights
LSP	Land Study Project
MOA	Ministry of Agriculture
MOI	Ministry of Interior
MOSALVY	Ministry of Labor
MOWA	Ministry of Women's Affairs
MSF	Medecins Sans Frontieres
NEC	National Election Committee
NGO	Non-governmental organization
NGOCC	NGO Coordinating Committee
NGOCRC	NGO Committee on the Rights of the Child
NICFEC	Nat'l & Impartial Committee for Free & Fair Elections in Cambodia
NTFP	Non-Timber Forestry Project
Oxfam GB	Oxfam Great Britain
PADV	Project Against Domestic Violence
PRA	Participatory rural appraisal
PSAD	Phnom Srey Association for Development
PWA	People Living With AIDS
SEAPCP	Southeast Asia Popular Communication Program
SUPF	Solidarity and Urban Poor Federation
UNCHR	United Nations Center for Human Rights
UNCHS	United Nations Center for Human Settlements
UNDP	United Nations Development Program
UNFPA	United Nations Family Planning Association
UNICEF	United Nations Children's Fund
UNTAC	United Nations Transitional Authority in Cambodia
UPDF	Urban Poor Development Fund
UPWD	Urban Poor Women Development
URC	Urban Resource Center
USAID	United States Agency for International Development
USG	Urban Sector Group
WVI	World Vision International

# executive summary

The Cambodian non-profit movement is entering into its second decade. Proponents of advocacy estimate that it is now an appropriate time to review past advocacy campaigns in order to identify successful strategies and mistakes that have been made in previous efforts' design and implementation. This study is based on a review of advocacy activities in eight sectors: fisheries, land, labor, commune council elections, the women's movement, urban poor, HIV/AIDS, and child rights. These sectors were chosen for their illustrative qualities and are not intended to be representative of all advocacy in Cambodia.

Outside of human rights issues, few advocacy activities were being conducted in Cambodia prior to 1995. The Cambodian context presents considerable challenges for civil society organizations, as advocacy relies on organizing groups to apply pressure on policy makers to affect and enforce change. Thus, the absence of rule of law and lack of popular representation at important administrative levels in Cambodia significantly inhibits this process. In addition, Cambodia does not have a strong tradition of community-based organizations, and as such, advocacy NGOs have difficulty mobilizing popular support to legitimize larger advocacy campaigns. Even so, civil society has grown at a tremendous rate since associations were allowed to start registering with the government during the UN administration. NGOs in Cambodia today are allowed to operate for the most part without government hindrance.

Though the advocacy movement is young and the advocacy context is challenging, current campaigns are utilizing several strategies to good effect. These include:

- Documenting problems and disseminating information;
- Raising awareness;
- Engaging in organized action such as demonstrations and strikes;
- Facilitating engagement with government officials through conferences, workshops, and other consultation processes;
- Lobbying high-level officials; and
- Networking.

Within the Cambodian context, areas of weakness include lack of efficiency and solidarity in networking, lack of grassroots participation in identifying and implementing advocacy agendas, and limited or nascent experience. This last factor has resulted in some missed opportunities, such as the failure of the first domestic violence campaign and the failure of community fisheries advocates to lobby at all levels of the legislative process.

Of greater concern perhaps is the perception that NGOs rely too heavily on donor conditionality as a means of influencing policy. Critics point out that this strategy of relying on international agencies to pressure government does not guarantee genuine long-term changes. That being said, leverage provided by international donors does create a protective environment in which civil society can strengthen and grow. The focus in the future will need to be on allowing the advocacy movement in Cambodia to mature beyond dependence on international agendas.

NGOs have been able to provide considerable input into new and modified laws, sub-decrees, and other government policies. Although impact is difficult to assess, advocates are beginning to assert the right of civil society organizations to engage in policy formulation. Issues that were once hidden are being brought out into mainstream society. For example, prior to 1994 there was no Khmer term for "domestic violence" and the word "corruption" was not openly used. Now however, the domestic violence problem is openly acknowledged and NGO leaders and ordinary citizens dare to share their views about corruption in public. This demonstrates a significant, positive cumulative effect of the myriad advocacy and democracy activities that have taken place thus far.

Major recommendations of this report relate to increasing transparency in policy formulation by making public information public and establishing standard guidelines on the consultative process for all legislation. Within the civil society realm, advocacy objectives will be advanced if NGOs within each sector come together to establish common advocacy goals and if advocacy leaders from different sectors have a chance to exchange experiences. Other recommendations include increasing grassroots participation in agenda selection and policy formulation in order to make advocacy campaigns more sustainable, and exploring new opportunities to involve commune councils in advocacy efforts, as a way of linking government officials to the advocacy process.



# introduction

This report aims to identify lessons learned from the advocacy experience in Cambodia that can be shared with advocates working in various sectors. Analysis is based on review of advocacy activities in eight sectors: fisheries, land, labor, commune council elections, women's movement, urban poor, HIV/AIDS, and child rights. This selection is intended to be illustrative rather than comprehensive. The selection of a limited number of illustrative case studies has led to the omission of some issues, which are no less important such as lobbying of multilateral banks and donors, forestry reform, lobbying for judicial reform, the anti-corruption campaign, and the health and education sectors.

Campaigns to reform the land law, introduce a community fisheries sub-decree, commune council election law, or domestic violence law have much to teach all advocacy stakeholders about successful advocacy strategies and mistakes made in designing and implementing advocacy campaigns. Among the case studies presented, advocacy in the fisheries sector illustrates a streamlined approach that extends from the grassroots to the national policy-making level and benefits from the arguments collected during the preparation of the land law legislation. The organized garment labor movement involves three sectors of society: a government monitoring and mediation agency, the garment factories, and the labor unions. The commune council election law lobbying presents a concerted approach and high profile lobbying, as does the domestic violence law campaign within the women's movement. HIV/AIDS and child rights sectors illustrate strong networking techniques and provide examples of advocacy that allows people affected by the issues to participate more in policy decision-making.

In addition to identifying general successes and failures in advocacy, this report aims to ascertain how civil society organizations and elected representatives can assist in the process of strengthening democratization and increasing accountability within the Cambodian government. Facilitating stronger democracy will increase the likelihood that future advocacy efforts will result in responsive policy changes that consider the needs of the people affected by policies.

Eight sectors provide the foundation for identifying the advocacy strategies and lessons learned contained in this report. Each sector is included in a case study at the end of the text. The case studies reveal the interaction between government and civil society regarding influence on policies that affect poor and vulnerable people. Policy changes, enlarging democratic space, and building capacity of civil society are examined in each sector as a way to measure advocacy impact. For readers interested in specific details regarding a sector, the case studies provide an in-depth analysis of the sector's advocacy activities.

## sectors reviewed in this document

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- fisheries
- land
- labor
- commune  
council  
elections
- women's  
movement
- urban poor
- HIV/AIDS
- child  
rights

# general advocacy concepts

## The Meaning of Advocacy

The word *advocate* literally means to speak for someone. You can still find traces of the Latin verb *vocare* (to call or summon) in the English word 'voice.' To advocate came to mean to plead on behalf of another, such as when a lawyer represents a client in court. The French word for lawyer (*avocat*) retains this meaning. In English an advocate means more generally a person who works to raise awareness and gain support for a cause. An advocate is a more moderate term than the previously common term of *activist*, which implies a stronger form of political action.

Advocacy in its most basic form aims to change an existing situation that is unfavorable to a group of people by applying sufficient pressure on those who control the situation so that they cannot afford to maintain the *status quo*. Existing literature offers a range of definitions of advocacy, but perhaps one of the clearest is from the Advocacy Institute:

**Advocacy in the political realm aims to enlarge the democratic space in which the dialogue between the government, civil society and private sectors takes place.**

*A series of actions designed to persuade and influence those who hold governmental, political, and economic power so that they will adopt and implement public policy in ways that benefit those with less political power and fewer economic resources.*

This definition emphasizes the public policy objectives of advocacy to improve the quality of life of less powerful and more vulnerable groups. It clearly states that advocacy aims to change existing power imbalances so that there is a wider arena of stakeholders involved in decision-making.

Advocacy aims to persuade people and therefore management of information and involvement of the media are important aspects of an advocacy campaign. The following definition of advocacy by UNICEF highlights the importance of communication – both personal and through the media – to change the views of leaders and society in general:

*Organizing information into arguments to be communicated through various interpersonal and media channels, with a view to getting political and social leaders acceptance, and preparing a society for a particular development program.*

The objectives of advocacy are therefore usually to introduce a new law (or policy) or change an old one, ensure that a law (or policy) is enforced, or change the attitude or behavior of a particular group of people.

## Khmer Term for Advocacy

A few years ago there was no term in Khmer to describe the concept of advocacy. NGO staff today usually use the phrase '*tasumateh*' (to struggle for an idea). However, there is a general consensus that most people do not understand the term clearly and that it has negative connotations at the local level. The use of the term *struggle* is considered by some to be adversarial and *idea* may not be concrete enough. A preferable term would imply obtaining support for a cause. However, at present there appear to be no likely alternative terms.

## Types of Advocacy Issues

Advocacy campaigns are organized to influence policies that affect the social, political and economic development of a group of people, nation, or region.<sup>1</sup> A campaign can be organized because there is no current policy (e.g. domestic violence) or to correct an unsatisfactory existing policy (e.g. old land law). Political issues relate to the rights of people to express themselves, associate, elect leaders, provide input into policies and require government accountability, for example on the taxes levied by the government. Advocacy in the political realm aims to enlarge the democratic space in which the dialogue between the government, civil society and private sectors takes place. Economic issues relate to the

livelihood of populations, including access to livelihood assets, resources, market competition factors, and trade policies. Social issues include health, education, the environment, and concern for improving the lot of disadvantaged or marginalized groups. Social issues also include the values that provide the foundation for the economic and political context. At times there is overlap between these categories.

## Characteristics of Advocacy Campaigns

Advocacy campaigns are characterized in a number of ways. The case studies included in this report are presented by sectors, some of which are limited to very specific issues related to an occupational group, such as fisheries. Others are broad, such as the women's movement, and contain a number of advocacy issues within them.

Advocacy can be organized on behalf of people – individuals, interest groups, or larger populations – or for things, such as the preservation of a temple or to prevent the extinction of a plant or animal. Advocacy for an individual could include lobbying to obtain the release of a prisoner. Examples of advocacy for interest groups include lobbying for policies that allow the disabled to participate more actively in society or asserting the rights of minority groups. The HIV/AIDS case study in this report describes how advocates are lobbying for greater participation of people living with AIDS in setting national HIV/AIDS policies. On a much larger scale, the Commune Council Elections Law campaign is an example of lobbying for something that will affect the general population of Cambodia.

In Cambodia, advocacy can take place at the village, commune, district, provincial, national, regional, and international levels. Advocating in a forum like ASEAN against the trafficking of



*Garment workers demonstrate in front of the Council of Ministers demanding that factory owners be made to respect the Labor Law and improve working conditions, February 2, 2000.*

## Basic Advocacy Steps

1. The first step in designing and implementing an advocacy campaign is to analyze the problem and set reasonable objectives. Advocates then need to identify the target audience. Who are the decision-makers and who can influence those decision-makers? It is possible to make mistakes in this analysis that will set back the advocacy campaign. For example, advocates may neglect to lobby an important decision-maker or begin to lobby the wrong government department or ministry before government responsibility for a particular policy is established.
2. Once the appropriate decision-makers have been identified, it is important to assess the human, financial, and other resources that can be placed at the disposal of the advocacy campaign. Advocacy will often require seconding staff from different organizations to work on the campaign and even getting the support of volunteers who believe in the cause.
3. When objectives and resources have been identified, it is then possible to set out the specifics of the campaign and move ahead with activities.
4. While evaluating the impact of advocacy activities may be difficult, it is possible to review a campaign at regular intervals to evaluate how well resources were used and extract lessons learned for the future.
5. Modifying tactics in response to challenges encountered is an important step in an advocacy campaign.

women is an example of regional lobbying and advocating against the production and sale of landmines is an example of a global advocacy campaign that involves Cambodia.

The degree to which an existing situation affects people's wellbeing influences the nature of the advocacy response. When an issue only marginally affects the immediate wellbeing of people or is nascent, advocacy campaigns will rely less on conflict and more on pressure and influence from stakeholders directly affected by the issues and their supporters. It will be localized and take place with stakeholders who are familiar with each other. One example is when communities submitted petitions to local authorities to stop fishing violations at the beginning of the fisheries conflict.

When the livelihoods of groups continue to be threatened or there is no conflict resolution, advocacy leads to higher levels of conflict strategies such as demonstrations, strikes, and marches. Examples include when rural

communities protest land grabbing in front of the National Assembly, when garment factory workers hold strikes, and when commercial sex workers march on the Ministry of Women's Affairs. The strategy may also include large-scale education or awareness-raising activities to ensure that affected communities have a clear understanding of the issues and the options available to them. An example of this strategy would be a commemorative activity such as International Human Rights Day.

Advocacy campaigns will use different strategies depending on whether the advocates are members of the community, influential people, government officials, and/or institutions like multilateral banks. Community-based campaigns depend on the power generated through solidarity and thus require intensive organizing, while advocacy by influential institutions is conducted along more official lines. Solidarity between institutions can make an advocacy campaign

stronger.

In a country like Cambodia where the evolution of legislation is now part of the political process, advocacy will be directed at lawmakers. However, advocacy is by no means limited to influencing government. In the past two decades, NGOs around the world have begun to influence the multilateral banks on a number of policies. Companies and large corporations are also a common target. In Cambodia, garment factories have been the main target of labor unions because the factories have shown a disregard for the basic rights of workers. Because the Ministry of Labor has been slow to enforce the labor code with companies, the unions are also focusing their advocacy efforts on the government while trying to limit company violations.

*Footnote*

<sup>1</sup> This report uses this definition, although it is understood that advocacy can be organized to benefit a cause, such as promoting the arts, protecting the environment, or saving animals from extinction.

## advocacy in the cambodian context

### Growth of Cambodian Civil Society and How It Affects Advocacy

Civil society is generally understood to include all associations and interactions that exist outside of the government and market sectors. Civil society organizations (CSOs) were first allowed to register in Cambodia in 1992 during the U.N. Transitional Authority in Cambodia administration (UNTAC). The main manifestation of civil society in Cambodia has been non-government organizations (NGOs). Other types of organizations include labor unions, community-based organizations (CBOs), professional associations, and student groups. Less common types include religious organizations, sport associations, and youth clubs.

As of November 2001, 867 local organizations and associations were registered with the Ministry of Interior's NGO Department. There are no reliable statistics on how many of these associations are currently in operation, but estimates put the actual figure at between 200 and 400. According to the Cooperation Committee for Cambodia (CCC), there are 250 international agencies working in the country. All CSOs are non-

profit organizations and the two main types of structures are associations and NGOs.

### Associations

When individuals or groups identify common interests they set up associations to further those interests. The most common structure of an association is a large membership group that elects a voluntary management committee. If necessary, the committee can hire staff. A provincial rice millers association is an example of a group of people who work in the same industry. They come together as an association to exchange information, increase their technical skills, and look for ways to improve the standards of the rice industry, such as better quality of seed or higher quality of milled rice. Although the individual businesses comprising the association are for-profit entities, the association itself is a non-profit organization.

Many of the groups that are called associations, such as student associations, are in effect managed like local NGOs because in these associations the membership does not determine the direction of the programs. Often they will not have a functioning board. For this reason, only



professional associations and small local associations, such as funeral associations, are perceived as legitimate associations that represent the interests of their members.

### Local NGOs

NGOs differ from associations in that they generally do not have a membership. In other countries, they usually start as initiatives of concerned individuals who come together to do voluntary work. If the initiative grows and the founders decide to hire staff, they may choose to register as a formal organization. It is not unusual for founders of nascent NGOs to sit on the first board of directors, which has ultimate responsibility for the management and direction of the organization.

The history of NGOs in Cambodia is somewhat different than that of other countries. When international development agencies and donors began working in Cambodia in the early 1990s, they looked for mechanisms to assist rural communities or act as a service delivery mechanism. Some international agencies implemented their own projects (some of which have become local NGOs over time), while others started to fund local initiatives. The establishment of the majority of local development NGOs was not based on a philosophy of carrying out the development demands of the people they served, rather local NGOs were created to implement programs that were directed by an original (often foreign) founder or donor agency.

The local NGO sector has grown rapidly in the past ten years. An important consequence of this is that NGO staff was often hired before the organization had an independent board

or governance structure. In some cases this led to problems of accountability and explains why many local organizations do not have a functioning board. Currently many local NGOs are revising their governance structures to include boards. Another effect was that the voluntary aspect of traditional non-profit organizations is often absent and, at best, very nascent.

In Cambodia's NGO history, development agencies began with emergency and relief activities and eventually made the transition to sustainable development. While testing program models, organizations had limited human resources. Human rights organizations were some of the first organizations identified with advocacy activities because they conducted human rights education activities, monitored and reported violations, and defended clients in the early 1990s. However, it was not until the late 1990s that the majority of local development organizations began to understand the meaning

Civil society organizations in Kompong Cham claim that freedom of expression and the ability of communities to advocate is being stifled by the early release of criminals and short sentences given to certain suspects. This causes fear within the general population because they do not know when people who have threatened them will be released. Witnesses are often reluctant to testify against charged criminals because they are uncertain whether they will be sentenced or released. In most cases of early release authorities claim that they are working on the case or the perpetrator has fled the area. A related problem is the immunity of military officials. Kompong Cham has a large military presence and violations by military personnel abound but the civil justice system and provincial authorities have no authority over them.

and importance of advocacy for long-term sustainable development. The non-voluntary origin of NGOs and associations and the nascency of the advocacy movement have important implications for advocacy in Cambodia.

## Political Context

The political context at the national level is reasonably open, especially when compared to other Southeast Asian countries. Change at the local level is occurring more slowly, particularly with regards to the political culture, although this could change with the recent election of Commune Councils. National elections were held in 1993 and 1998 and freedom of expression and association are included in the new Constitution. The transition from a centrally planned system to a decentralized democracy has had its positive aspects, including the establishment of an elected government, economic growth, and human resource development.

A number of sound laws have been passed since the early 1990s. However, the executive, legislative, and judiciary systems are still vulnerable to financial and political pressure, making enforcement of laws weak. Ordinary citizens have little recourse to the judiciary and the rights guaranteed by the Constitution are neutralized by fear created by powerful figures. There is a growing concern that insufficient precautions were taken in the liberalization of the Cambodian economy.

Of greater concern is the apparent lack of political will to uphold the rule of law, attributed to the fact that popular representation does not occur at all administrative levels (notably the provincial and district levels). The government has not prevented powerful figures from transforming their political power into economic power, such as questionable acquisition of land and other natural resources by political figures.

For example, according to Oxfam Great Britain's Land Study Project report of September 2000 entitled *Making the Poor More Visible: Landlessness and Development Research*, landlessness in Cambodia increased from about 2.48% in 1984 to about 13% in 2000, mainly because of the privatization of commonly used resources such as forests and wetlands. Legal Aid of Cambodia conservatively estimates that 100,000 people are currently being displaced by more powerful figures. With such disturbing figures, advocates may wonder for whom has the country been liberalized and how current trends will affect the future stability and economic growth of the country.

*Local villagers depend on income made from tapping resin trees like this one in Kratie*



*province. Increasing forest concessions and privatization of forest lands risks villagers' livelihoods.*

Most developed nations have a sizable educated middle class that makes up about two-thirds of the population and has a stabilizing effect through balancing political, economic, and social powers. The remaining population is usually evenly distributed between the upper and lower classes. As Cambodia's middle class is just barely emerging, the country does not benefit from this central stabilizing factor. Before the liberalization of the economy, the population tended to be homogenous. Now however, there is a growing gap between rich and poor to such an extent that land and other disputes are increasingly difficult to reconcile.

Advocacy is most effective when advocates can gather a critical mass of stakeholders and apply pressure on elected officials to be accountable to them. One of the difficulties of doing advocacy in Cambodia is the fact that national elected officials are selected by the party and not elected as individuals. Therefore these officials are less likely to be affected by the criticism of their constituents and the possibility of losing the next election. This situation may change at the local level with the Commune Councils established in 2002. But only if people are empowered to make Commune Councils accountable to local development needs and Commune Council members understand that they represent a constituency, can the councils act as important advocates at the local level.

Some multilaterals are placing conditions on loans to the government that demand a consultative process with the NGO and private sectors for policy formation. A consultative process has not been fully embraced by the

### Protected Forest and Land Dispute:

#### Tapres Area, Tropeang Reusey Commune, Kompong Svay District, Kompong Thom

A group of private individuals consisting of national and local authorities and led by a former district chief in Kompong Thom illegally controlled 4,000 hectares of state-protected forest in Tropeang Reusey Commune. The group's goal was to transform the area into a development center called "The Center of Mixed Agriculture." Actual ownership of the land included: 650 hectares of forest managed by a community forestry group of one village; 1,787 hectares of two new proposed community forestries for five villages, supported by a locally based organization, Buddhism for Development of Kompong Thom (BFDK); 30% inhabited by poor minorities in eight surrounding villages; and the remainder a public, protected forest in Tapres, Trapeang Reusey Commune. The total population in the area equaled 4,305 individuals (or 834 families), who relied on the forest for their livelihoods.

Villagers brought the issue to the attention of an NGO in Kompong Thom, stating the following:

- The forest was the main livelihood resource for villagers;
- Villagers' croplands were taken without proper negotiation and compensation;
- The private group had begun to cut and planned to clear all of the trees, even the expensive pine trees, in order to replant the 4,000 hectares with industrial crops;
- Cattle were barred from entering the portion of forest controlled by the private group;
- Villagers were being threatened and an incident had already occurred during the resolution process when a staff from BFDK was killed by armed men;
- Cambodia forest law does not allow the cutting of resin trees; and
- A letter from H.E. Prime Minister Hun Sen encouraged community forestry projects.

No local authorities took action on this issue, as high national and local authorities supported the private group. Thus villagers and local NGOs wrote letters of complaint to authorities at the provincial level, including to those who supported the private group, seeking their assistance and intervention. An international NGO provided intensive advocacy support to BFDK to enable that group to effectively facilitate and support villagers' initiatives.

In September 2001, H.E. Hun Sen agreed to two recommendations of his cabinet advisors. The first recommendation was to stop destroying forests for cashew nut plantation and to protect forests. The second recommendation was to give responsibility to duty departments and local authorities to take legal measures against illegal forestry activities. The Prime Minister and Ministry of Agriculture and Fishery also asked local authorities and the duty departments to support villager's initiatives in organizing community forestry.

The main advocacy activities that led to success in this campaign included:

- Conducting adequate research on the issue;
- Providing awareness to relevant people about the issue and risks involved;
- Networking/linking and participating, in this case involving communities, facilitating NGOs (BFDK), advocacy networks and sub-forestry networks, advisory INGOs, human rights organizations (Legal Aid for Cambodia), and the NGO Forum on Cambodia;
- Training people about active non-violence;
- Documenting evidence and planning/ brainstorming for alternative strategies;
- Contacting the press;
- Approaching influential people; and
- Starting first with local level stakeholders and increasing to higher and higher levels if necessary.

government, as shown by the lack of procedures that require feedback from non-government stakeholders before passing new legislation outside of conditions from multilaterals. Capacity is lacking in consultative procedures and both the government and civil society could greatly benefit in understanding consultative techniques.

While decentralization has potential for increased accountability at the local level, there is a continued need for popular representation at all

levels and increased government responsiveness to its citizens. Even so, the political context in Cambodia is conducive for advocacy activities. With increased political will by the government to listen to the needs of the people and uphold the rule of law, Cambodia will be better placed as a country that continues to adopt democratic reform. By documenting issues, proposing solutions, and facilitating dialogue, advocacy campaigns can help secure increased government

The rapid growth of NGOs and the open environment in which the government allows them to operate are distinct advantages for advocates in Cambodia.

engagement and mitigate potential conflict.

### Characteristics Facilitating Advocacy

The rapid growth of NGOs and the open environment in which the government allows them to operate are distinct advantages for advocates in Cambodia. NGOs and associations are able to organize conferences, conduct education activities and distribute publications, although access to mass media is sometimes hindered. Government officials are for the most part willing to attend advocacy events. This favorable environment has facilitated establishment of networks among NGOs and with the government, UN, and other international agencies.

While the preponderance of international organizations and donors working in Cambodia has its drawbacks, their presence has a facilitating influence on advocacy in the country. Most international agencies recognize the importance of civil society participation in policy formulation and provide for participation in their own internal policies. This is especially true of the UN, World Bank, and Asian Development Bank, all of which make civil society participation a condition to obtaining support or loans as a matter of policy. On the global scene, empowerment of citizens at the local level has become a generally accepted requisite for sustainable advocacy. In Cambodia this is translating into palpable donor pressure on NGOs to assist community leaders to become advocates rather than to advocate on their behalf - a message that comes through clearly in the findings of this report.

Given the relatively short history of civil society organizations in Cambodia, advocacy has made great strides to date and the increased maturity of advocacy campaigns is evident. Ten years ago government officials were extremely wary of NGOs and likely perceived the sector as a temporary inconvenience that could be shut down at any time. Local NGO leaders, who remembered all too clearly what it was like to live under a communist regime were

easily alarmed, for example, when in the mid-1990s a provincial governor sent letters to all local NGOs asking for names and home addresses of all staff. A decade of interaction between the government and civil society has done much to improve the working environment however, as officials begin to understand differences between the role of government and that of civil society organizations, and NGOs become less fearful and more adept at engaging the government.

A final characteristic that has facilitated NGO advocacy efforts is often underestimated in significance. In his rhetoric, the Prime Minister has been a constant defender of the poor, openly talking about corruption and the need to fight it. He has publicly apologized a number of times to the Cambodian people for prevalent corruption in the country. For ordinary citizens who fear powerful individuals, knowledge that the man at the top supports their cause in principle gives them confidence to express their grievances. Advocates understand the power of political figures' rhetoric and have moved quickly to videotape speeches in order to play them back to villagers in rural areas.

### Inhibitors to Advocacy

Despite the above facilitating characteristics, however, there are other factors that can inhibit the advocacy process. Within the Cambodian context, lack of popular representation and the absence of rule of law significantly inhibit the success of advocacy efforts. When policy makers are not elected (such as governors) and enforcement is not regular and consistent, it is unreasonable to expect success using traditional advocacy strategies of working through representative government at all levels of society. Although there can be success in changing policy, success does not necessarily lead to policy

*A workshop on child labor organized by LICADHO. Sihanoukville, February 2002.*



implementation. Without policy implementation, problems remain at the local level with the stakeholders who are affected.

Occasionally when a minister or politician is not well disposed towards an issue the discussion comes to a standstill. Reasons for this may vary. Politicians may see the issue as unimportant or threatening to their agenda. Or, they may be concerned, but feel that they do not know enough about the issue to address it confidently.

Alternatively, the advocacy effort itself may only involve a handful of NGOs that have not developed enough legitimacy and clout to be taken seriously. In these cases, the absence of pressure from other sources can weaken NGO advocacy efforts.

The timing of the advocacy campaign with government could simply be wrong. For example, government officials may be busy with budget deadlines, donor meetings, or other pressing obligations. In these cases, advocacy techniques such as focusing media attention on the issue are not likely to move the subject forward and advocates find themselves at a dead end.

Another major obstacle to advocacy in Cambodia is a lack of understanding among advocates about where civil society intersects with government. Given that a group would like to advocate, it is unclear how the group should approach government. The entry point into the policy dialogue has not been firmly established and an approach strategy that is successful once may not be when used at a different time or in a different context. Currently, many advocacy

campaigns rely on personalities rather than procedures, which inhibits a more uniform approach that leads to success.

In some Asian countries, activism depends to a large degree on student movements and a strong popular base built on people's organizations. Students usually advocate for political change and popular organizations advocate for political, economic, and social change. In Cambodia, both of these aspects are weak, creating an obstacle to effective popular advocacy. Students are not strongly literate and do not appear to be developing their own political agendas. Student activism in the 1990s was primarily limited to demonstrations for improved studying conditions and demands that the language of instruction be changed from French to English. Unlike other countries in Southeast Asia, the student movement in Cambodia has displayed very little political awareness. Similarly, Cambodia does not have a strong history of community-based organizations. NGOs form the main civil society structures and their more long-term popular base is limited to lending groups, user groups, or self-help groups organized as part of development programs. Communities are in part resistant to organizing because of failed collective experiments stemming from forced labor under the Khmer Rouge regime. This situation presents a significant obstacle to current efforts to mobilize popular support and legitimize advocacy campaigns, although there are untapped opportunities to do so in the future.



*When civil society intersects with government - Election Monitoring Organization (EMO) representatives meet with Minister of Interior H.E. You Hak Kry at the Ministry of Interior to discuss the Commune Council Election Law.*

# overview of advocacy campaigns in cambodia

Development activities in Cambodia are entering their second decade and advocacy capacity can therefore be considered to be in its early phase. Many advocacy campaigns have been reactive to conflicts arising from the local level, as is the case with forestry, fisheries and land issues. These tend to be needs-based campaigns that address livelihood issues. Other campaigns have been proactive, address broader issues that affect the general population, and do not arise from widespread conflict, such as women's and children's rights campaigns. In keeping with the general development of the country, advocacy activities have been intensive and challenging.

This section presents brief summaries of eight case studies presented at the end of this report. The case studies were chosen based on the multiplicity of strategies employed, which provide some lessons learned (both positive and negative) regarding organizing advocacy campaigns and their current pertinence. These are meant to be illustrative cases and do not portend to represent all strategies currently used in Cambodia. Readers will find that the case studies offer a comprehensive study of the history of advocacy in each sector as well as analyses of each activity's impacts.

## Fisheries Management

The need to advocate for improved community access to fisheries resources came to the attention of a network of NGOs when a serious dispute occurred in the provinces. Fishing communities saw their access to traditional fishing areas dramatically curtailed by private fishing concessions issued by the government. At the same

time, the Prime Minister made a surprise announcement that the area allocated to private fishing concessions would be reduced. It is believed that this announcement was a response to increased popular frustration expressed in letters and demonstrations in the capital. NGOs documented violations in case studies and organized public forums to bring together the various actors involved.

When the government announced that sub-decrees and new laws would be drafted, NGOs collaborated to obtain comments from fishing communities and brought representatives from the affected communities to a national government workshop in Phnom Penh. Through this consultative process on fishing policies, NGOs, fishing community representatives and Department of Fisheries staff were pleased with the draft of the Community Fisheries Sub-Decree. Due to inexperience, however, NGOs may have been shortsighted in lobbying only as high as the Department of Fisheries because subsequent changes in the draft at the ministerial level have undone some of the achievements of the consultation process. (See page 46.)

## Land

In 1998, Oxfam GB initiated a Land Study Project spurred by accounts of increasing land disputes expressed by its partners and as witnessed by the constant flow of rural communities demonstrating in front of the National Assembly. The initial phase of the project ended with a national workshop, which concluded that the main causes of land disputes were the shortcomings of the 1994 Land Law. An outcome of the workshop was the formation of an NGO/IO land working group that worked on one of the two



*Final consultation workshop on community fisheries sub-decrees, 2001.*

drafts incorporated into the new Land Law and enacted in August 2001.

Land disputes continue to be a problem in Cambodia and conservative estimates state that 100,000 people are currently in a situation in which powerful figures are trying to displace them. Resolutions are rare, particularly in cases that involve the military and/or large companies. Nevertheless, NGOs and communities are becoming bolder and legal aid organizations are gaining experience leading to some small isolated successes.

Currently the government is drafting sub-decrees that will clarify the Land Law. Of special concern to NGOs is the composition of the Cadastral Commission, which will be responsible for resolving disputes at the local level. The government is understandably reluctant to open the door to civil society participation in dispute resolution, arguing that participation at the local level will make the system too complex. Proponents argue that there is no legal obstacle to civil society participation in the Cadastral Commission and that without it appointed officials who may have vested interest in some land cases would heavily influence the Commission.

Land disputes are expected to increase as a planned land title project moves forward and titles held or created by powerful figures are discovered. While civil society organizations have coordinated strongly on land issues, motivation and coordination will have to continue in order to engage the government on this sensitive livelihood issue. (See page 54.)

### Garment Labor Movement

The organized garment labor movement took place in two main phases. The first phase occurred between 1994 and 1997 when international organizations lobbied the National Assembly and the Ministry of Labor, provided technical assistance, and sent relevant officials on study tours. Lobbying strategies included a workshop by an international union for 20-30 members of the National Assembly on the international labor code. The final Labor Law, passed in 1997, was the combined product of a draft produced by the

National Assembly and one produced by the Ministry of Labor.

The second phase started after the Labor Law passed, whereby focus was shifted to strengthening local unions and improving working conditions in the factories. These efforts have been somewhat undermined by the regular dismissal of union leaders and the fact that the garment workers are young, rural women recently moved to the city, who are in need of programs to build confidence and empowerment before they can play active roles in advocacy. (See page 59.)

### Commune Council Election Law

Electoral monitoring organizations (EMOs) knew from the start that the three objectives they set regarding the commune council election law campaign were ambitious, particularly the objective to switch from a proportional to a direct electoral system. Unlike most campaigns, this one has a long-term objective and advocates have not

been deterred by their failure to secure changes in the draft law before it was passed. The EMOs conducted opinion polls and organized a number of public forums in the provinces. They also organized a march, participated in monthly Conflict Prevention in the Cambodian Elections (COPCEL) discussions with government and party officials, and obtained meetings with high-level officials to present their arguments. At one point in the process, the

EMOs considered withdrawing from the election process in protest over the proposed role of an NGO Coordinating Committee (NGOCC) within the Ministry of Interior.

The original objectives of this campaign were not met, yet the issue attracted considerable press through a strategic media campaign. Efforts were slightly weakened when ideological differences prevented the EMOs from presenting a unified front at times. The most valuable lesson for these advocating organizations, which are not traditionally community-based NGOs, was the sense of legitimacy they gained from conducting the public polls that gave strong credence to popular demand for a direct electoral system. Other lessons learned include the need to think more strategically before implying that the EMOs



*EMOs held a public forum before the commune council election in Kampong Cham and invited parliamentarians to participate, 2001.*

were considering withdrawing from the election process, and the need to identify pressures that determine the long-term dedication of members in a coalition. (See page 67.)

## Women's Movement

The women's movement in Cambodia spans a decade and a wide range of important issues. The movement was constrained by previous policies that valued women primarily for the support they could provide to their husbands, outdated laws, and conventional norms regarding the role of women.

In order to demonstrate that Cambodian women are in need of greater protection under the law, it was necessary for NGOs to conduct a series of studies that would dispel any doubts regarding the severity of the domestic violence problem. Despite proof derived from the studies, initial efforts to pass domestic violence legislation failed when the draft was at the Council of Ministers due to a lack of sufficient awareness raising and lobbying at the national level. Current efforts to pass legislation have used much more elaborate strategies, including national workshops, television spots, and the telling of personal stories. The domestic violence law is expected to pass in 2002.

In other areas, grassroots organizing is being conducted to inform commercial sex workers in the Phnom Penh area of their rights and to prevent their illegal detention. The women involved have become empowered through solidarity built around the issue and have organized marches on the Ministry of Women's Affairs and City Hall. Their aim is to obtain legalization of the profession or at least the right to operate self-managed businesses free of extortion.

At the regional level, the Cambodian Confederation of Women's Organization has successfully lobbied to have a special session on trafficking at the next general assembly of the ASEAN Confederation of Women's Organizations. The session will initiate a regional campaign to fight the trafficking of women and children and demonstrates Cambodia's ability to influence regional agendas regarding women's issues. (See page 74.)



*PADV and the Ministry of Women's and Veterans Affairs collaborated to organize Women's Day 2002. Participants marched from the Cambodiana Hotel to Wat Phnom.*

## Urban Poor

The main strategy of development organizations working with the urban poor has been to organize communities and empower them to negotiate slum improvement projects with local authorities. Since urban poor communities throughout Southeast Asia usually live in unhealthy environments on land that floods regularly, is illegally occupied, or is slated for development, another objective has been to negotiate planned evictions with the Municipality.

Urban NGOs have assisted communities threatened with eviction by helping them reach group consensus on their relocation and compensation needs, and to select potential relocation sites to propose to the Municipality. A number of these individual efforts have met success, although the Urban Resource Center database indicates that, on average, squatters only remain 1.5 years outside the city before they return.

Relations between urban poor groups and the Municipality improved during the mid- to late-1990s, but appear to have deteriorated since then. The problematic relationship came to light in the wake of the Tonle Bassac fires of 2001 in which 20,000 people lost their homes. A few days after the first fire, the Municipality declared that emergency supplies could only be distributed at

the relocation site and not at the fire site. NGOs opposed this because people who lost their homes needed supplies and emergency shelter immediately at the fire site and adequate infrastructure had not yet been installed at the relocation site. After a second large fire ran through another slum, there was an absolute refusal of permission by the Municipality to donate emergency supplies to fire victims at the fire site.

Despite the number of agencies working in this sector, NGOs were not able to mount a significant coordinated response. Currently a new effort is underway to renew NGO coordination on advocacy issues regarding the urban poor. (See page 82.)

## HIV/AIDS

The 2001 *NGO Statement to the Consultative Group Meeting* section on HIV/AIDS indicates that in 2000 approximately 169,000 people (2.8% of the population aged 25-49 years) are living with HIV. The HIV/AIDS sector in Cambodia presents a good mix of HIV/AIDS specialized organizations and NGOs with HIV/AIDS components. The HIV/AIDS Coordinating Committee with 55 members offers a venue for agencies to network and obtain general information about the sector. However, advocacy activities to date have focused mainly on public education and awareness raising.

A few projects are emerging to address this issue, notably the Cambodian Positive Network, which was created with support and technical assistance from KHANA, FHI, and the Policy Project to encourage people living with AIDS to participate in policy dialogues. Other advocacy projects are working with government departments to review their HIV/AIDS policies and implement them. For many organizations, however, HIV/AIDS advocacy continues to be an abstract concept and NGOs need to learn how to make the issue more relevant to themselves, their constituencies, and potential HIV/AIDS advocates coming from the growing HIV positive population in Cambodia. (See page 88.)

## Children's Rights

Child Rights became an issue in Cambodia when the government signed the UN Convention in 1992. Since then, civil society organizations have worked on child's rights issues at a variety of levels. In 2001, the NGO Child Rights Committee

prepared a parallel report to the government's report on progress made towards meeting the criteria of the Convention. Members of the committee traveled to Geneva to present their findings and recommendations, many of which were incorporated into the UN's recommendations to the Cambodian government.

A number of NGOs are currently implementing activities that aim to protect children from child labor. For example, in order to mobilize community support for the issue, local NGO LICADHO tries to identify community leaders who have demonstrated concern for the problem *before* the NGO enters the community with a program designed to promote children's rights. Using a series of workshops rather than a single intervention, the organization targets department officials, local authorities, parents, children, and concerned community members and establishes a committee with representatives from each group to meet on a regular basis. The strategy is beginning to show success as the committees start to address cases of abuse coming from their own initiative. (See page 92.)

The Cambodian Positive Network was created with support and technical assistance from KHANA, FHI, and the Policy Project to encourage people living with AIDS to participate in policy dialogues.

*Child labor at a brick factory in Kagn Chreach district, Prey Veng province, February 2002. The child labor problem in Cambodia began drawing national attention in the mid-1990s.*



# advocacy agenda, objectives, and audience

## Selecting Advocacy Agenda

The advocacy campaigns reviewed in this report correspond for the most part to current problems experienced by groups of people in Cambodia and also relate to issues that are common to other countries. At present in Cambodia, concerned international and local organizations, with previous experience in a sector, organize advocacy campaigns or collect data that illuminates a problem. Less frequently, it is the people directly affected by the problem that draw attention to it, especially when the issue is not livelihood based. This section identifies the major players and activities involved in establishing advocacy campaigns and considers the roles of different stakeholders based on the case studies.

## Outside Actors

Outside actors refers to those who are not from an affected community. One type of outside actor includes individuals or organizations that are committed to advocating on behalf of an affected community because they are associated with that community (for example women who fight on behalf of abused women). The other type includes individuals or organizations that have a philosophy founded on principles of democracy promotion or assisting the vulnerable and poor (for example many international and local organizations).

The labor movement in Cambodia is an example of outside actors identifying a problem

and initiating an advocacy campaign. In the early 1990s, international labor unions and organizations were aware that Cambodia's ready supply of cheap labor and the possibility of obtaining special trade status from the U.S. government would make it an attractive investment for garment manufacturers. The AFL-CIO and ILO played an important role in initiating labor legislation *before* the garment industry had experienced its rapid growth, with their goal being to ensure decent working conditions for factory workers. As the Cambodian labor movement continues to gain strength, the expectation is that it will be able to take the lead in protecting the rights of workers while advocacy efforts will take on a more grassroots aspect initiated by the workers themselves.



*An indication that the Cambodian labor movement is gaining strength: garment workers organize and demonstrate in front of the Council of Ministers demanding better working conditions, February 2000.*

After Cambodia signed the UN Convention on the Rights of the Child, Save the Children Norway (then Redd Barna) initiated an effort to bring interested groups together to monitor government progress in conforming to the Convention. This resulted in a network that has been meeting since 1995 and which now prepares a four-year advocacy plan, perhaps the first network to do so.

Although domestic violence has been a problem for a long time in Cambodia, the topic was not discussed openly until a concerned outside actor initiated a study of the problem in 1994. The findings of the study and of two subsequent studies were convincing enough to launch an entire movement.

### **Landless Families:**

#### **O'thkov Village, Roleab Commune, Sampao Meas District, Pursat**

Until 2001, 74 families in O'thkov Village did not own land and had no place to live, mainly because most of them had sold their land to buy medicine for sick family members or to settle debts. In addition, some families had their lands taken from them by military officers, and others had migrated from other provinces because they thought they would have better prospects in Roleab Commune. Members of the 74 families included victims of war, returnees, widows, disabled people, and migrants who had either been fishing for years in the Tonle Sap area, living on government forestry land, or residing in established villages.

In June 2000, Oxfam GB and local development workers held a meeting with these landless families, who eventually formed a group called "the Landless Community O'thkov." After a philanthropist donated five hectares of land to the group, 45 families settled there. By 2001, after the philanthropist donated an additional three hectares, a total of 74 families had settled on the land.

A group of representatives from O'thkov approached different NGOs seeking financial and technical support. Concern Worldwide assisted the community in prioritizing its main needs, and the community received the following assistance:

- WFP and Seila provided food for work and road construction;
- Church World Service (CWS) funded \$1800 for a cow bank project;
- Oxfam Quebec funded \$100 for a pig raising project for five families;
- HOPE provided three open-wells; and
- Agri-sud (a French organization) began an Agricultural Development for Peri-Urban program, supporting 15 families in family agricultural production.

The above support notwithstanding, there has been no major support given to the community by key local authorities. In October 2001, OXFAM Quebec, a representative of the Ministry of Women's Affairs, and a representative of the Ministry of Social Work visited the community to learn about landless families, but provided no support.

Although these families now have a place to live, they still have problems satisfying their basic needs, especially regarding food and health care. They do not have land to cultivate rice and still live under the poverty line (2100 calories per day). Five community members have died due to sicknesses and food shortages. The people's main means of livelihood is selling their labor. Some men go to the Kravanh mountains to collect sub-forest products, but most of them return with serious malaria sickness and lack money for treatment. Some women have become sex workers in other areas. The plight of these landless families continues. Through their initiative, they were able to solve some of their problems, but continued advocacy is needed to address their other livelihood issues.

Advocacy for the urban poor originated when 21 local and international organizations concerned with urban poverty came together in an informal network that eventually transformed into the Urban Sector Group (USG). The proximity of Phnom Penh's urban poor to NGOs' offices, coupled with the fact that some groups were already working in poor areas with great needs, generated attention for the sector. Financial and technical support from agencies such as the Asian Coalition for Housing Rights (ACHR) in Thailand and ACHR in the Philippines, as well as the presence of the UN Center for Housing Rights, served to further strengthen urban poor advocacy.

Outside actors can play a fundamental catalyst role in initiating advocacy campaigns. The goal for any outside actor is to create a strategy that will eventually empower the affected communities themselves to lead the initiative. Due to Cambodia's unique civil society history, however, affected communities were often bypassed in campaigns. Many outside actors are

now realizing that long-term sustainability comes when affected communities play a strong role in campaigns and eventually claim campaigns as their own.

### **Local Identification of Issues**

Often local communities initiate advocacy activities when problems directly impact their livelihoods. Fisheries and land represent examples of advocacy campaigns that were brought to national attention by the villagers concerned. They organized numerous demonstrations in front of the National Assembly, protesting land grabbing and restricted access to fishing resources. Accounts of violations also filtered through to the national level in reports from provincial NGOs. There was a considerable amount of violence associated with these issues that caught the attention of human rights and community development organizations.

Issues that have not stemmed from local initiatives include child rights, Commune Council

Election Law, and women's issues. Although the lack of policies relating to some of these issues directly affects a large portion of Cambodians, many Cambodians are still at the subsistence level and are primarily concerned about issues that directly affect their livelihoods. As the education and economic level of Cambodians increase, there is the hope that local communities will begin to address some advocacy issues that fall outside of livelihood concerns.

### Assessing Relevance of Advocacy Agendas

Some advocacy issues in the case studies relate to empowerment of vulnerable groups and the protection of their rights: women's rights, children's rights, the rights of people living with AIDS, etc. It is interesting to note that the problem of advocacy concerning economic assets was not addressed by NGOs until the problem had become widespread. There are a number of other economic problems that are not being addressed by associations or other non-profit organizations such as mineral rights, market monopolies, and fees levied on taxis.

Some voices within the development community question whether NGOs take the time to identify issues that are the most relevant to their communities. There have been cases, for example within the urban sector, in which NGOs in one community are not aware of a significant problem or self-organized community advocacy effort in an adjacent community. Some problems that NGOs believe are isolated to the areas in which they work could be more widespread on a national level, as was discovered with the fisheries issue.

There are various explanations for why NGOs fail to see relevant issues. NGOs have limited resources and staff is usually over-extended. Once a target area or a program activity has been established, the NGO may not have the flexibility to discover if an issue of similar importance is happening in a neighboring area. Some NGOs may not have the capacity or resources to be continuously identifying critical issues.

Disputes related to assets tend to be local issues and NGOs may not be tapped into local agendas as quickly as they should be. Some NGOs feel hesitant to address high-conflict disputes that involve powerful figures. Some perceive their

target communities as beneficiaries of aid assistance rather than constituents. Finally, they may not perceive their mandate as including interest groups made up of professional associations, such as market vendors. Regardless of the reason, NGOs will have to go beyond using the traditional PRA tool and use other needs identification tools if they expect to continue to be responsive to their communities.

A role for NGOs in an advocacy campaign is as facilitators who link local level issues to policy changes. Villagers and affected communities are a fundamental resource for NGOs in identifying current and future issues. Although outsiders can play a strong catalyst role in a campaign, it is important for NGOs to see the communities they work with as agents of change that have the ability to formulate advocacy agendas.

### Donor Agendas

There is a general consensus that donors in Cambodia are curtailing support for community development activities and shifting their focus to the areas of advocacy and governance. As donor interest in advocacy increases, NGOs will seek to add advocacy to their overall agenda. Support agencies need to be thoughtful when initiating support for advocacy activities. Partners need adequate organizational capacity and a sound

program base prior to initiating advocacy campaign support.

Successful advocacy requires familiarity with the technical aspects of a problem, for example legal assistance in the case of draft legislation. Advocacy should remain closely linked to regular program activities and strongly aligned with the organization's overall goals. There continues to be a strong role for advocacy membership

organizations and networks supported by donor agencies. Finally, donors and support agencies should bear in mind the long-term aspect of advocacy and determine the duration of their support before initiating an advocacy program.

Hopefully, advocacy is demand driven or at the very least responsive to problems considered important for a group of people. Advocacy that is propelled by multilateral banks or donors is likely to be much more challenging in regards to mobilizing communities. Some donors use funding conditionality to achieve their advocacy

There is a general consensus that donors in Cambodia are curtailing support for community development activities and shifting their focus to the areas of advocacy and governance. As donor interest in advocacy increases, NGOs will seek to add advocacy to their overall agenda.

Short-term and long-term implications of advocacy campaigns should be carefully considered. When NGOs advocated for a government crackdown on logging, illegal small-scale logging was interrupted while concessionaires continued their activities unchecked. In some cases, owners of small firms who were not affecting the environment as much as concessionaires (like the one which cut the logs pictured below in Kratie province) lost their livelihoods. Therefore the expressed goal of sustainable forestry management was not attained.



goals, for example, when the U.S. Embassy insists that the Royal Government address the alleged arbitrary dismissal of union leaders or the World Bank insists that the government must have a consultative process for policy reform in order to receive a loan. Although this type of advocacy is important and may affect some immediate changes in behavior, these changes are unlikely to be sustainable and this type of advocacy fails to increase advocacy skills within civil society.

### Setting Appropriate and Feasible Objectives

Once an advocacy agenda is determined and support identified, specific and realistic objectives should be set to avoid creating unreasonable expectations and eventual disappointments. With few exceptions, objectives have not been well articulated in NGO advocacy campaigns as profiled in this study. The absence of specific objectives is an indicator of weak networking and highlights an important capacity weakness for NGOs.

The notable exception in this study is the Commune Council Election Law lobbying. When election monitoring coalitions decided to start the campaign, at least twenty possible objectives were identified. With the benefit of technical assistance, the coalitions were able to narrow the list to the three most important issues. Even within these three primary objectives, the Commune Council Election Law lobbying players understood that they had an ambitious agenda. From the start advocates understood that the short-run objectives were not likely to be achieved. Therefore, advocates prepared a fallback position

for one of the objectives: if the government was not willing to make the National Election Committee an independent agency, then all parties represented in the National Assembly should be invited to sit on the committee.

Short- and long-term objectives set by advocates are a good indication of the strength of that sector and its advocacy campaign. A strong sector will have good networks and be able to set higher objectives than minimum international standards.

A weaker sector will aim for the minimum standards or will not have any articulated objectives. To illustrate, labor unions in Cambodia currently seek to obtain the minimum labor standards set by the ILO and they have not bargained with employers for better conditions beyond the minimum standards. Similarly, the child rights movement simply aims to hold the government accountable for the provisions of the UN Convention on the Rights of the Child.

In setting their objectives, advocates need to understand what people will receive in exchange for concessions and propose alternative solutions if the campaign obtains the concessions. If a law is passed to ban logging, for example, advocates need to think about how people who no longer generate income from logging can earn their living. Advocacy cannot be fully successful unless the system allows people ways to earn a legitimate living; some voices question whether civil society organizations have always considered the entire picture which includes the impact of a potentially successful campaign (see above box). Advocates must place themselves in a context of negotiation and be aware that the outcome must be something that all sides can live with. When proposed changes are threatening to a particular group, it is best to proceed with small steps that will gradually sensitize affected stakeholders to the issue.

### Identifying Decision-Makers and Pressure-Makers

Once an advocacy agenda has been selected and objectives set, advocates need to research and identify key individuals and organizations that can influence the outcome of the campaign. Most

advocacy campaigns reviewed were able to identify decision-makers who are in influential positions. Decision-makers targeted included party leaders, members of parliament, members of the royal family, ministers and other high government officials, the Mayor of Phnom Penh, provincial governors, and local authorities in the urban and rural districts and communes. Organizations have also lobbied the Council of Jurists at the Council of Ministers, judges, and other officials at the Ministry of Justice.

Representatives from more experienced advocacy sectors who have developed a degree of legitimacy with officials and lawmakers (for example human rights groups) are able to use group lobbying and individual diplomacy to approach high-ranking figures. However, younger development professionals find it more difficult to access these individuals, as elaborated upon in the section on strategies.

Advocates in Cambodia are also able to identify individuals or organizations that have power or influence over decision-makers. Human rights agencies tend to lobby donors and embassies to pressure the government on human rights abuses. The urban groups, for example, target the Municipality by asking the UNCHS representative to intercede on their behalf in weekly meetings with the Mayor of Phnom Penh.

UN agencies play a similar interceding role, because politicians will more seriously consider draft legislation if it is passed from an NGO to a ministry through UNCHR, for example, rather than directly. NGOs are clearly aware of this added strength in their lobbying efforts and make a point of coordinating with the UN to influence government policy. In another example, during the drafting of the labor law in the mid 1990s, AFL-CIO invited the Ministry of Labor to attend a workshop on the labor code by asking a committee of the National Assembly to extend the invitation, making it impossible for the Ministry to decline.

Occasionally in cases of natural resource violations when open confrontation with authorities would make a situation too tense, advocates will use a different technique. Instead of overtly implicating the authorities, they will target a perpetrator whom they know is a symptom of the problem. In an interesting example in Kompong Chhnang, advocates found a way to interrupt illegal pumping of a pond without directly implicating the authorities in the violation (see box).

### Including Affected Constituencies in the Campaign

There is a general perception within the

development community that while NGOs are able to implement development activities in a community and transfer management of development activities to community leaders, they have yet to develop the capacity to fully include community members in advocacy efforts. As mentioned earlier, concerned individuals or agencies outside the community who have experience in a particular sector have set much of the advocacy agenda to date. Some of the needs-based campaigns like land, forestry, and fisheries are exceptions to this, though it is certainly true that a number of advocacy networks at the national level include no community participation.

While not all advocacy issues require mass organizing, in order to maintain their legitimacy advocacy or policy formulation agencies need to maintain some ties to the grassroots level. It is not unheard of for agencies to become skilled at formulating policy but remain isolated from communities. Elected officials are astute politicians who quickly perceive when criticism or a policy proposal is not backed by popular support. When this is the case, there is a risk that officials will ignore an agency's arguments, even if they are valid. Similarly, when donors realize that advocacy groups do not have popular support they are quick to redirect assistance to other agencies or issues, a situation that is currently occurring today in the Philippines.

The Commune Council Election Law lobbying presents an interesting example of the relationship between an advocacy campaign and popular support. Human rights organizations and

In Kompong Chhnang a lot owner was illegally pumping water from a pond to catch fish. Villagers complained, but the authorities did nothing. Finally, the villagers removed the illegal pump and deposited it in the Department of Fisheries office. Faced with the evidence, it was difficult for local authorities to deny that illegal action was taking place and the lot owner was reluctant to claim the pump since it admitted to illegal activity.

EMOs do not traditionally base their work on popular support. Their legitimacy stems from the documentation of rights or election violations and

proposed work to solve those violations. In order to build legitimacy for the campaign to switch Commune Councils elections to direct voting, the EMO coalition established legitimacy by conducting public polls. The 80% support for the direct system surprised the EMO coalition and provided a strong factual foundation for their campaign, even though the findings and the EMOs advocacy activities did not convince politicians to change the draft law. Anecdotes suggest that high-level politicians intimidated the EMOs that even though the campaign platform had popular support, the EMOs themselves did not have enough popular support. NGOs should realize that significant campaign strength would result from both broad based support for the issue as well as for the NGOs that help organize the campaign.

Among the cases reviewed there are three in which support of constituents was cultivated: labor, the fisheries sector, and the rights of commercial sex workers. Fisheries advocates used two strategies to include fishing communities in policy formulation. The first was to share drafts of the community fisheries sub-decree with representatives of fishing communities and the second was to obtain the participation of community representatives at national level conferences to give their input to the draft decree. Experts in natural resources management contend that policies formulated using this model of consultation are likely to be more appropriate and better enforced than models used by other sectors.

The organizing of commercial sex workers in the Phnom Penh area highlights the power of participatory advocacy. Advocacy focused on informing commercial sex workers that their profession is not illegal and that police and other officials are acting illegally when they detain and abuse them. The 1,900 organized commercial sex workers have learned to react quickly when one of their own is taken to a police station: as a group, they immediately protest the illegal detainment.

Labor organizing has directly included garment factory workers as members and leaders. Labor union meetings include agenda setting by members and democratic decision-making within some unions.

Some advocacy campaigns understand the importance of including affected communities in campaign activities. The HIV/AIDS sector is a

**While not all advocacy issues require mass organizing, in order to maintain their legitimacy advocacy or policy formulation agencies need to maintain some ties to the grassroots level.**

good example where HIV positive people are being mobilized to have a voice in policy formulation. The more affected communities are incorporated into the campaign, the greater the possibility of having a legitimate campaign that holds long-term potential to bring about positive change.

## The Role of NGOs and Direct Action

This last example illustrates a subtle trend in grassroots advocacy in Cambodia. International agencies are increasingly questioning the ability of some NGOs to include communities in advocacy activities. Even more seriously, these agencies appear doubtful that those NGOs can develop advocacy skills. In response they are testing community advocacy models that bypass NGOs and work directly with affected communities and advocate leaders.

A combination of factors are likely responsible for this trend. To begin with, the context in which rural NGOs are working is particularly challenging and they may not have adequate backing to undertake difficult campaigns that challenge the status quo. Unlike other countries with strong grassroots advocacy movements, most NGO workers in Cambodia do not come from a background of activism and they lack the commitment of activists. There are also a number of reported cases of NGO workers replicating with communities the same status-conscious or paternalistic behavior that target stakeholders (such as authorities or company managers) subject the communities to – and consequently alienating themselves from communities.

When politicians are known to be corrupt and the rule of law is not upheld, small NGOs with little clout are not in a position to obtain solutions to problems or even strong advocacy networks, such as the KANAN in Kompong Cham. In some cases NGOs have been helping communities file complaints and collect petitions *for years*, but without success. In at least one case in Kompong Thom, an NGO worker was killed in the course of advocacy activities. Recently in Preah Vihear, one NGO worker was threatened at gunpoint. NGO workers are periodically warned by armed guards not to enter certain areas where land and forest concessions are reported to be problematic. In 1999, two LICADHO staff were arrested in

Kompong Som for allegedly inciting residents to protest the dumping of toxic materials from Taiwan near their community.

Communities are becoming increasingly frustrated by the combination of escalating disputes and lack of resolution. Consequently, some communities are opting to take matters into their own hands. In Koh Kong, after years of petitioning provincial authorities and the Department of Fisheries, illegal fishing prompted one community to steal a boat and confiscate illegal fishing gear (see boxes). In Pursat, a forest community seized illegally felled trees when forestry officials refused to take action. As previously mentioned, in Kompong Chhnang villagers dragged an illegal pump from a local pond and deposited it at the Department of Fisheries office. Often communities feel compelled to take direct action because law enforcement agencies, local authorities, and NGOs are not taking action themselves, and on the contrary, can sometimes be part of the problem. As communities have effectively no higher independent authority to which they can appeal, the only recourse for them is to put a stop to violations through direct action. Unfortunately, this can increase conflict rather

*Communities are becoming increasingly frustrated by the combination of escalating disputes and lack of resolution. Consequently, some communities are opting to take matters into their own hands. In the case of fisheries, this can take the form of seizing illegal fishing nets like the one shown below in Kompong Chhnang province.*



than lead to long-term reconciliation between parties.

While some NGO workers feel comfortable dealing with community-level conflict, most do not have experience in activism and feel helpless

#### **Fisheries Dispute: Villagers Take Action Srey Ambil District, Koh Kong**

In 2002, an NGO initiated a project in Koh Kong to address villagers' request for assistance in combating illegal fishing in their province. Since villagers in Koh Kong rely on fishing for an estimated 80% of their livelihoods, use of illegal fishing gear and illegal fishing by boats entering from Kompong Som was presenting a major problem. The NGO project aimed to facilitate communication between Koh Kong villagers and other fishing communities, facilitate cooperation within the fishing community, and help people assert their rights. The project began by forming fishing groups in four villages and taking the groups to visit successful community fisheries projects in Riem National Park.

Prior to 2002, village groups had submitted petitions to local authorities asking them to solve the illegal fishing problem and combat the use of illegal gear, such as the *pom pang* (a net that catches even the smallest fish). Petitions were sent to village, commune, and district authorities, as well as to the governor. At one point, the governor asked a Department of Agriculture Officer to investigate. Upon doing so, the DoA Officer confiscated illegal nets from neighboring villagers and asked net owners to sign their names on a document that said if they ever fished in the area again the government would take legal recourse. However, this measure did not solve the problem of boats entering from Kompong Som, a problem which was further compounded by the fact that people in Kompong Som had their own livelihood problems due to low fishing catches from the sea. In addition, even though the government had confiscated illegal fishing gear, the gear would eventually find its way back to its owner.

Frustrated with the lack of effective action, in January 2002, 15 people from one village went to a neighboring village and stole a boat that contained illegal fishing gear. The gear was removed. The following day, the boat owner negotiated with villagers to return the boat and gear. An agreement was made that the villagers would not impose any fines at that time, but that if the problem reoccurred they would remove the gear and fine the owner Riel 20,000 (\$5) for every kilogram of his personal weight, a common way of calculating fines in Cambodia. Villagers explained that they were not interested in the fines as much as in putting a halt to illegal fishing. They felt they needed to take direct action because the government had not been able to put a stop to fishing violations.

Reacting to the above incident, local authorities said it would be best for villagers not to engage in direct action because one day they might cross paths with a boat owner with a gun. NGO staff felt that the villagers had the right to take action due to continued fishing violations that were not solved through government channels, though the NGO was not involved with planning the incident and was not present when the events took place.

or even fearful to solve conflicts, especially when they do not receive backing from more powerful organizations. In some cases, fear and inexperience have prompted development workers to discourage organized village action. In order for NGO workers to be able to function in conflict situations, they need to have a clear understanding of the philosophy of their organization with regard to popular mobilization (some organizations do not want their staff to be advocates and will be reprimanded for getting involved in trying to solve conflicts). They also need to understand their expected particular role in advocacy so that they can know how far they should go to support community groups when communities feel compelled to take action. Finally, NGO advocates need to be committed to the concept that government is there to serve the people and that the people can play a significant role in the decision-making process.

During the past three years international agencies working in the provinces have been examining their programs to identify the best way to support activities in rural areas. They have tested various models including support to networks, local NGOs, and community-based organizations (CBOs). Ongoing internal discussion within various organizations suggests that they have not found a satisfactory model yet, although a few have ceased supporting NGOs or indicated that they intend to cease supporting them and opt instead for direct advocacy.

For example, the Southeast Asia Popular Communication Program (SEAPCP) is a Malaysian-based regional network that focuses on grassroots movements. SEAPCP works with farmers, urban poor, and other grassroots communities using creative methods to train local community organizers who are in turn asked to train new community organizers in adjacent communities. In Cambodia SEAPCP is building relationships with the Non-Timber Forestry Project (NTFP) in Ratanakiri to provide community organizing training for grassroots leaders.

Regarding the organizing of commercial sex workers, one international agency has suggested that the staff of NGOs exhibit patronizing attitudes towards the women concerned and tend to use them as show pieces to attract donor support. As sex workers are likely more knowledgeable about topics such as HIV transmission, it is also possible that NGOs perceive them as a potential threat to their funding. And patronizing attitudes are not limited to the sex trade: when NGOs are asked about including people living with AIDS in policy formulation, the response is often, 'How can they be involved, they are sick!'

### NGO Stops Action by Villagers

The problem started when a local businessman began buying illegally obtained logs, thus creating demand for illegally cut trees. Villagers decided to take direct action and confiscate illegally cut logs, but had not developed a strategy of what to do with the logs once they had taken them. An NGO had previously advised villagers against confiscating the logs, and when the NGO found that logs had been confiscated and left in the forest, they advised villagers to discontinue further action. The villagers had planned to place the logs on the main Phnom Penh-Battambang road, so that the public could witness illegal logging activity. In the end however, villagers listened to the NGO and the logs were left in the forest. In this case, villagers took action but lost a major publicity opportunity due to poor advice from an NGO.

Advocating NGOs working in rural communities (and the agencies that support them) need to ensure that their role is clear and that development workers avoid being counter-productive when faced with popular direct action (see box). NGOs need to promote a community's ability to conduct direct action using non-violence as a response to mitigate those who threaten with violence. In the long-run, the goal of NGOs is to empower communities to take on issues themselves and to provide skills that allow communities to address issues as they evolve.

# advocacy strategies

staging organized action ■ facilitating engagement ■ lobbying

While most successful advocacy campaigns vary considerably in their design, the Advocacy Institute suggests that a common characteristic of successful campaigns is the use of a wide range of strategies and techniques. Advocacy campaigns conducted in Cambodia have employed a variety of strategies, the most common of which can be classified into six broad categories:

- disseminating information;
- raising awareness and concern;
- staging organized action;
- facilitating engagement;
- lobbying; and
- networking.

## Disseminating Information

Perhaps one of the most powerful advocacy strategies used by NGOs is the collection and dissemination of information. Information can be used to legitimize advocacy issues and inform decision-makers, providing them with arguments for why a reform is necessary. There are two aspects to information strategies: *collecting information on problems* and *collecting information on prevailing public opinion*.

## Documenting Problems

Perhaps the best example of information that helped initiate an advocacy campaign is research that was conducted by the Project Against Domestic Violence (PADV). In 1994, a group of concerned women surveyed 50 victims of domestic violence. The following year PADV produced a *Household Survey on Domestic Violence in Cambodia* in cooperation with the Ministry of Women's Affairs. Thanks to this and other studies, today domestic violence is openly acknowledged as a problem in Cambodia. The inclusion of questions on domestic violence in the Ministry of Planning's *Demographic and Health Survey* is an indication that the problem is no longer being concealed. The presentation of statistics and personal stories are an important

strategy for generating support from the public and government officials.

Oxfam GB's Land Study Project is another example of a research project that has forced policy makers and development actors to acknowledge that land disputes are a major issue in Cambodia which need to be addressed. On a smaller scale, the NGO Forum's Fisheries Working Group produced a series of case studies to document incidences of fisheries violations. The case studies gave the first documented description of the escalation of disputes and provided specific information on which articles of the law were being violated. These legal details provide advocates with important justification when addressing authorities. One of the lessons learned early on in the preparation of these documents was the need to distribute them in Khmer to government workers and other interested actors.

In other examples, human rights groups conduct investigations and regularly disseminate their findings to the Department of Justice, police department, and UNCHR. The Kompong Cham advocacy KANAN network provides reports to the NGO Forum, Wetlands International, and Oxfam GB regarding natural resources and the environment.

While NGOs are making an effort to collect important information, it is often difficult for interested actors to access that information. For example, the researchers of this report were hard pressed to locate statistics on urban poverty, fishing violations, or the frequency and effectiveness of strikes. Even a formal network such as the HIV/AIDS Coordinating Committee does not have ready information on the number of HIV positive people, and has no information that can be distributed through electronic media. Strong advocacy campaigns will invariably maintain current materials on their sector to distribute to interested actors in order to legitimize their campaigns among stakeholders.

## Assessing Public Opinion

Another strategy involving information is the

collection of information on public opinion to apply pressure on policy makers. This strategy is only effective when policy makers are accountable to the public.

Public opinion polls proved to be central to the Commune Council Election Law (CCEL) lobbying. Since the CCEL advocacy campaign was initiated by EMOs (which do not have as strong grassroots support as some community development organizations), it was imperative to demonstrate public support for the initiative in order to gain legitimacy in the eyes of lawmakers. As mentioned earlier, public endorsement of the direct electoral system was so strong that it surprised even those organizing the polls. Indeed, EMOs that had initially harbored doubts as to the need for a direct electoral system were convinced by poll results. Although campaign objectives were not attained in the end, EMOs have clearly understood the importance of public opinion polls as an advocacy tool in increasing the strength of a campaign, unifying advocates, and providing legitimacy for campaign issues.

Public opinion polls are useful for gaining insight into people's knowledge, attitudes, and behavior. They are also a useful method for bringing difficult topics to the attention of the mainstream public and government officials. Although not profiled in this report, the Center for Social Development's survey on corruption was pivotal in bringing the word 'corruption' out into the arena of public debate.

In addition to public opinion polls, petitions and letters of complaint provide another method for demonstrating public support (or displeasure) for a policy change. These are more common at the local level and can be initiated by a community or by an NGO. In the provinces where Star Kampuchea has established advocacy networks, NGOs assist with preparation of petitions and liaise with provincial authorities. Petitions are addressed to provincial authorities, line departments, or parliamentarians. According to development workers working in Kompong Thom and Kompong Cham, petitions sent to provincial officials do not usually result in action, but they do serve the purpose of bringing people's grievances to their attention and are important in the documentation process. Regardless of the short-term effect of petitions and complaints, in the case of community fisheries it is clear that the deluge of complaints sent to the Prime Minister, combined with demonstrations in front of the National Assembly, were at least partly responsible for the Prime Minister's decision to reduce

private fishing concessions.

## Raising Awareness and Concern

In order for information dissemination to be effective, it needs to be accompanied by awareness-raising activities that can include education campaigns, workshops, and media strategies. Education activities such as workshops and outreach programs help to inform vulnerable groups of their rights, how they are being abused, and what remedies are available. For example, education has been effective in teaching forest communities that, according to a 1988 law, no one has the right to fell resin trees that are being tapped by local villagers. Rights education is the reason that commercial sex workers have the courage to descend upon police stations in groups when one of their colleagues has been illegally detained. Another important form of awareness-raising is education for government officials and the military. Since the early 1990s, a number of human rights NGOs have conducted training and follow-up activities with the police, military, and judiciary.

Celebration of special events such as International Women's, HIV/AIDS, Human Rights, and Children's Days are another form of public education that has become very popular among NGOs. Most events involve high-ranking officials, NGO leaders, and members of the public gathering for speeches, marches, and other activities, with the main purpose being to raise consciousness about specific issues. One example is the 16-day campaign against violence against women organized each year in November and December.

Once the attention of mainstream society has been drawn to an issue, however, the effectiveness of a special event diminishes. As this occurs, some NGOs have shifted the focus of the events from Phnom Penh to the provincial towns where there is less awareness of particular issues. Additionally, the government has incorporated these types of events into their regular activities, so there is a

*An illegally cut resin tree in Kratie province. According to a 1988 law, no one has the right to cut resin trees that are being tapped by local villagers.*



less pressing need for NGOs to organize them. On occasion networks have not sufficiently coordinated their events, especially International Women's Day, resulting in low turnout at some individual events because too many events were organized on the same day. As special events consume energy, time, and resources, coordination needs to be a priority and effectiveness carefully analyzed.

Most advocacy campaigns have not featured a strategic media campaign, though advocating organizations are learning to court the media. The most common media strategies include press releases, radio, and television spots. More innovative approaches include inviting journalists on field trips to learn about a situation or video taping speeches made by the Prime Minister and high officials to circulate at the village level that inform villagers of promises made. In view of the importance of the media in raising awareness and generating sympathy for a cause, a separate section on media strategies is presented below.

### Staging Organized Action

Civil society groups have been conducting organized action in the form of demonstrations, strikes, and peace marches since before the 1993 elections. Marches are a regular part of special event days such as International Women's Day. Demonstrations in front of national institutions such as the National Assembly, Royal Palace, Independence Monument, and Wat Phnom also feed into media campaigns, as any time large groups of people gather the media will usually attend.

Examples of demonstrations include the march for the Commune Council Election Law lobbying and, more recently, the demonstration organized by Women For Prosperity to protest the suspicious deaths of three women commune council candidates. The demonstrations serve mainly as a symbolic protest to express the anger and solidarity of a group or network. As demonstrations consume enormous amounts of energy and resources, it is important for organizers to have a clear understanding of the intended effect of a demonstration, as well as possible roadblocks to organizing an effective one. NGOs have experienced delays in the past in obtaining authorization from the Phnom Penh Municipality to organize demonstrations and occasionally have not received authorization to march, as was the case when 20 NGOs wanted to demonstrate against corruption in 2001. Some



*PADV held this event during Women's Day 2002 to raise awareness about Cambodia's domestic violence problem. Banteay Meanchey province.*

demonstrations have small attendance. Follow up to demonstrations is important and organizers need to learn how the energy generated during an event can be harnessed for future activities.

The main protest recourse for garment workers is the strike, which uses controlled conflict as a bargaining tool. Strikes can take the form of marches and demonstrations outside factories or of work stoppage, in which workers enter factories, punch their time cards, but refuse to work. Both strategies have become common practice in Cambodia, and a review of press articles from the past two years indicates that in most cases workers are able to win limited concessions through such action. Pro-enterprise supporters argue however, that demonstrations are not effective because workers automatically lose their regular attendance bonus of \$5 paid at the end of

*Women For Prosperity (WFP) organized a non-violence march around Wat Phnom in January 2002 to protest the suspicious deaths of three women commune council candidates. The WFP Director spoke to participants during the demonstration (left).*



each month.

## Facilitating Engagement

While education can be a powerful strategy, awareness-raising alone is usually not enough to accomplish advocacy campaign goals. It is important for advocates to make issues relevant to target advocacy audiences. This section explores other strategies used to engage the public with government.

### Open Forums/Debates

One of the most common engagement strategies used in Cambodia today is the public forum. This mechanism brings together the various actors involved in an issue along with members of the public.

Public forums have been organized around issues such as the environment, corruption, land and fishing disputes, and the legalization of prostitution. Forums are often organized at the provincial level, closer to the conflict. Although not always tension-free, forums present an important mechanism to allow people to express their views and hear arguments they

would not normally encounter. Although the process is not within the usual cultural forms of communication, benefits of public forums make them attractive to participating actors.

The regular COPCEL monthly meetings facilitated by CDRI present an example of positive engagement. The meetings were initiated to minimize conflict revolving around commune elections by creating a forum for dialogue between the main political parties, government departments, election officials, and civil society groups. On average, 35 people attended each meeting, and meetings were held over a period of more than 2 ½ years. While discussions were not always smooth, the forum was considered highly successful. Its success is attributed to an absence of hidden agendas, follow-up one-on-one meetings, a non-judgmental context, and maintaining accurate minutes distributed to meeting participants. These minutes were adopted and widely distributed to government agencies and the four governors and vice-governors of each province.

A more recent form of engagement was commune council candidate debates. These

debates have great utility because they allow local leaders to explain why they are the best candidates while allowing members of the public to ask questions about past performance and current agendas. These debates are certainly a cornerstone of local democracy. A variation of this strategy is the election debate organized by the Cambodian Labor Organization for labor union members. Although organizers encountered difficulties in organizing the debate and one of the candidates did not appear, 1,500 union members attended and the debate was considered a major success.

### Consultative Process

A deeper form of engagement is consultation, a process in which community representatives,

NGOs, and other members from civil society are invited by the government to provide input on draft legislation and policies. One example is the inclusion of fishing representatives at a national workshop to provide feedback to the Department of Fisheries on the draft community fisheries sub-decree.

This type of consultation usually occurs at the insistence of NGOs

or because of stipulations in bilateral and multilateral assistance agreements. For example, most of the international banks require government consultation with civil society prior to enactment of legislation. In the same way, the U.S. Embassy uses its quota system as an incentive to encourage the Ministry of Labor to include labor union representatives at Ministry meetings.

An equally compelling engagement strategy is what could be termed 'reverse consultation,' when NGOs ask lawmakers to provide input into a draft law. For example, advocates for the domestic violence law organized a workshop in which they asked parliamentarians to provide feedback on the draft law, under the assumption that lawmakers who gave their input into a draft law would be more likely to support that law when it was under review at the national assembly.

### Exposure Visits

An exposure visit to other countries is another excellent engagement strategy, although it is one available more to donors than NGOs, who do not usually have the financial resources for this type of advocacy. When AFL-CIO reached an impasse with the Ministry of Labor on the new



Labor Code, an exposure trip to other countries with Labor Codes based on international best practices helped to improve relations. Advocates for the Commune Council Election Law suggest that exposure trips helped make NEC representatives more open-minded when they received requests from the EMOs.

### **Including Authorities from the Start**

Another strategy to raise concern among communities and local authorities is to make awareness raising activities part of a series of activities. LICADHO's Child Labor program in Siem Reap starts with workshops at various levels (provincial and district authorities, departments, parents, and children). Participants were invited to attend a series of three or four workshops, and then asked to send two representatives from the workshops to attend a monthly meeting. LICADHO's strategy to generate concern about a situation has succeeded and participants in the monthly meetings (including department officials) have initiated action when cases of child labor abuse have been brought to their attention. Part of the success of the program is attributed to the identification of community members who demonstrated concern about child labor and took action on their own initiative *prior* to the LICADHO workshops.

### **Lobbying**

Lobbying is the act of having direct contact with government officials to convince them to represent advocacy campaign concerns within government. To accomplish this, in addition to workshops and conferences, advocates meet directly with lawmakers and other government officials. Meetings can be set up formally through their offices but most often they are done informally through personal diplomacy. As this type of activity is fairly high level, lobbyists must have a certain amount of status or legitimacy in order to be able to access lawmakers. They must also have strong networking capacity and many contacts. One of the challenges experienced by young Cambodian professionals is difficulty in breaking into high circles for lobbying purposes.

Advocates have found that while government officials are privately willing to express their views and even support arguments presented by advocates, this does not usually translate into support for a cause when they are in public. Such was the case during the Commune Council Election Law campaign. Lobbyists have to recognize that most mid-level lawmakers are hesitant to advocate for certain issues due to fear of more powerful counterparts in the government. Even when government officials indicate that they

are willing to hear recommendations, advocates in Cambodia are careful to avoid submitting these too openly, lest the officials feel they lose face.

As lobbying Cambodian government officials has had a limited effect in the past, NGO leaders tend to focus lobbying efforts on foreign embassies and bilateral agencies, both in the country and abroad. Their purpose is to appeal to these agencies to act as intermediaries for them, and the reality is that at present that this type of lobbying tends to yield better results. Critics of the use of lobbying as a means to influence policy believe that this is not a long-term solution. In their view advocates may be relying too heavily on this type of lobbying. In contrast, others suggest that lobbying that convinces some donors to incorporate fund conditionality opens the door for local activists to engage with policy makers and provides a protective environment for advocacy to grow.

### **Networking**

Working within a network of organizations interested in the same advocacy issue presents another important strategy that can create broad-based support for an issue and legitimize an advocacy campaign. By working together through networks, NGOs gain greater legitimacy with their advocacy audience. This strategy is well known to international organizations that formed networks early on when they began to work in Cambodia – thus was created the CCC, MEDICAM, and the NGO Forum on Cambodia. These membership associations facilitate communication and the flow of information between government and NGOs. Since the mid-1990s, the proportion of local NGOs represented in these membership organizations has been steadily increasing.

The existence and coordination of networks within a sector is a good indication of the strength of that sector. Most sectors have at least one network and some of the broader sectors have more than one. While some sectors have strong coordination, such as the fisheries sector, others are more loosely organized, such as the women's sector. Networks at the provincial levels tend to be better organized and coordinated. Provincial NGOs rely on these networks for information and protection gained from being part of a larger organized campaign. The four advocacy networks organized by Star Kampuchea provide a venue for NGOs from various sectors to come together to address advocacy issues. As networks represent an important aspect of advocacy capacity, they are discussed in greater detail in the section on impact.

# analyzing impact of advocacy activities

Advocacy organizations in Cambodia are faced with a challenging political context and complex issues. Yet despite the short lifespan of the advocacy movement, advocacy has been, on the whole, strong. The fact that numerous networks have been formed and NGOs are dealing with policy issues shows a rapid and normal progression that continues to use more sophisticated advocacy techniques. Yet, success still remains sporadic.

The development of advocacy by sector is notably uneven. In fisheries, advocacy activities span from the local to the national level with special emphasis placed on obtaining grassroots input into policy formulation. A dual approach includes direct capacity building support to the Department of Fisheries and a more pressure-oriented approach through community fisheries advocates. The role of a non-implementing organization like the NGO Forum on Cambodia as a facilitator for the fisheries movement may be one of the explanations for its success. The movement also benefits from the commitment of motivated and knowledgeable young advocates. The Commune Council Election Law lobbying, on the other hand, is an example of well-organized advocacy with a long-term goal and clear objectives that did not lead to success.

Other sectors examined are providing important services but have more limited advocacy activities. These sectors would benefit from more coordination and assistance in clarifying advocacy objectives. Occasionally networking is inefficient with either too many networks (such as the eight or 10 women's networks) or one weak network. For example, while urban groups have strengthened the capacity of community leaders to advocate directly with local authorities, the sector as a whole has not demonstrated a concerted effort to pressure the Phnom Penh Municipality to stop forced unplanned evictions of squatters. Even so, the unfortunate fires of late 2001, which left 20,000 people homeless, have spurred urban groups to

initiate the Resettlement Action Network to address these issues and improved coordination is expected.

It is notoriously difficult to assess the impact of advocacy activities for a variety of reasons. Some efforts have long-term objectives and will not show immediate results. Most advocacy campaigns are the combined work of a whole range of groups and individuals, who are sometimes unaware of each other's efforts. Changes in policies or behaviors are often the result of efforts made by a multiplicity of stakeholders or even different sectors.

Nevertheless, this research examined the impact of advocacy activities within three main categories. The first is the attainment of a desired policy or program change. The second is alternatively described as 'enlargement of the democratic space' or 'rules of the game' and refers to the interaction between policy makers and civil society. If civil society was previously not included in policy formulation but now

it is, we can assert that the participation of civil society in policy formulation has become one of the rules of the game. The third impact area examines changes in the capacity of individuals, grassroots organizations, and NGOs to conduct advocacy. Since this report focuses on campaigns, it does not measure the impact of policies in the implementation phase.

## Achieving Policy or Program Objectives

Civil society organizations have been responsible for initiating a number of legislative agendas such as the labor code and the domestic violence law. The labor code was ratified in 1997 and it is expected that the domestic violence law will be ratified in 2002. Lobbying on the labor code was done prior to the establishment of most of the garment factories and was supported by the



*During (top) and after (bottom) the first Tonle Bassac fire of 2001. The Municipality's handling of the crisis eroded the trust of squatter area residents and spurred urban groups to initiate the Resettlement Action Network.*

existence of an international labor code promoted by the ILO.

Some assert that attaining a policy change depends on the extent to which the change threatens political power. For example, while the domestic violence law may prove to be surprising and perhaps even disquieting to Cambodian men, the affects are limited to the man and woman in question and therefore do not encroach on the political sphere of government officials. This may explain why it has been possible for NGOs and the Ministry of Women's Affairs to move the domestic violence agenda forward. Similarly, lobbying by NGOs to update the Family Law is not likely perceived as a threat.

By contrast, NGOs have also had input into a number of legislative bills such as the new land law, community fisheries law, forestry law, penal code, and others, which are much tougher to deal with because they directly threaten the livelihoods of some government officials. Therefore, it comes as little surprise that legislation was initiated by donors with leverage, such as the multilateral banks. The only "tough" issue initiated solely by NGOs was the Commune Council Election Law lobbying issue, which advocated unsuccessfully for changes in the draft commune council election law. This campaign is considered ongoing.

As mentioned elsewhere in this report, the executive and ministerial directives (proclamations, sub-decrees, circulars, etc.) that are passed to support new or modified legislation are as important, if not more important, than the laws themselves because they include details on implementation. Until recently civil society groups had limited input into these policies because they were not able to access the legislative process. Now, NGOs are able to join government working groups to discuss directives, for example on land law sub-decrees. NGO access to sub-decree working groups relies heavily on personal contacts rather than on institutional procedures and is therefore not guaranteed as a consultative procedure. Because sub-decrees are so important, it is imperative for NGOs to advocate for their input to be institutionalized through the legislative process.

Legislation does not readily translate into enforcement, as demonstrated by the poor implementation of provincial sub-decrees on the reduction of private fishing concessions that led to higher number of conflicts at the local level. When disputes arise, NGOs form networks to assist plaintiffs. NGOs facilitate meetings between groups of villagers and provincial or department authorities. Human rights and legal services NGOs assist with court cases.

The consensus is that cases brought against companies or military officials are not resolved in favor of the plaintiffs. Occasionally, however, NGOs and local activists have been able to negotiate a solution with authorities or organize sufficiently to put violators in check. As communities become increasingly frustrated with the lack of effective government action and their situation becomes more desperate, they are increasingly taking matters into their own hands to put a halt to violations.

There are clear examples of advocacy campaigns having an impact on policy formulation. There is a need to institutionalize the interaction between civil society and the government through the creation of consultative procedures. These procedures will help define how civil society and government can work together to create policies that reduce conflict with affected communities.

## Enlarging Democratic Space

Civil society organizations have had to press for the right to give input to new legislation at each step. They have been assisted in their efforts by policies of the multilateral banks that insist on government consultation with civil society – policies that came about because NGOs lobbied the banks at the international level throughout the 1980s and 1990s. The idea of consultation is difficult for government officials because they feel threatened and it represents a new way of working in collaboration with civil society.

In cases where there has been serious engagement between civil society organizations and government policy makers, the process has not been smooth but the outcome has usually been satisfying to all sides. In presenting the draft community fisheries sub-decree to the Ministry of Agriculture, the Department of Fisheries was able to feel confident that they listened to all arguments and produced the most reasonable draft. When the Ministry then altered the draft and removed many of the provisions responding to the communities' requests, the Department of Fisheries was able to exert its influence and to get some of the articles put back to protect the integrity of community groups.

The fisheries example highlights the effect of using a bottom-up approach to policy making: if

In cases where there has been serious engagement between civil society organizations and government policy makers, the process has not been smooth but the outcome has usually been satisfying to all sides.

communities and NGOs can work with a technical government department to reach consensus on a policy, that department will then become the advocate with the next level of policy makers. At the same time, it is imperative for NGOs to keep advocating at higher levels to reinforce the work that has been done at the grassroots level.

NGOs have observed changes in the attitude of government officials at the provincial level. When NGOs began working in Kompong Thom, provincial and local authorities were not willing to consider their views. But as credibility of NGOs has increased over time to address local issues and local authorities have had a chance to work with them, they have eased their stance. In more remote provinces where there are fewer NGOs, such as Preah Vihear, officials continue to hold NGOs in suspicion and there is little cooperation regarding advocacy campaigns. In provinces like Battambang where there are many NGOs however, there is strong cooperation between communities, NGOs, authorities, and other actors, though this communication may not be formal or strategic.

It is too soon to assess at this time to what degree policy makers have changed their attitudes and beliefs about the inclusion of civil society groups in policy formulation. It would be useful for advocates within a sector to develop short-term indicators to monitor the commitment of government officials to engage, i.e. whether officials attend public forums, keep an issue on their agenda, incorporate NGO feedback, and/or vote on policy issues. In the meantime, it is important for NGOs to approach the government diplomatically and continuously find opportunities for engagement.

Another aspect of widening the democratic space is by increasing public expectation of elected officials and civil servants. In this area NGOs have done much to raise awareness about rights and responsibilities. For example, corruption is referred to openly now, whereas once it was a forbidden topic that everyone knew about but nobody spoke of publicly. Changes in attitudes have occurred due to programs such as the Center for Social Development's anti-corruption campaign. By reinforcing higher public expectations and lobbying for increased access to public information – particularly through commune councils – NGOs can continue to enlarge the democratic space.

By reinforcing higher public expectations and lobbying for increased access to public information – particularly through commune councils – NGOs can continue to enlarge the democratic space.

## Building Sustainable Advocacy Capacity

Capacity areas that assist advocacy campaigns include research, planning, mobilizing, networking, courting the media, lobbying, and formulating policy.

A number of advocacy capacity building activities have been organized in Cambodia over the past few years. These include various training courses conducted by the NGO Forum on Cambodia and Star Kampuchea to improve advocacy skills. Advocates have appreciated exposure trips to countries like Timor, India, and the Philippines because of the strategies they observed firsthand. Star Kampuchea fostered four provincial advocacy networks in addition to promoting advocacy to its regular membership. The NGO Forum also fosters forums on civil society, gender, the environment, and development issues. Occasionally a donor assigns an advocacy or media advisor to assist a sector, as in the case of the Commune Council Election Law lobbying.

### Individuals, Interest Groups, and Grassroots Organizations

Sustainable advocacy depends on developing capacity at the local level. Future capacity building efforts should focus on widening the base of associations that are active and working on community issues as they arise. In the future we can expect the role of NGOs to shift to conducting research and supporting community leaders with other more sophisticated skills.

Capacity of advocates and community leaders continues to be limited, although NGOs are beginning to focus more attention on this area. There have been instances in which a few local activists have lobbied at the national level, and communities have demonstrated in front of the National Assembly. Organized communities are increasingly able to mobilize around issues and even inform the press of events in their areas.

A positive example of community capacity building is in the urban sector. Organized urban poor communities are learning to lobby *khan* (district) authorities to improve infrastructure in the areas in which they live. The provision of technical assistance by groups like URC is an important factor in empowering organized communities.

### NGOs

A number of NGOs are becoming strong

A number of NGOs are becoming strong advocacy organizations, but most NGOs have not matured to the point where they can do strong advocacy.

advocacy organizations, but most NGOs have not matured to the point where they can do strong advocacy. Their primary concern remains with the development of their organization and programs.

Areas in which NGOs have developed some capacity include research, planning, networking and lobbying, though there is room for improvement. Lack of experience explains some easily made mistakes and advocates in Cambodia are quickly learning from these mistakes. For example, the various NGOs involved in the monitoring the widening of National Route 1 were not used to having different agencies working on the same issue. Some were doing monitoring for the Asia Development Bank and others were doing independent monitoring. It took some time for the NGOs to realize that each group had an important and separate role to play. Another example of shortsighted lobbying is in the case of the community fisheries lobbying, where lobbying efforts did not stay far enough ahead in the legislative process. Both types of mistakes are unlikely to be repeated by the organizations involved in these efforts and carry important lessons learned for other sectors.

There is a need for advocacy intermediaries and institutions that focus on policy formulation. Very few NGOs have this specialization and are better at collecting information from communities that is important for policy formulation.

## Networking

Civil society organizations in Cambodia have developed numerous networks, but most of these focus on information sharing and do not have action plans or advocacy agendas. The most effective networks are those that come together for special events and groups like the Human Rights Action Committee that meets to solve particularly challenging human rights cases.

Problems regarding networks include the difficulty in understanding when a network has outlived its usefulness, lack of coordination between networks, and lack of experience in building alliances. Critics of networks also cite the absence of community leaders at network meetings and failure to build in consultation with the constituencies that the networks represent.

Networking at the provincial level tends to be relatively strong, probably because NGOs gain a sense of solidarity from the meetings, there is a greater probability of informal interaction, and the

networks encounter difficult challenges that directly affect their work with communities. Network meetings tend to focus on information sharing, although there are occasionally examples of group advocacy, particularly among NGOs in Battambang. In one case of illegal land appropriation in Kompong Thom, NGOs successfully lobbied at the provincial and national levels to put a stop to violations.

There are a number of examples of Cambodian NGOs participating in regional and international networks, although most activities center on conferences and information exchange. It is only in a few isolated cases that NGOs from Cambodia have been able to advocate for change outside of the country, as in the aforementioned example of adding trafficking to the agenda of the ASEAN Confederation of Women's Associations.

NGOs in Cambodia are learning to work with international actors, such as garment companies, donors, and international networks and beginning to earn international recognition in the form of honorary awards, particularly in the field of human rights. At the same time, there are risks involved in international representation and NGO representatives need to be sure that they are well prepared and strategic when doing international lobbying, particularly in forums that affect the government, such as the annual Consultative Group meeting of donors on Cambodia that carries sufficient legitimacy for their recommendations.

It is important for civil society organizations to understand the central role of networking and to avoid limiting advocacy activities to their own programs or to participating in fragmented or weak networks. Without effective networks, it is impossible for NGOs to address larger problems that affect communities at the local level. Development organizations do not need to do advocacy themselves. By being a member of a strong network they can stay informed and lend legitimacy to an advocacy campaign.

Another important strategy is to build alliances with organizations that are working on different aspects or levels of a problem. For example in the case of land disputes, some agencies work at the grassroots level assisting communities with disputes, others provide legal assistance and yet others assist with the documentation of the problem. Once a change objective has been achieved, the network or alliance can disband. The strengthening of effective advocacy networks through specific activities like creating sectoral maps and an advocacy action plan can be considered an important strategy for agencies aiming to strengthen advocacy in Cambodia.

# influencing the legislative process

Yeng Virak's article on *Influencing the Legislative Process*<sup>1</sup> provides an overview of how laws are introduced into passed by Parliament. The article examines the case studies presented in this report to identify factors contributing to the success of civil society advocacy efforts as well as challenges encountered during the course of advocacy campaigns. This section summarizes the findings of the article.

Cambodia's recent transition from a socialist centrally planned economy to a market economy has required corresponding changes in the legal framework in order for the government to implement reform policies to rehabilitate and develop the country. The absence of laws and presence of outdated and poorly written laws are some of the root problems of arbitrary systems of governance and the cause of social, economic, and political injustice. In order to address this problem, civil society organizations in Cambodia advocate at the legislative level through advocacy campaigns. Lobbying is a key component of an advocacy campaign and encompasses a range of activities. By studying the experiences of civil society, it is possible to identify certain patterns in doing advocacy within the legislative process.

## Introducing Legislation

The Cambodian Constitution grants legislative power to propose, review, and pass legislation to the National Assembly and the Senate. Any member of the National Assembly or Senate may propose a law. A proposed law must be written, divided into articles, and accompanied by a statement of cause that explains why the law is needed. The proposed law is then forwarded to the appropriate commission (of which there are nine) for review. For example, the Commission on Home Affairs, National Defense, Investigation and Anti-Corruption reviewed a proposed law on the National Anti-Corruption Board. The parliamentarian who proposes the legislation has the right to present arguments to the concerned commission.

Additionally, the Royal Government is granted power to draft legislation and submit it to the National Assembly for review and enactment.

## Passing Legislation

Once a proposed law or draft law reaches a Commission of the National Assembly, the remaining steps are the same regardless of who proposed the law. The Commission has the option to forward the bill to the full Assembly. The commission may recommend that the full Assembly not consider the bill, request that the full Assembly decide whether to consider the bill, or to consider it on an "emergency" basis.

It is interesting to note that of over 140 legislative bills passed since 1993, *less than half a dozen* were introduced by parliamentarians. The remainder was introduced by line ministries and the Council of Ministers. Members of parliament have proposed a few laws, but their efforts have been relatively unsuccessful. Their proposed laws appear to be considered wanting, particularly with respect to legal technicalities and the implications of implementing the law. This is due to a large extent to the fact that the parliamentarians have insufficient capacity and resources. Given these statistics, it makes sense for advocates wishing to promote the passing of a law to first seek to influence the relevant line ministry and the Council of Ministers. Advocates that choose to assist parliamentarians introduce a law will need to provide them with legal and technical assistance.

## Transparency

In a democracy, with very few exceptions, lawmaking is a process carried out in public. Legislative sessions are generally open for all to observe, including discussions of proposed laws and voting by parliamentarians. Legally, the same is true in Cambodia. Interested persons are allowed to observe sessions of Parliament. However, observing parliamentary sessions and officials voting on proposed legislation does not allow citizens to affect changes proposed or draft legislation. Therefore, effective participation of civil society in the legislative process needs to begin at a much earlier stage of the legislative process.

## Proactive and Reactive Approaches to Lobbying

NGOs may take a proactive or reactive approach when advocating on the legislative process. The proactive approach occurs when advocating agencies have as their main mission advocacy on a particular piece of legislation. In such cases they usually have specific change objectives and resources are allocated towards reaching those objectives. Examples of proactive approaches include initiatives by women's NGOs to introduce a domestic violence law and update the existing family law.

The reactive approach has been used when advocates have not been programmatically and financially prepared for advocacy on a particular law because a particular bill was drafted quickly or in a closed process that NGOs were not aware of. This situation creates certain disadvantages to the advocacy campaign, including limited access to resources due to lack of planning. Unfortunately, much of the advocacy that NGOs have done in the last decade has been reactive, though as Cambodian advocates gain experience they are learning how to gain access to and influence the legislative process at an earlier stage.

## Advocacy Strategies

Strategies used by advocates to influence the legislative process are basically the same as those for all advocates. Information collected through research and documentation provides critical arguments for advocates and lawmakers alike. While in some cases legislators may actually not be aware of a problem, in most cases they simply do not have resources to conduct studies and demonstrate the degree of a problem.

Establishing personal contacts with decision makers and engaging them in a campaign is another important strategy for advocates. Engaging decision makers means helping them to understand issues, imparting them with the belief that it is within their mandate to influence legislation, and providing them with information needed to further support their arguments for change. Once decision-makers have been engaged, advocates need to provide them with opportunities to get a first-hand view of issues through site visits or contact with affected stakeholders.

Another effective advocacy strategy is lobbying the ministry most relevant to a particular piece of legislation. Being able to give inputs to a draft law at the ministerial level is critical to ensure that issues of concern to the public are reflected in the draft. Successful advocates work with line ministries at different stages and assist them to accomplish their mandated function. The more

ownership the ministry has of the draft law that does not include the voice of the people through a consultative process, the harder it will be to advocate for it. One strategy is to let the ministry take credit for the drafting or technical work even though much of it could have come from civil society. The ultimate objective is to make the ministry or technical department an advocate for the law.

## Campaigning After Submission of Draft Legislation

Being able to get modified or new legislation drafted or proposed is a significant achievement, but it is only one of many steps in this type of advocacy campaign. Advocates need to continue efforts to ensure that the final version of the legislation contains what they feel is needed, and that this version will be promulgated.

Enacted legislation usually delegates responsibility to the executive branch, i.e. the Royal Government of Cambodia, to pass regulations that detail implementation of the law, as the legislative branch does not have the time, resources, or required expertise to specify how laws should be implemented. Regulations issued by the government also constitute law and include:

- sub-decrees (*anu kret*);
- proclamations (*prakas*);
- decisions (*sach k'dei samrach*); and
- circulars (*sarachors*).

With the exception of the Community Fisheries Sub-decree, the advocacy campaigns examined in the attached case studies focus solely on laws passed by Parliament. Less attention has been paid to executive regulations, which often enumerate the most important aspects of a law.

Therefore, campaign efforts should not cease simply because legislation is passed. Efforts must extend beyond enactment and be closely involved with the implementation of the law as well. For instance, the new Land Law requires the passing of a dozen subsequent sub-decrees that are essential to implementation. This presents a challenge for civil society organizations to closely monitor the development of the sub-decrees as well and to advocate for participation in the drafting of those regulations.

## Factors Contributing to Satisfactory Outcomes

Establishing good relations with a ministry is perhaps the most important factor in achieving a successful outcome to advocacy efforts. Other factors include lobbying parliamentarians through

informal contacts and being able to correctly identify the influential figures in the various government bodies. Popular action, for example demonstrations to protest land disputes and labor disputes, lends weight and legitimacy to advocacy efforts. Finally, good coordination and understanding between NGOs and IOs are also cited as factors that contribute to successful campaigns.

## Obstacles to Success

The pervasive reluctance by government officials to open up the legislative process to include civil society organizations represents the most difficult obstacle encountered by advocates. Lack of legal technical skills is also a hindrance. Translation of drafts has also been cited as an obstacle in achieving agreement between stakeholders on a number of legislative bills, as was the case with the Land Law.

## Conclusion

Yeng Virak concludes that in most cases legislative lobbying has not resulted in satisfactory outcomes, i.e., in sound laws that mitigate negative impact. However, some change objectives have been reached. Achievements made by civil society organizations in their advocacy efforts have centered primarily on education of stakeholders about the process and enlarging the democratic space. Advocates are gaining experience and building their advocacy skills while implementing advocacy campaigns on various laws.

During the course of this research it became apparent that NGOs need to develop their capacity to influence lawmakers during the legislative process and apply pressure on the government to make the process of passing legislation and regulations transparent and participatory. The need for consultative procedures looms large and the country would benefit from institutionalizing processes that enable and ensure public participation in politics. Along these lines, Yeng Virak suggests institutionalization of a two-hearing process for every piece of legislation introduced. This would require that hearings take place both at the executive level and at the legislative level, in which the public could participate and provide input.

### Footnotes

*1 Copies of the full article *Influencing the Legislative Process* are available at Pact. The article goes in depth regarding examples of civil society working closely on legislative issues. For a diagram and explanation of the Cambodian legislative process, see next page.*

Important issues to consider when trying to influence the legislative process:

- Issues should be identified using different methods such as surveys and case studies, and research should identify articles being violated in order to build an argument for change.
- Reports should always be made available in Khmer.
- Campaigns should communicate issues to a larger group of stakeholders and enable people to become effective advocates themselves.
- There is a need to build coalitions and avoid overlapping of advocacy efforts.
- Advocates need to understand the legislative process clearly.
- At the legislative level, advocates need to stay one step ahead of the draft law.
- Advocates need to continue their efforts after laws are passed, as the executive branch may issue sub-decrees soon after enactment which should also be monitored. Monitoring of enforcement should also be included as part of the advocacy effort.

## Explanatory Note on the Legislative Process Chart

### I. Drafting or Proposing a Law

#### a. Draft Law Prepared by the Executive Branch

1. Concerned ministry (its legislative working group, relevant department) of the RGC initiates drafting of a particular piece of legislation. (**Note:** different versions of the draft may be sent back and forth between the relevant department and the ministry (legislative working group). When the draft is ready, the ministry submits the draft legislation to Council of Jurists of the Council of Ministers.

2. The Council of Jurists examines the draft legislation submitted by the concerned ministry. (**Note:** the draft may be sent back and forth between the Council of Jurists and the concerned ministry).

3. Inter-Ministerial Committee discusses the draft legislation where the head of concerned ministry (usually the Minister or Secretary of State) is invited to report the draft.

4. The Council of Ministers reviews and approves the draft law, then submits it and a statement of cause to the Permanent Standing Committee of the National Assembly and all representatives.

#### b. Proposed Law by the Legislative Branch (MPs and Senators):

5. NA Members can propose legislation. According to Chapter six of the Internal Rules of the National Assembly, any member of the National Assembly may propose a law, called "Proposed Law." A proposed law must be written, divided into articles, and accompanied by a statement of cause explaining why the proposed law is needed. The proposed law is forwarded to the appropriate commission for review. The parliamentarian(s) who proposes legislation has the right to report to the concerned commission.

6. According to Chapter six of the Internal Rules of the Senate, Senators can propose legislation. After the relevant technical commission makes recommendations/inputs, the Permanent Standing Commission of the Senate sends the proposed law to the National Assembly.

### II. Passage of Legislation

7. The National Assembly debates and adopts the draft/proposed legislation:

7.1. The Commission of Permanent Standing Committee reviews the draft law or proposed law and forwards it to the appropriate commission.

7.2. Once a proposed law or draft law reaches a Commission of the National Assembly, the

remaining steps are the same regardless of who drafted or proposed the law. After the Commission receives a proposal or a draft, Chapter six of the Internal Rules of the National Assembly provides three options. The Commission may:

- Recommend that the full Assembly not consider the legislation.

- Request that the full Assembly decide whether to consider the legislation.

- Request that the full Assembly consider the legislation on an "emergency" basis.

7.3. The NA adopts the draft/proposed legislation and submits it to the Senate for a review.

8. The Senate reviews the adopted law by the NA:

8.1. The Commission of Permanent Standing Committee reviews the draft/proposed law and forwards it to the appropriate commission.

8.2. Once a proposed law or draft law reaches a Commission of the Senate, the remaining steps are the same regardless of who drafted or proposed the law (like 7.2). After the Commission receives a proposal or a draft, Chapter six of the Internal Rules of the Senate provides three options, the Commission may:

- Recommend that the full Assembly not consider the legislation.

- Request that the full Assembly decide whether to consider the legislation.

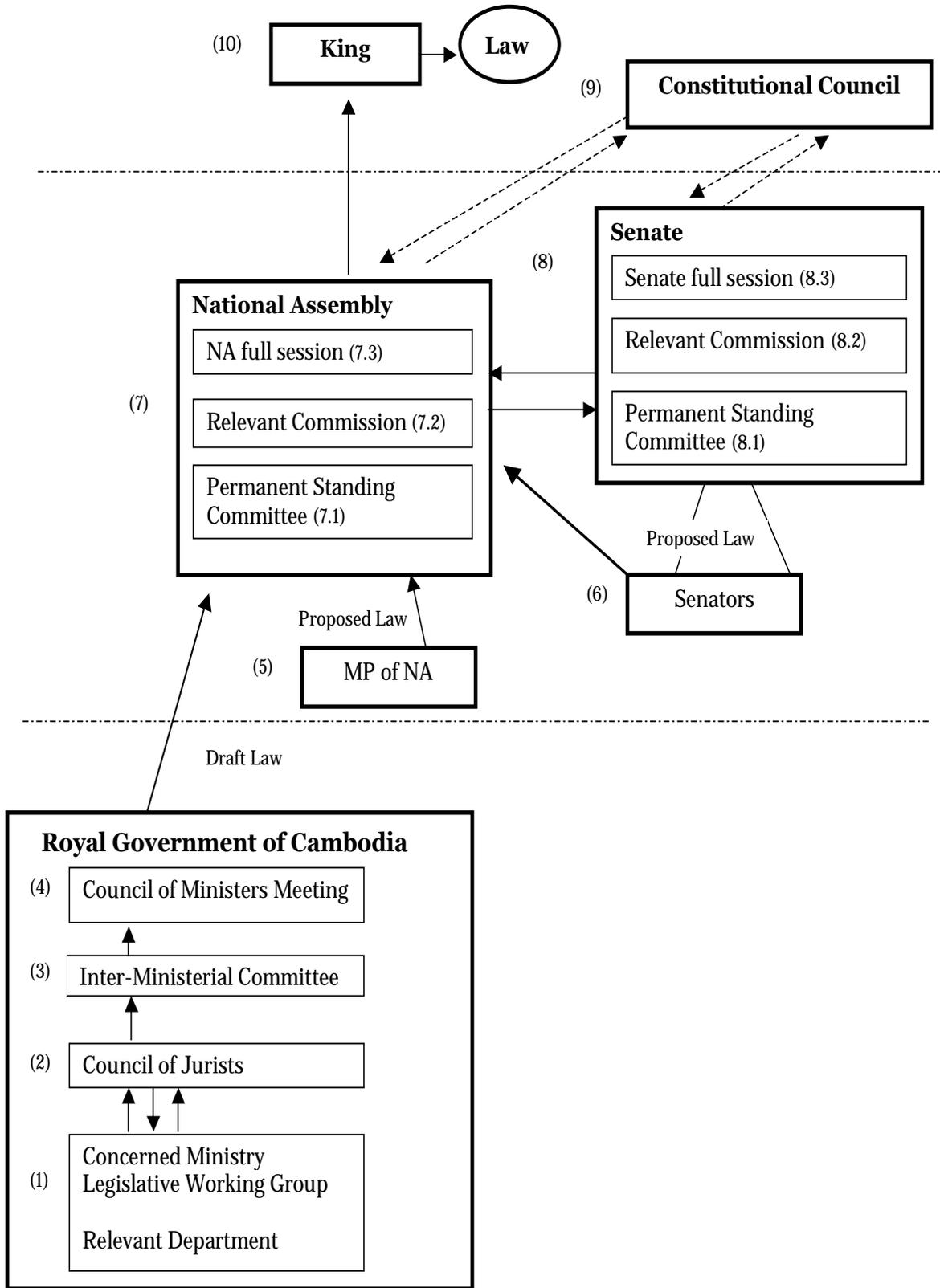
- Request that the full Assembly consider the legislation on an "emergency" basis.

8.3. The Senate reviews and adopts the draft/proposed law. (**Note:** The Senate may send its recommendations to the National Assembly and ask it to reconsider the draft/proposed law. The NA can still adopt it again and submit it to the King for promulgation.)

9. The Constitutional Council has the power to exercise its constitutionally mandated authority to interpret whether a law passed by the National Assembly and fully reviewed by the Senate is constitutional. Proposed or draft laws are unacceptable if they aim to reduce public assets or increase the burden on citizens. (**Note:** Before adopting a law, the National Assembly and the Senate may request the Constitutional Council to review the draft. However, in cases of organic laws and Internal rules of the National Assembly and the Senate, the National Assembly and the Senate shall request the Constitutional Council to review constitutionality of the proposed or draft organic law before passing it).

10. The National Assembly submits the adopted law to the King for promulgation and the King signs a Royal Decree to promulgate the adopted law. The adopted law becomes law subject to enforcement.

### CHART OF LEGISLATIVE PROCESS



# courting the media

The media campaign – the development of a media message, its presentation, and the identification and targeting of specific audiences – plays an important role in generating support for and sometimes *against* a cause.

As mentioned in the introduction of this report, one of the aims of advocacy is to draw the attention of policymakers and the general public to a cause and generate sympathy for it. The media campaign – the development of a media message, its presentation, and the identification and targeting of specific audiences – plays an important role in generating support for and sometimes *against* a cause. For centuries, “traditional media” referred to the printed word – newspapers, books and magazines. But rapid development of technology in the late-20<sup>th</sup> century – radio, television, and the Internet – has greatly expanded the reach of the media and increased the use of images to convey messages.

## Overview of the Cambodian Media

According to a report published by SIDA and Forum Syd in May 2000 entitled *Trapped in the Past, Seeking Out a Future: A Study on the Cambodian Media Sector*, the Cambodian media is small and suffers from a general lack of resources, including adequate training for journalists, updated technology, institutional policies, and structures promoting diversity and independence. In addition, there is a limited number of media consumers and a limited level of disposable income in the country. As a result, few companies invest in advertising and salaries for journalists are low. This discourages skilled individuals from entering the industry.

The television media is linked to the government or the Cambodian People’s Party and focuses mainly on entertainment instead of information. It has little emphasis on public service and does not reach the public in the rural areas. Similarly, radio stations also often lack independence from political parties and offer more entertainment than education. Even so, radio is an important means of reaching the public and some radio stations are beginning to reach the provinces, where coverage has been minimal.

Although newspapers can occasionally be shut down or threatened for political reasons, the print media does tend to enjoy relative freedom of expression. There are over 200 licensed

newspapers and magazines. Khmer newspapers, such as *Koh Santepheap* and *Rasmey Kampuchea*, are increasingly the first to cover a story, which subsequently appears in an English language paper. As with television and radio however, print media in the provinces is still scarce.

## Strategies Used by Advocates

Civil society organizations working in sectors reviewed in this report are currently using a variety of media strategies, an indication that the sectors are becoming more mature. Some of the most common strategies include distribution of press releases, establishment of relations with reporters, and invitation of broadcast and print media representatives at events. A small number of organizations also employ more sophisticated strategies such as training reporters on sector-related issues, taking them on field trips, and setting up Internet websites.

## Press Releases and Press Conferences

The most common media strategies being used by NGOs in Cambodia today are press releases and press conferences. Press releases are one-page summaries with a few important pieces of information that organizations distribute to newspapers and broadcast stations to publicize an event or situation. The objective is to get the media to print or broadcast the information so that it can be spread to a wider audience. Press releases are often used as a way to get journalists to attend an event, such as a conference or demonstration. Press conferences are similar to press releases in that journalists are invited to receive similar information about an event or situation. Press conferences have the added benefit of providing journalists with an opportunity to interact with speakers directly.

During the lobbying of the Commune Council Election Law, EMOs prepared regular press releases to express their dissatisfaction with the legislative process and to report the findings of their public polls. EMO representatives acknowledge that their media strategy generated

considerable public attention, but not quite enough public pressure that the government felt it had to take action. EMOs learned a number of lessons during that campaign and in the future expect to build on the public recognition that was generated.

Press releases need to be issued as quickly as possible after an important event has occurred, a fact that sometimes precludes consensus building. During CCEL lobbying for example, EMOs tried to get approval from all of their members before issuing every press release. The approval process sometimes took as long as two weeks however, by which time any window of opportunity to have a major impact on the public was lost. EMOs learned from this experience that responsibility for approving press releases needed to be assigned to a limited number of organizations in order to get them out quickly.

Press conferences are useful for generating short-term attention, but they are ineffective when not accompanied by other activities. Urban development organizations learned this during the Tonle Bassac fires. Although they organized a successful press conference to protest the Municipality's policy of relocating fire victims, the group was not successful in changing that policy. In retrospect, urban development leaders believe that a lack of unity among urban organizations was one of the factors that lead to a failed outcome, and that increased media attention would not have rectified the problem.

### Establishing Working Relations with Journalists

The media's presence at an event has a direct effect on government behavior: when their words are being recorded in print or on videotape, officials know that they must be more restrained



*The NGO Forum's environmental working group organized a field trip to Ansachambok, Pursat province for journalists and NGO staff. The purpose of the trip was to visit an example of a healthy forest.*

in their reactions and more careful about promises they make as they may be asked to account for them in the future. Civil society organizations in Cambodia have clearly understood this relationship and as a result have made efforts to develop good working relationships with journalists and newspaper editors.

For example, urban advocacy groups have learned that Municipal authorities do not appreciate front-page pictures of local officials tearing down street vendor shacks in unplanned evacuations. For this reason, staff from some urban groups keep a list of journalists' telephone numbers so that they can contact them when a situation that requires public attention arises.

Interestingly, community leaders and urban community associations that are organized by urban development groups are also learning the importance of keeping in touch with the press. In one example, a local urban community was unsuccessful in its efforts to obtain authorization to build a child care center in a squatter area. In the face of official intransigence, community leaders built the center in one night and invited journalists the following day to attend the opening ceremony. Given the public attention, local authorities were reluctant to tear the structure down.

### Building Capacity of Journalists

As lack of technical skills is cited as one of the reasons for the mediocre status of the Cambodian press, building capacity of journalists should play an important part of any advocacy strategy. More and more organizations are beginning to include training of journalists as part of their media strategy. This strategy is very important because it provides journalists with the technical information and skills they need to write about an issue in an informed manner and helps to stimulate their professional interest in the issue.

For example, the NGO CRC organized a workshop for the press on the UN Convention of the Rights of the Child and is planning a second workshop as well. Similarly, the HACC has organized two workshops for members of the print and broadcast press. One of the EMOs held a workshop on commune elections for journalists, to explain and highlight the non-partisan aspect of their advocacy campaign.

Capacity building of journalists does not necessarily have to be in a formal setting however. For example, fisheries advocates took journalists on a field trip to remote areas so that they could gain a

better understanding of fisheries conflicts. As the field trip lasted four days, NGO staff had ample opportunity to establish good relations with the journalists.

### Disseminating Reliable Information

Advocacy campaigns depend to a great extent on credible sources disseminating reliable information in order to change existing public perceptions about a problem. Information needs to be collected before it can be disseminated however, and given their links to grassroots

communities and extensive networks, civil society organizations are well placed to learn about problems and collect information that other actors may not be in a position to collect.

As mentioned previously, surveys conducted by women's organizations since the mid-1990s have been critical in publicizing the country's domestic violence problem. More

recently, the publication *Feast or Famine*, prepared by a consortium of fisheries advocates, articulates difficult fisheries management problems that Cambodia is currently experiencing, and provides compelling arguments for change in the fisheries sector. These types of high quality research publications, however, continue to be relatively rare.

As elsewhere in the world, the Internet continues to gain significance and presents an important avenue for disseminating information. The Documentation Center of Cambodia has an excellent webpage, as does the NGO Forum on Cambodia. These webpages tend to be used mostly by readers abroad however, who are seeking information about Cambodia. Within the country, limited access to computers and low speed connections limit the usefulness of this strategy.

### Analysis of Media Activities

Use of the media as an advocacy strategy in Cambodia is considerably limited by the current state of the media industry itself. The objectivity of the local printed press is generally put in question, although various training programs have worked or are currently working to increase reporters' skills and promote a culture of reporting ethics. Other obstacles include the limited literacy of the majority of the population, which does not

have the luxury of demanding better performance from the press, as well as a scarcity of advertising revenue. Finally, because of the limited interest and capacity of the print and broadcast media, most media messages related to advocacy campaigns tend to be self-produced (i.e. HIV advocates write HIV messages).

While use of the media as an advocacy strategy is growing, very few of the organizations and networks interviewed have developed a genuine media strategy that includes regular contact with the press. Exceptions include the NGO Forum and COMFREL. In these cases, expatriate technical assistance has played a role in building this capacity. In the case of COMFREL, the Asia Foundation provided a media advisor during the election period, while the NGO Forum had an information advisor on staff for a number of years.

Although the dissemination of information for policy purposes remains limited, civil society organizations are learning to use the media for public education purposes. For example, the Women's Media Center has acquired the capacity to develop media messages that are very effective in targeting grassroots audiences.

Use of the media to draw attention to a problem and restrain government (or other) action – as in the case of the child care center built overnight in a squatter area – continues to be limited to urban areas for two main reasons. First, it is only in urban areas that a sufficient number of people's attention can be drawn to a situation that then makes actors reluctant to take controversial action. Second, advocates likely feel safer using this kind of strategy in urban areas than in rural areas, where they are less protected.

Because it is a popular form of entertainment (particularly in rural areas), radio broadcasts appear to be getting more attention from advocates. A number of NGOs have broadcast messages on Radio Free Asia, for example.

For now, the majority of media advocacy targets the foreign language press, but not necessarily the local language press. A major reason cited for avoidance of the Khmer press is the fee that NGOs are charged in order to get their stories printed. For example, one provincial NGO stated that it is reluctant to approach reporters from Khmer language papers because those reporters usually charge \$5 to publish articles. Furthermore, when articles are critical of provincial public officials, reporters sometimes suppress the articles in exchange for compensation from the official. Sadly, as long as newspapers find themselves with limited advertising revenue, this situation is unlikely to change.

While use of the media as an advocacy strategy is growing, very few of the organizations and networks interviewed have developed a genuine media strategy that includes regular contact with the press.

# Lessons Learned

Advocates have learned numerous lessons from their experiences over the last few years. Some important lessons that stand out include:

***Make sure the campaign has some degree of popular support.*** Without popular support, politicians will not take issues seriously (and may even encourage advocates to waste their energy and resources) as they know that their political futures will not be affected by their lack of support for campaign issues.

***Start lobbying early.*** The earlier NGOs can get input into a new or modified law, the better the chances that comments will be incorporated. Advocates who start lobbying when a draft is sent to the Council of Ministers are bound to be unsuccessful in their efforts because they are entering too late in the process.

***Identify advocates within the government.*** When an official is not well disposed towards an issue and discussions come to a standstill, advocates should identify other key people who are willing to listen to their arguments.

***Be prepared to deflect common delay tactics.***

These include:

- Placing blame on a supervisor or declaring they do not have the power to take action (*response: Use multi-level approach, consider working or targeting a different government department*);
- Asking plaintiffs to collect more

information regarding a complaint or making them responsible for accomplishing the next step (*response: Make sure that you have completed your research before making the complaint so that you have answers to all questions*);

- Causing tension between plaintiffs (*response: Understand whom the plaintiffs are, how far they can stay in a campaign, and the kinds of pressures that might be placed on them. Maintain strong vision and good communication with plaintiffs*);

- Giving assurances of taking action, when no action is actually taking place (*response: If they agree to take action, identify next steps to be taken and track progress closely so as to be immediately aware when delays occur*).

***Keep extra copies of legal documents available for distribution.***

Private sector actors also use delay tactics. For example, it is not uncommon for owners of private fishing concessions to claim that they have not been informed of a sub-decree or other regulation.

***Be aware that all decisions are made prior to big meetings.*** Therefore, lobbying needs to take place well in advance of important decision-making meetings.

***Maintain good coordination among advocates.***

In order to avoid weakening a coalition's solidarity and potentially undermining a campaign, it is important to build a common vision and identify constraints that may affect the long-term dedication of coalition members.

# best practices

During the course of this study a number of strategies stood out as best practices in the Cambodian context:

## Set Objectives:

When lobbying on the Commune Council Election Law, election monitoring coalitions narrowed their focus to three clear objectives, with one fallback position. Many advocacy campaigns in Cambodia do not have specific objectives or have too many.

## Engage in Consultation:

Obtaining legislative grassroots consultation is not easy in Cambodia. The fisheries network achieved this goal by using a dual approach that included supporting the Department of Fisheries while working with local communities to get their input into policies. It was particularly challenging to integrate the comments of fishing representatives who often have short-term objectives in mind, but in the end all parties were pleased with the process.

## Document:

Starting in 1994, PADV and the Ministry of Women's Affairs collaborated on a series of research projects that helped identify domestic violence as a problem in Cambodia. Thanks to this research it was possible for advocates to argue successfully for a domestic violence law.

## Educate:

The NGO Forum's forestry network focuses on educating villagers living on forest concession lands about their rights. Distribution of information about the 1988 Cambodia law banning the felling of resin trees currently being tapped by villagers helped villagers disrupt illegal tree cutting activities.

## Network:

This year the Cambodian Confederation of Women's Organizations successfully lobbied to add 'trafficking of women' to the agenda of the ASEAN Confederation of Women's Organizations annual general meeting, to be held in Singapore in June 2002.

## Understand the Legislative Process:

When proponents of the domestic violence law wanted to mobilize support for their draft legislation they invited members of the National Assembly and key figures from the Council of Ministers to give their input. When the draft law is eventually forwarded to those institutions, they will find ready supporters there.

## Have a Long-Term Approach:

Advocates should keep the long-term aspect of advocacy in mind to avoid giving up too soon on an issue. This means distributing tasks and using resources carefully to avoid exhausting personnel and deflating morale. It also means being flexible and having backup strategies for when obstacles are encountered. The Commune Council Election Law lobbying exhibited many of these characteristics.

# recommendations

The following are recommendations for strengthening advocacy efforts in Cambodia:

## Make Public Information Public

Advocacy in Cambodia will be strengthened by activities that increase public access to information about individual rights and the responsibilities of officials. Information about rights gives ordinary citizens courage to defend those rights. Clarifying what is expected of officials paves the way for promoting government accountability. Keeping communities informed has an important empowering effect. Examples of information that, when accessed by villagers at the local level could dramatically impact their lives, include:

- prohibition of felling resin trees currently being tapped by villagers;
- rights of women with regards to domestic violence and divorce;
- auctioning of fishing concessions;
- obtaining land titles;
- successful strategies for approaching government with complaints.

Information dissemination activities should focus on coordination and efficiency in order to reach the widest possible audience. Currently dozens of NGOs produce publications but these have very small circulations and aim more to promote the NGO than to provide advocacy news. A simple method that donors can use to help NGOs become more effective in this area is simply to *not* fund individual weak publications but rather dedicate resources to include outreach of publications that effectively increase democratic space, transparency, accountability, and participation by citizens in government decision-making.

## Advocate the Adoption of Standard Guidelines on the Consultative Process for All Legislation

Civil society organizations should launch a campaign to advocate for the adoption of enforceable government guidelines on a consultative process for all new and modified legislation. Guidelines will increase transparency

and ensure that laws and sub-decrees promote the interests of the majority of the people and not those of a small interest group. Such procedures should be standardized for all government agencies and include specific timeframes for consultation at each stage of legislative review (department, ministry, Council of Ministers, National Assembly). The procedures should explicitly mandate that government agencies *actively* seek consultation and guidelines should be widely distributed to civil society organizations.

Guidelines should legislate public consultation for sub-decrees and circulars, as the laws themselves tend to relegate responsibility for many points to the sub-decrees. At this time the consultative process is uneven from ministry to ministry and the process is not transparent. Draft laws, sub-decrees, and circulars are often not distributed openly to civil society groups that are then forced to obtain copies covertly through personal contacts. The current situation undermines the democratic process and serves to divide civil society organizations.

As this report indicates, government transparency and accountability are basic requirements for successful advocacy. Yet there has never been a concerted NGO effort to get government to open up any formal process to civil society consultation in order to benefit the people of Cambodia. NGOs that profess themselves to be advocates can best fulfill their responsibilities by organizing a concerted NGO campaign to open up the legislative process to public scrutiny.

## Conduct Sectoral Mapping and Prepare Sectoral Advocacy Plans

To strengthen advocacy in the various sectors, advocates should articulate the current situation in the country for their sector, identify advocacy activities within Cambodia and abroad, and identify gaps that are not currently being addressed. The purpose of this activity would be to help advocates develop a sense of where they fit into the larger advocacy picture.

Sectors that have numerous networks, such as the women's movement, need to develop a way to streamline their structure to make it more

efficient and avoid overtaxing network members. It should be possible for agencies that feel strongly independent or that disagree with other agencies' philosophies to participate if they have the best interest of the Cambodian people in mind.

In order to move their advocacy agendas forward, actors from some of the less-coordinated sectors should meet to put together a long-term advocacy approach with short-term and long-term objectives. These objectives should be revisited on a regular basis and adjusted as needed. To maximize efficiency, sectoral leaders should identify opportunities to link these exercises to preparation of the annual Consultative Group (CG) report prepared by NGOs.

### **Promote Cross-Sector Communication**

Advocacy leaders interviewed for this report are accumulating a vast amount of experience. However, because they work in different sectors they usually do not know each other. Bringing these activists together for some event, possibly a yearly national advocacy conference, will facilitate sharing of experiences and encourage leaders working on difficult issues. Such an event would allow local activists to broaden their horizons in the same manner that the 1999 gender conference brought two hundred women from all backgrounds together.

Another cross-sectoral activity could be a workshop on legislative lobbying. Various groups working on legislative issues have expressed the need to learn more about lobbying techniques. Advocates going through the legislative process for the first time are often unsure of what their next steps should be and would benefit from exchanging experiences with others who have extensive experience in lobbying.

### **Increase Grassroots Participation in Agenda Selection and Policy Formulation**

Advocating organizations should follow the community fisheries campaign's example and take every opportunity to include local activists in networks and policy formulation activities. This will increase the advocacy capacity of ordinary citizens and ensure that advocacy campaigns are relevant and responsive.

### **Foster Government Authorities as Advocates**

The most successful advocacy strategies focus on developing constructive relationships with government. Elected officials represent a constituency. Capacity building of government officials in advocacy within government would be

useful to instill a sense of responsibility and accountability.

As elected representatives, the new commune council members will be the advocacy targets of ordinary citizens and will in turn advocate for their constituencies with higher levels of government. With access to information and increased advocacy skills, the commune councils may act as conciliators to mitigate conflict at the local level.

### **Build Capacity: Include Exposure Tours and Tie In to Ongoing Campaigns**

To be effective, advocacy capacity building programs need to be conducted within the context of an issue. Exposure visits allow participants to observe advocacy in action. Exposure tours should have a mechanism built in to process lessons learned from the tour.

### **Focus on Economic and Social Issues**

The majority of advocacy efforts have focused on rights issues. While these are doubtlessly important, these advocacy campaigns have not been based on popular support but rather have been sustained by organizations. However, there are other important advocacy issues that are more likely to receive popular support because they are organized around interest groups.

Examples of interest groups include market vendors (who deal with market monopolies), taxi drivers (who pay unofficial fees to transport riders), and meat sellers (who are required to sell their products to particular slaughterhouses, ostensibly so that they can be inspected, though inspections are rare). These groups would benefit from information about current laws and their rights to not be abused by local officials levying unofficial 'taxes.' Larger economic issues could include trade policies and the implications these policies have on people at the local level.

### **Build Advocacy Capacity Beyond Leaders**

Currently advocacy capacity appears to reside mainly with a few leaders. To ensure sustainability, future advocacy capacity building efforts should focus on building capacity beyond these advocate leaders to NGO program officers, for example.

Likewise, government officials could use capacity building in drafting successful legislation. This would include strategies for including the needs of their constituencies in proposed legislation, providing technical expertise in line ministries to provide cogent arguments that are rooted in empirical data, and methods for following legislation through to implementation.

# conclusion

Outside of human rights issues, few advocacy activities were being conducted prior to 1995. The wide range of ongoing campaigns and strategies identified during the course of this study indicate that advocacy in Cambodia is gradually accumulating experience and gaining ground, though development of advocacy capacity has been uneven according to sector. Some sectors have elaborated clear objectives and action plans, while others are still in a 'networking to exchange information' phase. The presence of a facilitating organization is a positive factor in assisting the actors in a sector to identify and collaborate on advocacy issues.

The most effective advocacy strategies used to date include disseminating relevant information to target communities, documenting problems through research and publications, and providing opportunities for engagement and consultation between communities, NGOs, and policy makers. While impact of these strategies is difficult to assess, advocates are beginning to assert the right of civil society organizations to engage in policy formulation.

In many cases, limitations to successful campaigns include a lack of a popular base to identify issues, mobilize support, and bring legitimacy to advocacy campaigns. Thus far, advocacy in Cambodia has relied heavily on donor conditionality to provide civil society organizations access to the policy-making dialogue. While some view this as a negative factor, it is this influence that has provided a protective environment for advocacy to grow. The focus in the future will need to be on allowing advocacy in Cambodia to mature beyond dependence on international entities.

Major recommendations of this report relate to increasing transparency in policy formulation by making public information public and establishing standard guidelines on the consultative process for all legislation. Within the civil society sector, advocacy objectives will be advanced if NGOs within each sector come together to establish common advocacy goals and if advocacy leaders from different sectors have a chance to exchange experiences. Advocacy can only become sustainable if NGOs increase grassroots participation in agenda selection and policy formulation. The capacity building of government officials, and in particular the new Commune Councils, as advocates offers opportunities to involve authorities as essential partners in the advocacy effort.

This research illuminates some of the major issues relating to advocacy in Cambodia. Advocacy is a crosscutting issue important to all sectors, and civil society understands well the importance of government policy formulation in poverty alleviation. As the civil society sector continues to mature, more NGOs will see the importance of coordinating closely with government to infuse the legislative process with consultative procedures that benefit the citizens of Cambodia.

# fisheries

The fisheries industry provides employment to over two million people and supplies over 75% of Cambodia's animal protein needs.

## Overview of Advocacy Activities

Cambodia currently has the world's fourth largest freshwater fisheries industry, with annual production averaging between three and four hundred thousand tons of fish per year. This industry provides employment to over two million people and supplies over 75% of the country's animal protein needs. According to an Oxfam Great Britain study, 20% of Cambodia's rural population depends on fisheries.

## Legislation

The fisheries industry in Cambodia is currently administered under the Fiat Law of the State of Cambodia dated 9.3.1987. This law defines three types of fishing:

- large-scale commercial fishing, administered through concessions that are, in principle, awarded through public auctions;
- medium-scale fishing, in which licenses are awarded and license holders pay a tax to the Department of Fisheries according to the size of the fishing gear and the horse power of the boat; and
- small-scale family fishing, which can take place any time except in protected areas and in fishing lots during the closed season (October to June).

While legally sound, the current fishing law is outdated in its references to solidarity groups and state-owned lots, and is generally lacking in details. The small-scale fishing category is considered impractical by a number of development workers because it limits families to subsistence fishing and thereby does not allow them to fish using sustainable practices to improve the quality of their lives.

## Fishing Disputes Draw Attention

Since the move to a market economy began in 1989, the government has been commercializing freshwater fisheries to generate national revenues. As a result, the area reserved for fishing concessions has increased significantly. Although technically public, the process of awarding concessions is not transparent and no information is disseminated to villagers. As a result, an increasing number of fishing communities have been barred access to traditional fishing grounds, representing a severe threat to their livelihood. Not surprisingly, the number of reported fishing disputes increased in the mid-1990s, in the same way that land disputes increased.

In 1999, the NGO Forum, a network with a current membership of 62 organizations, formed an environmental working group that met on a regular basis to discuss natural resource issues. In December of that year, the NGO Aphiwat Sitrey brought a fisheries dispute case (which had occurred in Battambang and resulted in a shooting), to the attention of the working group. Aphiwat Sitrey asked the network for assistance in resolving the case. When a representative from the Mekong River Commission made a presentation to the working group on the overall situation of fisheries in Cambodia and brought up similar problems, the decision was made to give fisheries disputes further consideration. A smaller, fisheries working group was formed and interested actors were invited to discuss cases.

In February 2000, the newly formed network organized a public forum in Battambang to discuss fishing disputes. Deputy Prime Minister Sar Kheng and the Minister of Agriculture attended the meeting, as did parliamentarians, provincial and local authorities, department officials, and concerned communities members. At the

conclusion of the forum, the government promised to address the issue and allocate fishing areas to the community concerned. However, government officials indicated it would be necessary to conduct a study first.

The study was conducted, but its results were considered unsatisfactory by the NGO community due to the lack of resources used in conducting the study such as appropriate equipment to map lots. Oxfam GB provided the provincial Department of Fisheries (DoF) in Battambang with a \$1,000 grant to conduct a study, which was later entitled *Mini Case #1: All Our Livelihoods Are Dead*. The resultant study indicated that lot areas would indeed be turned over to communities, but that the lots suggested were inappropriate because they had no fish in them in the dry season.

Following the public forum, local NGOs in Battambang formed a smaller provincial fisheries network. Members included Krom Aphiwat Phum, Village Support Group, Aphiwat Sitrey, Chivit Thmey, KNCED, CFDS, and LEUCINA.

Meanwhile, in Phnom Penh, the fisheries working group met to discuss follow-up activities. A case study of the Battambang dispute was prepared and distributed to NGOs, government staff, and donors. The DoF, however, did not appreciate the report, which it perceived as being critical of the DoF. The purpose of the report was to disseminate information while encouraging network members to report back on any other similar disputes in their areas. A presentation was made to the environment working group. As many participants had cases to add to the discussion, the working group decided to document other cases in Stung Treng, Kompong Chhnang, and Kompong Thom. The NGO Forum, which published the case studies, has been progressively improving them. The Kompong Thom report produced in July 2001 provides an excellent example of documenting a case and identifying which laws have been violated.

Since 1989, the government has been commercializing freshwater fisheries and the area reserved for fishing concessions has increased significantly. As a result, an increasing number of fishing communities have been barred access to traditional fishing grounds, representing a severe threat to their livelihood.

As the number of disputes reported increased, the NGO Forum decided to organize provincial fisheries workshops to discuss fisheries management starting in October 2000. These were conducted in Battambang, Kompong Cham, Pursat, Kompong Thom, Kompong Chhnang, Kratie, Stung Treng, and Kompong Som (for the three coastal provinces of Kompong Som, Kampot, and Koh Kong).

Representatives of fishing communities and NGOs were then invited to attend a national workshop on fisheries management in Phnom Penh held in December 2000. The workshop was organized by Wetlands International for the DoF and funded by Oxfam America. Oxfam's support made it possible for NGOs to request that non-government staff and community members be included; had it not been for this, it is unlikely that the DoF would have invited them. The workshop proved to be a challenge for the DoF, which until then had not had experience in open consultation with NGOs. Although the discussion was productive, the workshop did not result in an action plan - the government indicated that it was already addressing NGO and community concerns regarding fisheries through the above-mentioned provincial sub-decrees on Removal of Fishing Lots and Reduction of Fishing Grounds.

In August 2000, Oxfam GB's workshop on landlessness suggested that forestry and fisheries were important factors contributing to the livelihood of the poor. The Land Study Project, which found that 20% of the rural population depended on forestry while another 20% depended on fisheries, was expanded to include a review of these two sectors. A consultant conducted a review of existing legislation, and the report, which recommended co-management of fisheries resources, was widely circulated.

### Prime Minister Announces Reduction of Fishing Concessions

#### Provincial Fisheries Sub-Decrees Passed

While NGOs were learning the extent and

*Daily fishing activities in Battambang province.*



gravity of the fisheries problem, affected fishing communities were using their own methods to apply pressure on the government. The Prime Minister's office was overwhelmed with letters, people demonstrated in front of the National Assembly, and others used intermediaries within the Prime Minister's office to voice their grievances. Then, in an unexpected turn of events, on October 24, 2000, the Prime Minister announced a reduction in the size of fishing lot

concessions in favor of family fishing through a series of provincial sub-decrees. The Prime Minister reduced the area of fishing concessions by 55% and urged the DoF to prepare a sub-decree on community-managed fisheries. A Community Fisheries Office was established within the DoF.

The general opinion today is that although these sub-decrees reduced concession areas, real reductions have not taken place. An unexpected negative consequence of concession reductions was that although areas were reduced, the length of lot boundaries were often increased, making lots more difficult to protect and increasing the potential for conflict between fishing families and concession owners.

For example, in Kompong Thom the sub-decree reduced the area of Concession Lot #1 by 90% but still managed to increase its boundaries. In addition to this new problem, it soon became clear that new areas reassigned for community fishing tended to be the least productive and were usually dry in the dry season.

Because of these issues, a period of almost complete anarchy followed the enactment of the provincial sub-decrees. A number of DoF officials

were suspended for 120 days and removed from fishing grounds after the Prime Minister accused them of causing the problems. As a result, people were fishing everywhere and there was no one to control the situation. When officials returned to their posts, a sense of calm also returned, though the situation did not improve. On the contrary, it worsened as DoF officials took bribes from those who could afford it, while those who could not were at a disadvantage.

Regarding the reduction of concession areas, development workers in Kompong Cham indicated that Co-Minister of Interior Sar Kheng visited the province once or twice and said people should be able to decide on fishing areas. They held a meeting in the province and came to an agreement with each commune as to the distribution of lots. Officials then returned to Phnom Penh and sent a letter to provincial authorities indicating that they should abide by the people's desires. As far as development workers could tell however, that letter was completely ignored.

### Testing Community Fisheries

The Prime Minister's announcement convinced Oxfam GB to pilot a project on community fisheries. The pilot began in May 2001 with the purpose of assessing the level of ownership of community fisheries and build NGO and DoF capacity to organize community fisheries. The project's other goal was to collect data to assess how much time it took to organize community fisheries in order to ascertain whether it was possible to do so using the ambitious timeframe set by the Prime Minister. Oxfam selected four partners for the project, two of which already had community fisheries (in Stung Treng and Kratie), and two that would start new activities (in Takeo and Battambang).

The pilot project has encountered a number of challenges. Cooperation between the Provincial Fisheries Departments and NGOs has been difficult to manage. There has also been a lack of clarity regarding the responsibilities of the various stakeholders, which includes communities, the Department of Fisheries, and the Ministry of Environment. Communities have experienced difficulties in obtaining approval for boundaries and those that have succeeded still do not have demarcation lines.

### Community Fisheries Sub-Decrees

The Community Fisheries Sub-decree aims to preserve fishing resources by involving communities in their co-management. The assumption behind this sub-decree is that only by decentralizing resource management to the local

While NGOs were learning the extent and gravity of the fisheries problem, affected fishing communities were using their own methods to apply pressure on the government. The Prime Minister's office was overwhelmed with letters, people demonstrated in front of the National Assembly, and others used intermediaries within the Prime Minister's office to voice their grievances.

level can sustainable resource use be ensured.

Relationships between the DoF and NGOs were such that NGOs were able to participate in the drafting of the sub-decree. When the draft was ready in early 2001, the fisheries network organized a series of provincial workshops to obtain feedback from the grassroots level. NGOs expressed a need that they, along with members of fishing communities, be allowed to participate in a national workshop on the community fisheries sub-decree.

Having already had one challenging experience, the DoF was reluctant to enter into a consultation process, which involves direct confrontation and the expectation that input will be seriously considered. Instead they requested that NGOs submit comments in writing. NGOs, however were persistent in their lobbying of donors and other concerned agencies, who in turn met with Oxfam GB (which was funding the workshop) and also lobbied the Mekong River Commission. In this way, NGOs used multiple channels to successfully advocate for participation in the national meeting.

The consultation itself was slow and strenuous and the workshop was eventually extended for two days so that all articles could be reviewed. The process was sometimes tense, and a major challenge was reconciling the individual problems of fishing community representatives with the larger, more general issues involved in policymaking.

### Harmonizing Understanding of Community Fisheries

In August 2001, the UNDP/Global Environment Facility funded a stakeholders workshop organized by the DoF, Oxfam GB, Oxfam America, and Wetlands International, in order to get people at all levels to reach a common understanding of community fisheries. The workshop was needed because there are different reasons for organizing community fisheries and agencies use different approaches depending on the context. For example, communities that have lost access to their resources usually have a very strong sense of ownership. They have a vested interest in organizing themselves and can usually do so through their own initiative. The motivation is quite different however, in communities where the purpose is simply to improve sustainable resource management. In another example, FAO in Siem Reap has organized community fisheries

using the medium-scale classification, while in Battambang NGOs have organized groups using the small-scale classification. This divergence in interpretation and approach sets the stage for discontent in communities that have more limited fishing rights than others.

During the stakeholders workshop, the DoF Director presented a draft of the community fisheries sub-decree and indicated that comments were welcome. Noticing that many of their recommendations had been included, participants wrote a letter commending the Department on its work.

The DoF has since forwarded the draft sub-decree to the Ministry of Agriculture for final approval before it is sent to the Council of Ministers. Recent events

indicate however, that there has been a communication gap between the DoF and the Ministry, as the most recent draft omits many of the recommendations included as a result of the consultation process. A major issue is that the new draft reintroduces the family-scale limitation that had been previously removed. Advocates of changing this article claim that it contradicts the Prime Minister's statement that people will be allowed to do medium-scale fishing without being taxed. Some also argue that if people are limited to small-scale fishing there is no point in promoting community-managed fisheries. DoF officials point out that omission of the small-scale fishing category is akin to ignoring the Fisheries Law. This suggests that the Community Fisheries sub-decree is premature as long as a new Fisheries Law has not been drafted and enacted.

Another point of contention is who should be responsible for dealing with violators - local authorities or the DoF. During the consultation workshops, community members indicated that they wanted the right to report violations, as they are in the best position to know when violations occur. The Ministry argues that this is not the role of the public. Other points of contention include whether the regulations of a community fisheries association will be prepared by the community or by the DoF, and whether civil servants will be allowed to become members of associations.

### Fisheries Law

The World Bank's Agriculture Production Improvement Project (APIC) has a fishing component that includes developing a fisheries master plan and a fishing law. The fisheries master

The Community Fisheries Sub-decree aims to preserve fishing resources by involving communities in their co-management. The assumption behind this sub-decree is that only by decentralizing resource management to the local level can sustainable resource use be ensured.

plan is a strategy for managing the fisheries sector in a sustainable way. A World Bank (WB) consultant drafted a fisheries law and, since a World Bank agreement with the Cambodian government includes a stipulation that the Ministry of Agriculture must conduct consultations with civil society on draft laws, the WB requested that the DoF nominate a qualified organization to conduct an independent public consultation.

The DoF requested that the NGO Forum organize a consultation with civil society groups, with the stipulation that there would be no local representation as villagers tend to be affiliated with various political parties and would turn the consultation into a series of criticisms. The DoF indicated that it would prefer that NGOs organize their own separate forum and submit comments in writing. The DoF had \$30,000 in loan funds available for the activity. However, the NGO Forum indicated that its members were not willing to use the loan funds, as this could compromise their ability to provide an independent perspective. The Department then approached Oxfam, which indicated that as a matter of course it would have to include other NGOs in the consultation process. The consultation process appears to be on hold at present.

After the Prime Minister issued a warning in late 2001, civil servants have become more cautious about attending and speaking at NGO events. Because of this, when the local fisheries network organized a public forum in Kompong Thom, DoF and MoA officials declined the invitation to attend.

As relations between NGOs and the Department of Fisheries have become strained, a new coalition of agencies working on fisheries issues has been formed, the Fisheries Action Coalition Team (FACT). This coalition acts as an alternative negotiation channel to the NGO Forum.

## Impact of Advocacy Activities

According to the literature, NGO identification of fisheries as a problem area was somewhat slow in coming. This was probably the case because prior to the landlessness workshop, development workers had underestimated the importance of fisheries as a source of livelihood for rural populations. When fisheries disputes began to get serious however, NGOs at the national level reacted quickly to establish a fisheries network.

Even when political will exists, the DoF does not have the means to implement policies, including the community fisheries program. Most disputes are not being solved and despite the passing of the sub-decrees releasing concession lots, communities are not much closer to regaining access to fishing resources.

## Policy

Substantial progress has been made with regard to the participation of affected communities and development actors in the shaping of fisheries policies. Although the DoF has been reluctant to include these groups in the consultation process, important participation did take place with regard to drafting the community fisheries sub-decree, which marked the first experience for development workers to advocate on fisheries legislation. Unfortunately, the most recent draft that has been circulated undoes much of the advocacy work that was done during the consultation process. This suggests that fisheries lobbyists thought that the lobbying process was complete once the DoF submitted the draft law to the Ministry. But lobbyists were unaware of the existence of a Ministry of Agriculture legal working group, and therefore never attempted to make contact with members of that group. This omission can be attributed to the lobbyists' lack of experience in the sector, but it is expected that they will rally to request an explanation for the new changes and press for a return to the original draft. This experience highlights a need for campaigners to better understand the legislative process. However, NGOs have since learned that a faction within the Ministry is championing the inclusion of NGOs in future discussions about the draft at the Ministry level, and this is reason to be optimistic about future consultation.

Currently NGOs find themselves in an interesting position with regard to the draft fisheries law. World Bank stipulations require that the Ministry of Agriculture consult with civil society on draft laws, but NGOs are unwilling to enter into a consultation process that does not guarantee their independence and that is not perceived as being sincere. It will be interesting to watch for the World Bank's response to a letter sent by NGOs indicating their position, especially because NGO leverage with the government regarding fisheries depends to an extent on the World Bank's involvement. What is likely becoming clear to those involved at the Ministry of Agriculture is that NGOs are important to passing legislation and that legislation becomes more difficult to pass without popular input.

The one clear message that emerges from the

literature, interviews, and field visits is that no amount of legislation or directives from the central government can instill political will within provincial authorities to solve fisheries disputes. Enforcement at the provincial level continues to be a problem and powerful local interests are inhibiting food security. Even when political will exists, the DoF does not have the means to implement policies, including the community fisheries program. Most disputes are not being solved and despite the passing of the sub-decrees releasing concession lots, communities are not much closer to regaining access to fishing resources. NGO staff and community activists are often afraid to push for local enforcement, and the risks they face regarding their personal well-being are very real.

### Democratic Space

Despite poor enforcement performance, advocacy efforts are contributing positively to the enlargement of democratic space in Cambodia. Strategies used by NGOs and communities have brought fisheries violations to the attention of mainstream society. Discussion of disputes is common and civil society activists are becoming more confident about raising issues and identifying violators. Although people are still afraid, they are no longer silenced by their fear.

### Advocacy Capacity Building

In general, NGOs and communities are becoming more confident in advocating for communities' rights to fishing resources. They are becoming skilled in documenting fisheries complaints, identifying violations, preparing and defending court cases, organizing forums, and disseminating information.

At the national level, NGOs are rapidly accumulating experience and becoming well organized. For example, when a new version of the draft community fisheries law is released to NGOs, the drafts are translated into English and both the Khmer and English versions are distributed electronically around the country (and abroad) within a week. In this manner, people who are monitoring or have a vested interest in the outcome of the final draft can be informed about where legislation stands and can use current information to advocate as opportunities arise, for example when officials visit the provinces.

NGOs in the provinces are also becoming more skilled in handling complaints and becoming more vocal in their advocacy. NGOs now regularly instruct communities in the filing of complaints. However, as communities become more frustrated about the lack of concrete progress by the government, NGOs are finding themselves at a loss

with how to proceed with increased conflict at the local level.

Fisheries advocates are unanimous in their opinion that dispute resolution efforts have rarely resulted in resolutions favorable to fishing communities. When resolution has occurred, it has usually been because community members feel so threatened that they have taken direct action. To illustrate, in one case in Kompong Chhnang, there was a problem with a fishing lot owner who had been illegally pumping water out of a pond in order to catch the fish. Villagers filed complaints but there was no response. Finally, they decided to remove the illegal pump themselves and give it to the Department of Fisheries. Faced with actual evidence (the illegal pump), it was difficult for local authorities to deny that illegal action was taking place. In addition, the lot owner was reluctant to claim the pump since he would then have to admit to illegal activity.

Anecdotal evidence indicates that similar incidences of direct action are steadily increasing around the country. Advocates of direct action argue that it is only when people begin taking the law into their own hands that the government will be forced to address the currently deplorable fisheries situation. It is important to point out that this change in situation (from advocacy to direct action) presents important challenges for development workers - how to balance for

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example, long-term strategies with immediate needs of the people, and how to understand what the role of development workers should be when villagers resort to direct action. A special concern for proponents of direct action is that well-intentioned but inexperienced NGO workers can block direct action as a means of controlling the situation.

### Coordination and Networking

Initially there was a lack of coordination among groups working on fisheries. A number of public forums were independently organized by various groups or networks in the provinces around the topic of fisheries. While uncoordinated activities may help raise general public awareness about an issue, there is also a risk of duplicating efforts and diluting the effect of the forums through overexposure. Later in the process however, organizations and networks did begin identifying specific areas where they would work together and coordination improved.

Networks are becoming strong at both the national and provincial levels, and in particular in provinces that have the most fisheries disputes, i.e. Kompong Thom and Battambang. At the national level, FACT conducts regular monthly meetings, organizes public forums, and supports two monthly meetings with province-based NGOs. Planned activities include publication of a fisheries bulletin.

### Lessons Learned

#### Dual Approach to Lobbying

Fisheries advocacy in Cambodia presents an interesting case because NGOs have used a dual approach to working with the authorities. On the one hand, as an extension of their work on land issues, the Oxfam agencies have supported DoF workshops and occasional studies. This has

enabled Oxfam to maintain an open channel of communication with the government, facilitating the flow of information and concerns in both directions. Conversely, members of the NGO Forum and FACT fisheries networks have engaged with the Department in the consultation process while maintaining their independence. Although, as mentioned earlier, the process has not always been smooth, NGOs believe that it has been a fruitful collaboration because NGOs and community representatives have been able to express their views on various policies and obtain a degree of compromise. Likewise the Department has gained experience in dealing with NGOs and has gained confidence about what to expect in future consultative processes.

When analyzing advocacy, it is important to identify which approach a particular NGO has adopted in order to understand what strategies they might be willing to engage in. NGOs that work closely with the government for example, do so because they expect the government to change. Naturally this form of engagement precludes them then from adopting conflict strategies that would undermine their efforts to develop good relations with the government.

#### Use of Media

In this campaign fisheries advocates courted the press by inviting reporters from English and Khmer language newspapers on field trips to fishery conflict areas so that they could learn about the topic in depth. As they take several days, the field trips also offered an opportunity for NGO staff to build relations with journalists. After the field visits, advocates followed up by distributing reports to journalists and sending them regular updates. The field trips proved more difficult for foreign correspondents than local correspondents, as the conditions were hard for some foreign reporters.

#### Other lessons learned from the fisheries advocacy experience in Cambodia include:

- Case studies need to identify legal articles that are being violated, building an argument for change/enforcement.
- Reports should always be made available in Khmer.
- At the legislative level, advocates need to stay one step ahead of the draft law.
- Advocates should lobby donors to raise issues with high officials on behalf of the campaign.
- Advocates must understand the legislative process and follow the campaign through to the implementation stage.

## Future Considerations

The following items should be kept in mind when advocating for improved fisheries management in Cambodia in the future:

- Recognize that there is a highly political aspect to the fisheries issue.
- Recognize that without proper means (including adequate income), the DoF will not be in a position to do their work properly.
- Recognize that there is a need to build up local leaders and give them confidence.
- Avoid having a paternalistic attitude towards communities.
- Listen to community members.
- Make public information public, e.g. with regard to auctions and boundaries.
- Avoid taking a top-down approach with communities. For example, some organizations have drafted community fisheries agreements by themselves and handed them down to community members – not surprisingly, nothing happened.
- Assist DoF to develop clear national guidelines with respect to community fisheries and provide guidelines to community practitioners. This will help avoid conflicts created when communities are given conflicting directions.
- Assist DoF staff to develop their community organizing skills and understanding of community fisheries.

Another media strategy used was making sure that journalists and television stations from the capital were invited to cover provincial ceremonies presided over by high officials. NGOs kept track of speeches as part of a strategy to promote accountability by asking politicians whether they had kept their promises, even going so far as showing videotapes of speeches to villagers. When promises were broken, NGOs promptly provided information to the media, which usually followed-up by interviewing the provincial officials concerned, sometimes going as high as the Ministry level. Use of this general strategy may be backfiring however, as the Prime Minister has now instructed officials to be careful about what ceremonies they choose to attend.

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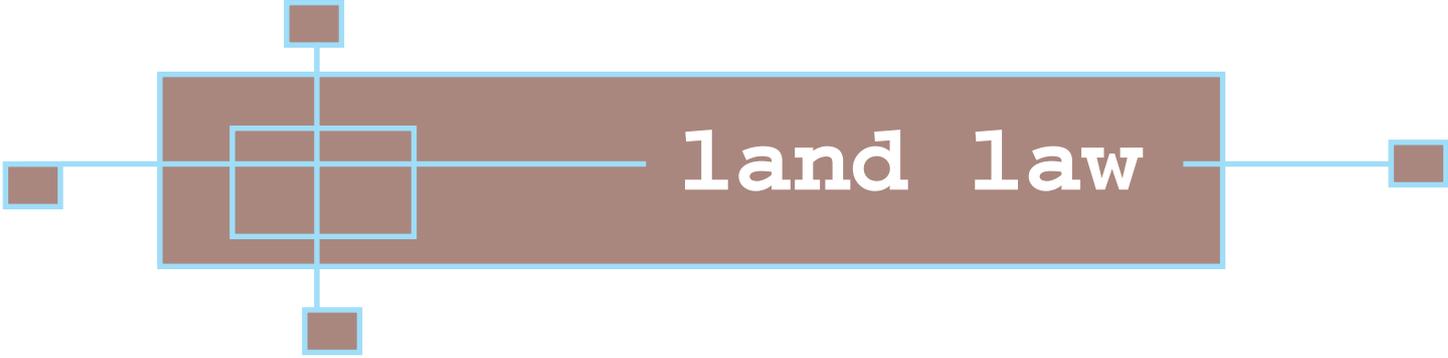
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# land law

After the 1998 national elections, representatives of rural communities began flowing into Phnom Penh to protest land grabbing (the act of privatizing community used land when ownership is unclear) in front of the National Assembly and the Prime Minister's residence. Land disputes began much earlier, but people had been reluctant to voice their grievances in previous years and prior to the elections. Once peace was established in December 1998, citizens began to feel increasing confidence to voice their concerns, and while the demonstrations did not lead to immediate action, they did serve to raise awareness of the land grabbing problem and would eventually result in creation of national and provincial land dispute resolution commissions. The steady flow of demonstrators to the capital after the elections lent proof that the land grabbing problem was extensive.

## Oxfam Great Britain's Land Study Project

Oxfam GB, its partners, and other development organizations began hearing stories from their project communities about land disputes and abuse of power and in August 1998, Oxfam GB, in collaboration with four local partners, initiated a pilot Land Study Project (LSP) to study land disputes. The project began by looking at causes of land disputes, and following the research phase Oxfam held a workshop in late 1998 for NGOs and government officials to discuss the study's findings.

The workshop concluded that the main cause of land disputes was shortcomings of the 1994 Land Law, which some contend was created to serve the interests of a small group. Some of the 1994 Land Law clauses did not reflect the reality of the new market economy in Cambodia, in which land began to have more value. Under the 1994 law, landowners were required to register at cadastral offices. This requirement was

problematic and misunderstood, and most people, who considered themselves owners of land they were living on did not try very hard to secure land titles. This failure to secure titles created opportunities for others to take advantage of the situation and grab land for themselves, sometimes by creating fake titles for properties and evicting those living on them.

## Enactment of a New Land Law

When the Asian Development Bank began negotiating a large loan with the Ministry of Agriculture in the mid-1990s, the land law issue arose and it became clear that a new land law was needed. Prior to 1995, the cadastral department fell under the Ministry of Agriculture's responsibility. In 1995, responsibility for that department was transferred to the Council of Ministers.

In 1998, the cadastral department prepared a first draft of a new land law. At that

same time, an outcome of the December 1998 Oxfam GB workshop was the formation of an NGO/IO land law working group that met regularly to discuss the draft. The draft was divided into six or seven sections (e.g. state property, indigenous rights, possession, concessions, succession) and various organizations accepted responsibility for analyzing them. Oxfam GB provided a secretary to collect the comments. During the process, NGOs consulted with judges and officials from all levels of the Ministry of Justice in order to better understand what improvements were needed and to identify implications for implementation.

In response to daily demonstrations by villagers in front of the National Assembly and the Senate, in March 1999 the Council of Ministers created a national land dispute commission with provisions for creation of provincial commissions. When communities demonstrated at the National

Legal Aid of Cambodia conservatively estimates that 100,000 people are currently in a situation in which powerful players are trying to displace them.

## Timeline of Land Issues Over the Past Seven Years

Mid-1990s	ADB's process for considering a loan to Cambodia reveals the need for a new Land Law.
1998	Cadastral Department in the Council of Ministers drafts a new Land Law. (Prior to 1995 the Cadastral Dept. fell under the MoA.)
1998	Large demonstrations are held in Phnom Penh to protest land grabbing.
1998	Oxfam conducts its Land Study Project.
Dec. 1998	Land Law Working Group (LLWG) is formed.
1998-9	As the secretariat for the LLWG, Oxfam provides feedback on the proposed new Land Law.
Mar. 1999	Due to large demonstrations in front of the National Assembly and Senate, Council of Ministers creates a National Land Dispute Commission.
May 1999	NGOs present their revised draft Land Law to the Council of Jurists/Council of Ministers.
June 1999	Council of Ministers creates the Ministry of Land Management. Cadastral Dept. is transferred to MoLM.
May 2001	The Royal Government issues its statement on Land Policy.
Aug. 2001	New Land Law is ratified.
2001-2	WB Land Title Registration Project preparation begins.
2001-2	MoLM begins drafting sub-decree to create a new Cadastral Commission to replace existing Land Dispute Resolution Committees.

Assembly and Senate, their complaints were forwarded to the land dispute commissions, but this process was generally considered to be ineffective. As a result, NGOs began helping villagers file their complaints.

In May 1999, the NGO draft of the land law was presented to the deputy chair of the Council of Jurists at the Council of Ministers. NGOs presented their draft twice to the Council of

Ministers and discussed land issues and land legislation. Soon afterwards, in June 1999, the administrative structure for land changed when the Council of Ministers created the Ministry of Land Management (MoLM). The cadastral department of the Council of Ministers was integrated into the new ministry and NGO advocates began collaborating with the new ministry.

Unfortunately, development of the original and NGO-revised drafts stalled and the new Ministry began working on a new draft. During that time the land law working group continued to meet. The new Ministry was willing to share its draft and receive NGO comments, and did incorporate some NGO suggestions. Problems with translation occurred as the original version of the document was in French and translation into English resulted in two versions that did not coincide. When the draft was then translated into Khmer, more problems with interpretation arose. Eventually however, after working closely with the MoLM, all parties involved were able to reach consensus on a final draft. The new Land Law was ratified in August 2001, more than two years after the Ministry was established, while demonstrators stood outside the National Assembly.

## Resolution of Land Disputes

Despite the existence of a land dispute resolution commission, the overwhelming view of civil society is that the land law has not been enforced. Provincial NGOs regularly cite land disputes as one of the top two problems experienced by rural communities. There has been a marked increase in the number of land and natural resource violations, due to the fact that Cambodia is undergoing a massive economic change. Land is increasing in value and the political and economic spheres continue to feed the patronage network. The Cambodian government simply has not had a strong enough structure to deal with the powerful forces of change.

Legal Aid of Cambodia (LAC) conservatively

estimates that 100,000 people are currently in a situation in which powerful players are trying to displace them. While legal organizations track their own land cases, exact or even approximate figures on the extent of the problem are not readily available. Anecdotal evidence indicates that the figures are astounding, especially with regards to land concessions. The consensus is that resolutions are rare and usually only occur in civil-to-civil cases. Resolutions in cases involving the military or large companies are virtually non-existent. Though petitioners who take a case to court generally receive some compensation, that compensation is generally insufficient and is almost never actual land.

Complaints filed with village and commune authorities tend to have no effect, so plaintiffs go directly to the political opposition party or to the Prime Minister's residence. This strategy is not available to everyone however, as it requires personal connections, and often is unsuccessful as provincial authorities ignore directives sent from the central level.

Legal aid organizations play an important role in ensuring that NGOs provide appropriate guidance to communities, although they readily admit that they have been generally unsuccessful in protecting the vulnerable from powerful figures. Though NGOs want to assist their communities, their ability to react is limited. A number of legal assistance organizations are working on land court cases, but their caseloads are becoming quite full and they are experiencing difficulties in securing funds for legal assistance programs. In addition, NGOs in local areas consider taking action against powerful players involved as risky, as NGOs often operate with little backing or protection. Occasionally however, NGOs will organize public forums and invite provincial representatives from the three political parties to meet with concerned villagers. NGOs also encourage villagers to place copies of their complaints directly into the hands of high-ranking officials when they visit the provinces to attend opening ceremonies and other events, but caution villagers to slip papers to officials discretely. Nevertheless, NGOs and communities are becoming bolder and legal aid organizations are gaining experience, to the extent that small victories occasionally take place.

NGOs cite the composition of land dispute resolution committees as one of the main obstacles to obtaining resolution of land disputes. It is not unusual for a committee member to be directly or indirectly involved in a land dispute and therefore may stand to benefit personally from the outcome of the committee's decision.

## Capacity Building by NGOs on Land Issues

In July 1999, Oxfam GB, ADHOC, and CDRI held a national workshop on Institutional Cooperation for Resolving Land Disputes in Cambodia. The outcome of the workshop was a decision for NGOs to study land disputes and their resolution at the local level. Researchers first met with the provincial dispute resolution commissions in five provinces. Findings of the study indicated that the commissions were constrained by a lack of operational funds and limited dispute resolution capacity. The study also revealed the extent of communication gaps between provincial/local authorities and the national government.

As a result, in 2001 Oxfam GB conducted capacity building activities for stakeholders in Kompong Speu province, including monks, NGO staff, government officials, military, former Khmer Rouge officers, and members of the land dispute resolution commission. Topics in the 12-day workshop included conflict resolution, mediation and arbitration, land law, and the right to land. At the end of the course, members of the land dispute commission conducted a mock case using models for mediation and arbitration. After the workshop a former Khmer Rouge officer and a military officer were invited to join the commission. This was done on the suggestion of provincial officials, who said that if land disputes occurred in military areas, those stakeholders would be needed to help resolve them.

Land disputes are expected to increase in the future as the land title project moves forward and titles held or created by powerful figures are discovered. NGOs estimate that at this time little is known about land deals. For this reason, it is important for NGOs to have resources to track disputes, to argue class action suits, and to have sufficient numbers of Bar Association-accepted lawyers who can plead in court.

## Composition of the Cadastral Commission

The World Bank has begun working with the Ministry to strengthen the institution in preparation for an expected 10-20 year land title registration project. NGOs have collaborated with the World Bank and the Council of Land Policy to create a Statement of the Royal Government on Land Policy. The Statement, which was published in May 2001, indicates the government's intention to strengthen land tenure security, manage land and natural resources in a more sustainable and equitable manner, and promote equitable land distribution.

The new Land Law will require between 11 and 18 sub-decrees to become effective. The MoLM has begun drafting a sub-decree to create a Cadastral Commission to replace the existing land dispute resolution commissions, which have been deemed ineffective because of their inability to stand up to powerful figures. A consultation was done recently with NGOs, who request that the Cadastral Commission have a mixed composition that includes lawyers and representatives from civil society.

According to many NGOs (but not all), the correct composition is very important and is vital for applying pressure to ensure fair representation of civil society. NGOs also argue that from a legal standpoint it is certainly possible to have a government administrative structure with a mixed board. This is common in other countries such as the U.S., and there are no legal obstacles to such a structure in Cambodia.

Some legal experts argue that the Cadastral Commission should not have a mixed composition but should act instead like a regular government agency, and that NGOs have not examined the practicality of having a mixed committee at the various administrative layers. The commissions are slated to have governors on them, but these commissions will not have decision-making authority, as decisions will be a matter of law. Civil society organizations remain unconvinced, however, that these powerful individuals - who are not elected representatives and who are regularly cited as being involved in current land disputes - can be prevented from involvement in land dispute resolution in the absence of deliberate pressure mechanisms. The draft Cadastral Commission sub-decree is in the advanced stage and should be passed into law in the next few months, all the more reason why NGO efforts should not be allowed to flag.

The Asian Development Bank has contracted a firm to conduct surveys in every district and draw up maps. During the surveying the firm will identify lot boundaries and interview residents. The firm will then post survey findings for 30 days. Any disputes are to be resolved at the local level and there will be a systematic registration of disputes. There will be an ongoing parallel system of sporadic registration where people can apply

to have their land surveyed and the boundaries established using the same procedures. NGOs have an important role to play in educating communities and ensuring that they receive official information as outlined in the procedures.

## Analyzing the Impact of Advocacy Activities

### Policy

The new Land Law is generally considered to be a reasonable law and this is partly due to the active role NGOs played in the drafting process. NGOs were able to achieve a number of significant goals. For example, they successfully advocated for the collective rights of highland people, against concessions, and for a clear delineation between private, state, and private-state property. They were also able to obtain identification of who could issue land titles.

The law recognizes ownership rights for a five-year period of possession. Originally, lawmakers wanted to include a provision that if residents had lived on land for two years before the law was enacted and stayed for five years on the property they could take possession. This

condition has now been reduced from two years to one day. In order to inform policy on small social concessions, the Analyzing Development Issues office (ADI) of the CCC conducted a short study and subsequently made recommendations as to how land should be distributed, who should receive the land, and the need to have a support program (development and infrastructure activities) to assist people to obtain land titles.

The Land Law Working Group is lobbying the World Bank to encourage the government to conduct free registration of land titles. One of the main obstacles for people to obtain the title of their land is the cost of the registration.

The effectiveness of the new Land Law rests on the quality of the dozen or so sub-decrees that will be drawn up by the MoLM. In this respect, NGOs still have considerable work to do to ensure that the sub-decrees uphold the spirit of the Land Law and protect the interests of the most vulnerable.

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## Enlarging the Democratic Space

Participation of civil society in the formulation of land policy has largely been facilitated by leverage provided by multinational banks. In general however, NGOs have established good relations with the government on this sensitive issue and as a result have been able to considerably influence the final outcome of land legislation. Precedence has also been established for good cooperation in the future. The effectiveness of the land law will depend primarily on the drafting of the various sub-decrees. As mentioned earlier, NGOs in the Land Law Working Group will need to maintain the momentum of the past few years in order to continue to be a part of the process and protect the interests of ordinary citizens.

Proponents of engagement between civil society and the government point out, however, that the land legislation was designed at the national level alone (excluding community and grassroots participation), a factor that may reduce effectiveness and enforcement at the local level. By contrast, the fisheries law campaign was initiated at the grassroots level with activities aimed at building fishermen's capacity to deal with local authorities. Though relations with authorities during the fisheries law drafting period were not always smooth, it is thought that the final fisheries legislation is likely to be more realistic, better suited to the needs of communities, and will have a better chance of being implemented and enforced in the long run.

## Building Capacity of NGOs and Grassroots Organizations

At the legislative level, NGOs benefit from the presence of a number of human rights and legal organizations that are active in providing input to the Land Law and whose technical capacity complements those of government officials and their legal consultants. Oxfam GB's Land Study Project and the Land Law Working Group have played a role in coordinating NGOs and documenting various aspects of land problems and land reform. Again, this momentum will need to be sustained in order to see the land reform process through to its conclusion, which may not be for several years to come. There is a view that NGOs lack lobbying capacity and the contacts and



*An ethnic hill tribe group meets with the King and Queen to thank them for giving them the right to protect their land area in Ratanakiri province.*

personal relationships that facilitate personal diplomacy. There is also a need for simple, understandable written materials distributed at the local level that describe and inform people of their rights.

### Resources

Oxfam Great Britain publishes a series of reports on land issues, available in English and Khmer at the Oxfam office in Phnom Penh.

Visit the Ministry of Land Management's website at [www.mlmupc.gov.kh](http://www.mlmupc.gov.kh) for an overview of the structure of the Ministry and access to the Land Law in English and Khmer.

# labor

The garment factory labor movement presents an interesting example of advocacy involving the three sectors of society - government, private sector, and civil society.<sup>1</sup> Characteristics of the movement include having a specific objective (improving garment workers' employment conditions), and benefiting from the institutional support of local and international organizations.

## Garment Industry and Organized Labor in Cambodia

### Overview of Garment Industry

Cambodia's first garment factories were established in the mid-1990s and by the end of the decade more than 200 factories were operating in the country. In 1999, the garment industry accounted for 15% of the GDP. The success of the industry is due in large part to the Multi-Fiber Agreement negotiated by the World Trade Organization, which provides quotas for Cambodia to export garments to the U.S. To highlight the importance of the industry, in 1999, 78% of all official exports were garments.

Most garment factories are foreign-owned, usually by Asian businesses that have contracts from large, global companies. These businesses are attracted to Cambodia's abundant low-skilled and low-wage work force. The 1997 Asian financial crisis resulted in a slight decrease in demand and up to 40 factories ceased operation during that time. Business has improved slightly since, and today the garment sector employs an estimated 180,000 workers. The large majority of workers are young women aged 18 to 25 who have moved to Phnom Penh from rural areas to seek relief from poverty. Their youth, and the fact that they are far from their homes, places them in a vulnerable position and they are unlikely to become politically active outside of asserting their rights at work.

The Garment Manufacturer's Association of

Cambodia (GMAC) was established in 1997 to organize all export garment factories under one umbrella. GMAC aims to protect the right of investors to do business in Cambodia according to the law. The association, which currently has 193 members, acts as a liaison between garment factories and government agencies, and is a member of the Labor Advisory Committee chaired by the Ministry of Labor. GMAC statutes require that members complete a company profile, demonstrate proof of registration, and pay dues on time. Members are encouraged, but not required, to participate in the International Labor Organization (ILO) garment sector monitoring project.

As part of its activities, GMAC provides instruction to members on labor issues and maintains a database of activities on the labor movement. GMAC also maintains a training center with assistance from Japanese experts and which receives advice from the Ministry of Commerce. The training center's goal is to upgrade the supervisory skills of staff from member companies.

### Organized Labor in the Garment Industry

Cambodia's labor movement was born in 1993 with the enactment of the Constitution, which for the first time allowed people to form unions.<sup>2</sup> Organized labor gained momentum at the end of 1996, when the first labor union, the Free Trade Union of Workers of The Kingdom of Cambodia (FTUWKC) was formed, and soon after 3,000 garment workers marched to the National Assembly demanding better working conditions. An indicator of how poor working conditions must have been prior to the labor movement is the fact that workers who participated in the first demonstration were making one-third of what was to become the legal minimum wage.

Striking workers did win some concessions from the Malaysian-owned company they were striking against, although they encountered a

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number of challenges and 158 workers were dismissed. The company attempted to raise fear among the public that union-led unrest would threaten current and future investment in Cambodia. Even so, strikers did gain concessions including health benefits, a reduced workweek, and an increase in the base wage from \$15 to \$27 per month.

FTUWKC's success motivated workers in other factories to protest their working conditions. Labor unrest increased throughout the year and 1997 saw numerous demonstrations and the first labor arbitration by the Ministry of Labor. During this period factories were unwilling to bargain and tension between management and workers was high. The situation deteriorated after events in July 1997, as workers accused companies of reducing wages and increasing overtime.

Organized labor grew quickly thereafter and by early 1999, 59 professional organizations had registered with the Ministry of Labor, including 56 trade unions, 2 employer associations, and a workers federation. Today Cambodia has approximately 200 factory-level unions, grouped into eight to nine federations. Membership information provided by the federations indicates that approximately 200,000 garment workers are union members. Experts in the field, however, consider the actual figure to be closer to 100,000, the vast majority of whom do not pay dues and/or not aware of their membership.

Factory unions generally focus on improving working and living conditions of members by establishing collective bargaining with employers, influencing relevant government policies, and providing direct services (legal, social, etc.) to members. Activities undertaken by federations and unions include:

- training union leaders;
- orienting union leaders and workers on the labor code;
- mediating collective and individual disputes;
- organizing collective action when disputes are not resolved;
- representing unions at the policy level; and
- occasionally providing support or services to members (such as health benefits).

In exchange for these services, unions charge members monthly dues of Riel 1,000 (U.S.\$0.25). This amount is standard for most unions, though unions have great difficulty collecting dues. The Ministry of Labor recently approved direct payroll deduction, but this has yet to become a regular practice in most factories.

The nature of the labor movement in

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Cambodia is political. The garment sector is a major industry for Cambodia and offers the potential for important economic investment and profit. The presence of unions provides an organized network that reaches a large number of workers in a concentrated urban area. The combination of these characteristics presents an attractive network for political parties interested in maintaining economic stability and keeping labor cheap within the lowest possible levels of regulation. It therefore comes as little surprise that there is a strong perception of party affiliation within the Cambodian garment labor movement.

#### Legislation and Policy Decrees

##### 1997 Labor Law

A number of legislative and policy bills have been passed since the constitutional right to organize unions was enacted in 1993. The first among these was the Labor Law, enacted in 1997, which outlines rules regarding labor contracts, working conditions and safety standards, as well as provides guidelines for labor inspections. The Labor Law also provides for the formation of a labor court within the Ministry of Labor, the creation of a tripartite Labor Advisory Committee, and the existence of collective bargaining agreements between an employer and one or more unions.

Drafting of the Labor Law was done with

input from AFL-CIO, the largest labor union in the U.S., as well as the ILO. In general, the Labor Law is deemed to be sound, although gaps exist that need to be addressed through proclamations (*Prakas*).

### 1999 Ratification of ILO Conventions

In July 1999, Cambodia became the second country in Asia to ratify all seven core ILO conventions. Although ratification of the core conventions is not vital, all ILO members are deemed bound by them. The conventions provide leverage for foreign negotiators when they enter into textile trade agreements, as has been used by the U.S. government.

### Ministerial Decrees

In November 2001, the Ministry of Labor signed Proclamation (*Prakas*) #305 which clarified the bargaining process in response to a call by union federations and the U.S. Government to protect union leaders from arbitrary dismissal. One issue addressed was how to handle collective bargaining in cases where more than one union is represented within a single factory. In these cases, the collective bargaining agreement allows the largest union to represent the other unions.

Proclamation #305 also regulates the use of demonstrations in order to ensure that strikers represent a majority of workers and that reasonable attempts have been made by both unions and employers to resolve disputes through negotiation. Separate proclamations and circulars have addressed issues such as provision of drinking water and chairs to workers, sanitation conditions, and handling standards for workers who lift goods. Other issues addressed include the right of unions to check company financial records and the possibility of unions collecting dues through automatic deductions. To date, there has been no decree covering provisions for employment contracts (to respond to problems arising from the use of short-term contracts). Several federations are concerned about this issue and are calling for proper legislation.

### Working Conditions and Labor Disputes

The main problems encountered by garment workers include:

- poor working conditions;

- health hazards that cause workers to contract diseases such as typhoid;
- low or unequal distribution of wages;
- long working hours;
- lack of overtime pay;
- forced overtime;
- arbitrary dismissals, particularly of union leaders; and
- sexual harassment.

A number of these issues have been addressed in ministerial decrees as described previously. In particular, the minimum wage has been set at \$45 per month with a bonus of \$5 per month for regular attendance. Minimum wages have also been set for casual (part-time) workers and apprentices.

The ILO's *First Synthesis Report on Working Conditions in Cambodia's Garment Sector* reviewed conditions in 30 factories employing 21,431 workers (of which 90% are women) during the third quarter of 2001. The report indicated that there was no evidence of child labor, forced labor, or sexual harassment in

participating factories. At the same time however, incorrect payment of wages was frequent, overtime was often involuntary, and freedom of association continued to be infringed upon in some factories. The ILO report also concluded that strikes were not always organized in conformity with legal regulations.

With respect to factory working conditions, in the future it is expected that the ILO factory monitoring program will contribute to reducing problems in

participating factories. Currently 197 factories have voluntarily registered with the program, spurred by the incentive that only registered factories will be eligible to bid for U.S. import quotas.

The number of employer-worker conflicts has steadily decreased each year since 1997, as employers accept the process of negotiating with unions, unions become stronger, and working conditions in factories improve. However, one of the most difficult challenges to unions - arbitrary dismissal of union leaders - continues to be a serious problem.

Factory union leaders are usually elected and managers must get permission from the Ministry

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before firing them, though this is rarely, if ever, done. Stakeholders generally agree that companies regularly dismiss union leaders without sufficient grounds. One tactic used by companies is giving union leaders three-month contracts and not renewing them when they expire. However, most fired union leaders do have valid contracts and are fired without cause, or on bogus or trivial charges. Often when unions request that the Ministry re-instate illegally fired workers, the Ministry stalls until union leaders accept cash payoffs. An article in the Cambodia Daily published on January 28, 2002 described an incident in which union leaders were allegedly offered \$200 to leave their places of employment.

The negative implications for labor federations of labor leader dismissals become clear when one realizes that since 1995, between 400 and 500 union leaders have been arbitrarily dismissed. The tactic is most certainly aimed at weakening unions, as leaders represent the core structure of the labor movement. Federations have lodged complaints with the Ministry of Commerce and the Ministry of Labor regarding this problem and are demanding more concrete arguments for dismissals. Employers argue that when terminations occur at the end of the workers' contracts, it is due to a reduction of workforce caused by reduced demand. Reports that unions are not complying with strike regulations could be due in part to the fact that employers prefer to view union leader dismissals as individual cases – which are required to go through arbitration – while unions perceive them as collective problems that affect more than the individual worker. Unions thus feel entitled to take collective action.

### Advocacy Strategies

#### Employer/Union Relations and Dispute Resolution Mechanisms

As this sector matures, employees and unions alike are beginning to understand the importance of maintaining a formal system of communication between them. Improved communication is reinforced by a government proclamation that requires employers to appoint a worker-relations officer to liaise actively with union leaders and shop stewards<sup>3</sup>, although most factories have yet to appoint such officers.

The existence of an employer-worker relations mechanism provides unions with a channel to resolve small disputes at the enterprise level. Problems that cannot be resolved at this level are submitted to arbitration at the Ministry of Labor. Reaction to complaints, however, tends to be slow. The Ministry claims to have too few inspectors, although the unions suggest that it is



*Above and right: Garment workers vote for their community federation.*

the will that is lacking and that substantial industry funds are going to factory inspectors and labor dispute officers.

Cases that cannot be resolved in arbitration are referred to the regular court system. Labor federation representatives believe however, that companies exert pressure to have particular cases referred to the courts, as the courts generally rule on the side of the employer. The March 12, 2002 court ruling that a garment factory in Kompong Speu acted improperly when it fired union organizers two years ago is considered to be a landmark case, which perhaps signals a positive change in the courts' level of impartiality.

#### Strikes, Demonstrations, Work Stoppage

The labor movement represents a different model of advocacy from the other sectors in this study in that one of the main strategies of the labor sector is the use of controlled conflict as a bargaining tool. Strikes can take the form of marches, demonstrations outside factories, or work stoppages, in which workers enter factories and punch their time cards but refuse to work. All strategies have become common practice in Cambodia.

Pro-enterprise supporters argue that demonstrations are not effective because workers automatically lose their regular attendance bonus of \$5, paid at the end of each month. A review of press articles from the past two years indicates however, that in most cases workers have been able to win at least some concessions.

For example, during the first union demonstration in 1996, strikers won an 80% increase in the base wage (albeit that wage was still very low), as well as annual leave. However, as late as 2001, workers from the same union demonstrated to reduce Saturday working hours but were unsuccessful because the government did not intervene. Ways the government could



intervene are by activating the Labor Advisory Committee or pressing GMAC into an industry-wide agreement as it did in June 2000.

### Tripartite Labor Advisory Committee

The 1997 Labor Law makes provisions for the establishment of a tripartite Labor Advisory Committee with the objective of bringing government agencies, companies, and unions together at the policy level. In all ten ministries, five employer associations and five unions are represented on this committee, as are the international labor agencies.

The concept of a tripartite mechanism was introduced by the ILO, which provided advice on its structure and role. Main activities include reviewing proclamations in the light of worker and employer rights (although not all labor sub-decrees and proclamations are passed through the committee). Much of the committee discussion to date has revolved around the minimum wage but the unions' most important agenda issue at the moment is protection of union leaders.

As with mixed composition committees in other sectors where government and civil society entities enter into dialogue, committee discussions tend to be lively and power distribution uneven. The problem is that the Labor Advisory Committee is weak, meets infrequently, and is dominated by government and industry who can beat back, ignore, or out-vote any union initiative that they do not like. Nevertheless, union leaders are gaining experience in working at the policy-making level. As it becomes more familiar to those involved, it is conceivable that similar mechanisms could be used at the provincial or even enterprise levels.

### Role of International Entities

By far the most important factor influencing labor conditions in Cambodia today is the

influence wielded by international entities. First among these is the incentive offered by U.S. import quotas. Since the U.S. imports the majority of Cambodian export garments, the trade agreement provides an ongoing mechanism to review progress made in working conditions and human rights.

During the re-negotiation of the old trade agreement, which expired at the end of 2001, the trade association requested a 14% increase in some garment categories. The U.S. government argued that access to factories, the arbitrary dismissal of union leaders, and the garment industry's rights record were not satisfactory, although the companies

themselves estimated that they had made significant gains with regards to improving factory working conditions. The new trade agreement, which was much lower than companies had hoped for, reflected the U.S. government's concerns.

The U.S. government and other international entities have used their leverage to apply pressure for increased participation of union leaders at the policy level. In one example, the Cambodian government invited representatives from the U.S. Embassy and other agencies to attend a meeting on the content of a proclamation. When it was realized that only one Cambodian union was present, the Embassy suggested that the meeting be postponed until other unions could be invited to attend. The strategy was successful in obtaining the participation of other unions in the discussion.

The AFL-CIO and its international arm, ACILS, have also been important actors in strengthening the local labor movement. AFL-CIO assisted with the drafting of the Labor Law, and in August 1997 called on the U.S. to revoke Cambodia's special trading status and accused the government of facilitating registration of pro-government unions. Since the end of 2000, ACILS has been providing trade union staff and factory leaders with training in bargaining and other union skills, and also tracks labor disputes.

The ILO garment project, initiated in 1998, provides training, monitoring, and assistance with dispute resolution. Leaders from six unions sit on a Project Advisory Committee and meet on a regular basis. The newly established ILO monitoring project, which is tied into the quota system, assists companies to make progress in working condition improvement, helps establish improved conditions for workers, and provides garment lot buyers/contractors confidence in investing in Cambodia. The ILO will soon start a project to research factory wages and conduct a survey of market goods prices in order to define

appropriate market-based worker wages.

The Cambodian Labor Organization (CLO) also supports trade unions with technical assistance, negotiation training, information on the labor code, and training on how to establish and maintain unions. The presence of support agencies has contributed significantly to the development of trade unions in Cambodia.

### Use of Media and Influencing Buyers

The labor movement tends to get wide coverage in the press, generally receiving an equal amount of attention from the English and Khmer language press. International organizations have trained local union leaders in the use of the media. While local leaders' skills are still limited, some unions have learned to disseminate information through e-mail to sweatshop advocacy groups (e.g. U.S. Students Against Sweatshops), asking them to call or write buyers regarding labor law and rights violations. The usefulness of this strategy is questionable however, and unions achieve greater success establishing direct relations with buyers in New York or Hong Kong.

Around the world, trade unions apply pressure on multinational corporate buyers by mobilizing public support for human rights. Companies have responded by applying "Codes of Conduct" to production processes to protect themselves from consumer pressures (coverage of issues in the "Codes of Conduct" tends to be limited). Though still in its early stages, Cambodian garment unions are beginning to develop direct relations with buyers. For example, the Cambodia Daily covered a story involving the Infong Garment Company, in which a union called the company's buyer about a problem, which the buyer then pressured the manager to fix.

## Impact of Advocacy in the Labor Movement

With a history of only five years, the Cambodian labor movement is still young and relatively weak. That notwithstanding, the sector benefits from the support of international agencies with vast organizing and union building experience. It is also challenged by an unequal distribution of power between workers and owners. Companies have a vested interest in keeping wages low and – perhaps due to the fact that they are in large part not Cambodian nationals – factory owners do not appear interested in improving working conditions of their own accord. The presence of resource-poor government agencies and resource-rich factory owners combines to present a daunting challenge for labor unions to promote the rights of workers,

a situation that is currently (but not indefinitely) balanced by outside pressures.

### Policy

From the legislative and policy perspective, provisions for garment workers in Cambodia have improved considerably since 1996. As mentioned earlier, national legislation and ministerial proclamations cover a range of issues from seating provisions and water supply for workers to the minimum wage and the protection of union leaders. The presence of U.S. quotas and the ILO monitoring program are understood to play a significant role in pressuring the Cambodian Government to make legislative and policy changes.

There is a general consensus within the trade union movement that enforcement of labor policies is almost non-existent, particularly on important issues like of freedom of association, forced overtime, and wage discrepancies. Although it is acknowledged that external pressure has a positive effect on working conditions, the general perception is that companies do not abide by the law and the Ministry of Labor does not enforce it. The trade union movement considers the Ministry's dispute resolution mechanism something that most often follows the will of employers.

There is agreement that the ILO monitoring program will help in improving factory working conditions, although there is apparently some discrepancy between the ILO and government monitoring reports. ILO officials themselves indicate however, that improvements are due to leverage wielded by quotas rather than because of government enforcement. Buyer adherence to a code of conduct is another effective enforcement mechanism and most concerned buyers have their own compliance officers stationed in factories. However, these codes are not legally binding and enforcement is not guaranteed.

It is generally thought that the government has agreed to establish policies and conduct consultation with unions because of external pressure and not due to political will. The government's relationship with trade unions appears antagonistic and the government may perceive the development of a strong labor movement as an inhibitor of corrupt practices.

### Enlarging the Democratic Space

Within the context of the garment labor movement, democratic space encompasses freedom of association, freedom of expression, and the right to participate in policy-making. Since the establishment of the first union in 1996 and the enactment of the Labor Law in 1997, these

rights have, in principle if not in practice, been bestowed on the garment unions.

The existence of hundreds of unions within the factories and the dozens of demonstrations that have taken place over the last few years are manifestations of the rights to free association and expression. However, in practice the right to free association is often undermined by government officials and companies, and therefore cannot be considered as fully recognized or accepted. Union leaders continue to be arbitrarily dismissed or paid to leave their employment in blatant attempts to foil efforts to build strong unions.

The appointment of company worker liaison staff would appear to indicate that companies acknowledge the legitimacy of unions and the need to maintain regular worker-employer communication. As this action is the result of a government directive however, it is difficult to make any conclusions for the present.

As to the participation of the labor movement in policy development discussions, if unions are being allowed to participate at this time, it is solely due to the influence of international actors who refuse to proceed without their involvement. The government continues to attempt to minimize the role of the unions and the unions are still all too willing to allow the government to make final decisions on union issues by negotiating directly with international actors.

### **Building Capacity of Civil Society**

Union behavior and style tends to vary widely. For example, some federations want company compliance with the law - nothing more. Others bargain to win gains over the minimum legal standard. Some federation leaders seek partnerships with managers, following the Thai 'social harmony' model of labor relations. Others exploit the inherent tensions between factory workers and bosses to their own ends.

In the past five years, the Cambodian garment trade union movement has made considerable strides. Like all sectors in the country however, the labor movement is in need of serious human resource development. Some inexperienced labor leaders still work within a mind frame in which the main goal is enforcing the law and they are only just beginning to learn how to bargain with companies. Most employer agreements with unions are strike reconciliation agreements, not proper collective bargaining agreements in which workers and managers negotiate above the minimum standards provided in the law. On the other hand, attrition of union leaders in the factories is occurring at such a rate as to keep the movement weak.

Despite the efforts of international agencies

to bring trade unions together, cooperation and coordination between the trade unions is wanting, mainly due to animosity caused by the politicization

of unions. Missed advocacy opportunities, incidences of infighting, and bad organizing all point to this effect. Partisanship clearly has a weakening effect on the solidarity of the garment labor movement and allegations abound that some union leaders support factory owners. Assertions by union leaders in research interviews that most companies abide by the law and pay the minimum wage – when in fact ILO monitoring indicates otherwise – appear to confirm these suspicions.

In order for unions to become powerful, they must have a large and active membership to gain financial resources, political clout, and legitimacy that allows them to pressure companies to respond to their demands and inhibit government corruption. Currently there are too many unions and federations. Their large number may be due to an intentional strategy by political interests to weaken the movement. Sadly the large number of federations means that each one experiences considerable difficulty in collecting enough dues to be financially sustainable and to offer benefits demanded by workers. This results in unions relying on donor agency grants that assist them with their operating expenses. In some cases unions have even been accused of receiving political money. The expectation is that the number of federations will decrease in the near future.

Another area that affects the capacity and impact of unions is their ability to relate to their constituencies and work towards objectives that benefit them. Unions assert that their structures have an innate accountability mechanism because if they are not active, workers can simply switch to another union. However informal interviews with garment workers during the course of this survey indicated that this is not always the case. A number of workers interviewed indicated that they were paying dues but were not sure exactly what their union was doing for their benefit. In cases where federation leaders started off as garment sewers, the likelihood of their staying aligned with their constituencies is greater, but for some unions the union leader was never a factory worker and this weakens their ability to mobilize members. There also appears to be a distinction between unions that are lead by men and those lead by women. It is interesting to note that women run

In the past five years, the Cambodian garment trade union movement has made considerable strides. Like all sectors in the country however, the labor movement is in need of serious human resource development.

two of the more independent unions.

### Cooperation and International Networking

While cooperation between unions appears weak, international agencies work in close coordination with them, often conducting joint training activities. A number of international trade unions have contact with Cambodian unions, including: the International Trade Union Secretariat, the World Confederation of Labor, and international woodworkers, textile, leather, and industrial unions.

### Lessons Learned

- Most of the progress made in the Cambodian labor movement is due to the influence of U.S. quotas and unfortunately not due to political will to improve Cambodian garment workers' conditions.

- The main need of the garment labor movement, like other sectors covered in this report, is to develop strong leaders who know how to bargain. Until union leaders gain the strength to conduct collective bargaining with employers, concessions won are likely to remain limited.

- Many international agencies would like to support unions, but they do not usually understand how unions work. In order for the Cambodian labor movement to become strong, it must be developed slowly and unions need to widen their outreach to non-labor sector international agencies.

- While unions tend not to cooperate with each other, companies are very united and present a solid front to the unions. If unions are to continue to gain in strength, they need to present a similar united front to government and employers.

- Union leaders indicate that study tours, in which they are able to meet and exchange ideas with other union leaders, are particularly useful to them. In one example, union leaders were particularly impressed by meetings with leaders of Native American communities that were fighting for their rights.

### Future Considerations

#### Long-Term Planning

In 2005, WTO regulations require that U.S. quotas be phased out. While a number of scenarios are imagined - factories laying off workers and companies moving to China; downward pressure being applied to wages - none of the central actors appears to be developing (individually or in collaboration) a plan to retain investors in Cambodia.

One possibility should be to improve working

conditions in Cambodia's garment factories to the extent that buyers feel justified in paying slightly more for Cambodian products as they are helping to protect human rights. This would require first improving working conditions in factories so that they meet legal requirements and then organizing a campaign targeting overseas buyers, particularly from the U.S. and Europe. So far, promotion of Cambodian goods has been limited or non-existent, although the ILO monitoring synthesis report did appeal to U.S. buyers to become interested in Cambodian production. In order for such a campaign to reach buyers in time, it would have to be organized fairly soon, as only three years of the quota system remain.

### Export Processing Zone

The government is currently working on legislation to create Export Processing Zones (EPZ) on the Thai border that would allow Thai infrastructure to be combined with low-skilled Cambodian assembly labor, along the lines of the maquiladora processing plants on the U.S.-Mexico border. The draft law is not explicit regarding the presence of unions in these zones, and union leaders fear that the EPZs would be used to circumvent the Labor Law, especially since an ILO convention suggests exceptions for developing countries. Five unions are currently studying the issue and learning from examples in countries like the Philippines. While it is good to have investment in the country, unions and union supporters feel that investors must allow organized labor to operate in those zones and will accordingly lobby for this to occur.

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#### Footnotes

<sup>1</sup> There are a number of non-garment unions in Cambodia, including: teachers, construction and restoration of Angkor Wat workers, commercial sex workers, tourism, Naga Casino, hotel workers in Phnom Penh and Siem Reap, shoe makers, and wood forest workers (rubber included).

<sup>2</sup> The first trade union in post-war Cambodia was actually established in 1979, but was considered a tool for the socialist government to implement government policies.

<sup>3</sup> Worker representative elected by employees who are not represented by a union.

# Commune council election law

The campaign to change provisions in the draft Commune Council Election Law (CCEL) represents an example of advocacy at the highest level. The fact that objectives were not achieved should not reflect the lack of success of the campaign, but rather on the enormity of the challenge and the long-term aspect of the undertaking.

## Lobbying for Commune Council Election Law Reform

### Commune Council Election Law

In early 2000, the Ministry of Interior drafted the Commune Council Election Law (with technical assistance from UNDP), as part of its decentralization policy. NGOs found it difficult to access drafts of the law, which were made available to them only through informal channels. After studying the provisions, NGOs rallied to lobby the government on three specific issues and continued to lobby for them even after the law was enacted in March 2001. The desired changes included:

- changing proportional representation to a majority system;
- encouraging minimum representation of women candidates (preferably 30%); and
- changing the composition of the National Election Committee to become non-partisan.

In 1999, after the second national election, three Election Monitoring Organizations (EMOs) – COMFREL, COFFEL, and NICFEC – organized a workshop to discuss accountability of elected officials. Experts attending the workshop suggested possible alternative electoral systems. It was at this time that the three EMOs decided to test public preferences with regard to proportional representation as compared to a direct electoral system. The proposal to switch to a from a

Desired changes to the CCEL included:

- changing proportional representation to a majority system;
- encouraging minimum representation of women candidates (preferably 30%); and
- changing the composition of the National Election Committee to become non-partisan.

proportional representation system to a direct electoral system is a contentious one in Cambodia because it directly threatens any uncontested hold on power by minority (but strong) stakeholders, and rather favors a pluralistic democratic system in which the majority vote holds sway. Among the power issues at play was whether parties would be able to control their candidates who were not elected on a party platform.

Following the workshop, the EMOs conducted a public opinion poll. Although some of the EMOs were not initially convinced of the appropriateness of a direct electoral system, the results of the poll – in which 80% of respondents expressed a preference for this type of system – changed their minds. One of the main factors contributing to convincing undecided voices within the EMOs regarding the direct electoral system was the fact that, while each EMO had conducted independent surveys in different provinces, the results from around the country were uniformly similar.

One issue that EMO members unanimously agreed on was the need for a non-partisan National Election Committee (NEC), as the prevailing consensus was that a partisan committee could not be effective. Anticipating that this demand might not be met however, the EMOs prepared a backup position as well – that the three main political parties represented in Parliament should sit on the NEC.

With regards to promoting the participation of women through a direct election system, some

EMO members did not feel that it would be useful to advocate this position as they felt women should be better educated first. Eventually however, the EMOs agreed to advocate for the NEC to adopt a policy encouraging political parties to promote party lists comprised of 30% women candidates. Some women's groups felt they could work directly with the parties to promote this objective.

The EMOs spent considerable time and effort advocating for the proposed changes in the draft CCEL by using the strategies described below. The law was finally passed in March 2001, but none of the proposed changes were incorporated. The only change that was incorporated was the backup position regarding the composition of the NEC.

### **NGO Coordinating Committee (NGOCC)**

When the CCEL draft came out, NGOs were concerned about a provision to establish an NGO Coordinating Committee (NGOCC) to coordinate NGO observers and provide election education. No consultation had taken place with NGOs regarding this provision in the draft. The government proposed that the NGOCC be comprised of representatives from EMOs, human rights groups, and other social justice NGOs listed by the Ministry of Interior. The NEC would ultimately approve the NGOCC's activities and have the power to dissolve it.

EMOs feared that the Commune Council Election Law had been written in a way calculated to undermine the independence of EMOs, by giving the NGOCC the ability to monitor NGO finances and control the NGO election statement. EMOs decided to lobby for a reduction in the NGOCC's power and subsequently met with a number of legislators and government officials to explain their views. The Ministry of Interior countered that the NGOCC was simply a mechanism to ensure that every polling station had an observer, but it did eventually agree to review articles concerning the new agency's formation.

As late as March 2001, EMOs were still lobbying against the NGOCC but in the end the government maintained its original provisions. It was this issue that caused EMOs to consider withdrawing from the election process. Intermediaries and legal advisors argued that articles describing the NGOCC's role could be interpreted in a number of ways, and a liberal interpretation would be acceptable. Donors understood the EMOs' concerns, but felt that their threat to withdraw from the election process was unreasonable, as no action that compromised the EMOs' integrity had actually occurred. The impasse was eventually surmounted through dialogue between the EMOs and the NEC

Secretary General, first at COPCEL meetings, and then in follow-up meetings. In the discussions EMOs learned that NEC technical staff agreed with the EMOs' interpretation of the articles, and this put the EMOs more at ease.

Unfortunately, the Secretary General's interpretation of the statute was different from the NEC's, and EMOs continued to perceive the NGOCC as an obstruction to their work. The NGOCC limited the EMOs' direct access to the NEC, and tried to control the EMOs by setting conditions for the issuance of official NEC accreditation cards. For example, the NGOCC claimed that EMO requests for accreditation cards were made too early and that EMOs did not provide enough information. EMOs were not advised what additional information was needed however, and even after providing complete information some applications were still rejected.

After studying the law, COMFREL informed the NGOCC that it had no right to reject requests, but rather could only indicate if requests were satisfactory or not. Requests could only be denied by the NEC. Ultimately, EMOs simply bypassed the NGOCC, submitting their requests directly to the NEC, which did not risk rejecting EMO requests due to concerns about negative donor reactions.

### **Advocacy Strategies**

Board members of election monitoring coalition groups are for the most part committed staff of other human rights and governance organizations. EMO staff tends to be particularly experienced in the area of human rights. It comes as little surprise then that EMOs, even those organizations that are relatively young, are strong. A solid tradition of advocacy enables them to use a range of strategies to reach their objectives.

### **Setting Objectives & Distribution of Tasks**

When the CCEL campaign was first envisioned, EMOs had at least 20 issues that they wanted to advocate. A critical part of their advocacy process was narrowing down their objectives so that they could focus their energy on a few top priorities. Thus, out of 20 or so initial objectives, only three objectives were retained.

Another step in their advocacy process was assigning tasks to each organization according to its capacity and availability. Examples include assigning individuals to lobbying delegations, establishing a system for sending emails, and assigning groups to studying articles in the draft law. While delegating tasks seems like a very basic strategy, the process of doing so provided a good way of identifying resources and comparative strengths between advocating groups in order to

maximize the group's collective impact. In total, advocacy campaign activities included opinion polls, public forums, and information collection in early 2000, and the campaign continued for more than nine months, until the CCEL was officially adopted in March 2001.

#### Follow-Up with Responsible Government Agencies

As soon as EMOs observed a problem related to election laws, they immediately held a meeting and decided on follow-up action. They also made it a point to follow proper procedures with the government so that government agencies would respect the process. In one example, when the NEC informed the Provincial and Commune Election Councils that they did not need to use a blackboard or other means of transparent public display during the vote count, EMOs first contacted the NEC and asked for the blackboard policy to be reinstated. EMOs also contacted donors to inform them of concerns that the count would not be transparent. If the response from the NEC was too slow, EMOs continued to follow up with regular calls to inquire about the issue. In this way, EMOs tried to send government agencies the message that if they did not react to inquiries or complaints they would be closely monitored and it was in their interest to provide a more rapid response.

#### Provincial Opinion Polls and Public Forums

As stated previously, in order to build a case for proposed changes in the CCEL, the three election coalitions held a series of public forums in the provinces and conducted surveys at the grassroots level to assess public opinion. The surveys included interviews of people from different government departments (education, police, finance), and most respondents indicated they preferred a direct electoral system. The EMOs interviewed government staff and ordinary citizens in various provinces and found that 80%

As part of the CCEL campaign, EMOs conducted provincial opinion polls, organized public forums, and interviewed government staff and ordinary citizens in various provinces.

NICFEC organized 75 drama performances in 24 provincial towns to raise public awareness on CCEL issues.

preferred a direct electoral system.

The process of conducting the public opinion poll was particularly interesting because initially the three EMOs were not equally convinced as to the merits of a direct electoral system. The fact that the three agencies did separate field surveys in different provinces and came up with the same findings, i.e. that 80% of the population preferred the direct system, was a significant factor in bringing consensus to their views.

In addition to helping consolidate the opinion of the EMOs, the polls represented an active effort to assess the interests of the general population and identify the will of the people. This was an important step in legitimizing the campaign, as the opinions of NGOs are not always aligned with the opinions of the majority of the population.

The EMOs wrote a statement to NGOs, government, and the media about their conclusions from the public opinion campaigns. Additionally, NICFEC organized 75 drama performances in 24 provincial towns to raise public awareness on the issues. They also distributed flyers and invited NGO provincial and commune coordination committees to attend workshop on these issues.

#### Lobbying Government and Party Officials and Personal Diplomacy

Perhaps the most important form of advocacy on the CCEL took the form of personal diplomacy and group meetings with key decision-makers. For example, board members of the three election coalitions met with members of the Constitutional Council to raise their concern that the electoral system did not allow independent local citizen groups to compete in commune council elections. EMO representatives also met with leaders of the three main political parties, the Prime Minister, and the Co-Minister of Interior. Most of the individuals with whom the EMOs met agreed with the validity of the EMOs' arguments. This agreement was only expressed in private



*EMO representatives meet with Minister of Interior H.E. Sar Kheng.*

however. Publicly, government officials did not support the proposed changes.

#### Participation in Monthly COPCEL Meetings

Facilitated by CDRI, regular COPCEL monthly meetings were initiated to create a forum for, and prevent conflict surrounding, the dialogue between the main political parties, government departments, election officials, and civil society groups. On average, 35 people attended the meetings, which were held for more than two and half years. Participating ministries included Defense, Interior, Education, Women's Affairs, and Information.

COPCEL meetings were not without tension, but participants continued to attend (including the NEC Chair who was grilled regularly every month), indicating that participants felt that overall the dialogue process was beneficial. The success of the meetings is attributed to the absence of hidden agendas, follow up one-on-one meetings, a non-judgmental context, and the maintaining of accurate minutes which were then widely distributed to government agencies and the four governors and vice-governors of each province. Participants eventually voted unanimously to continue the process until the national election of 2003.

COPCEL meetings proved to be particularly useful when dialogues became strained due to concern about the role of the NGOCC. The meetings provided a forum for preliminary discussions on issues that were then followed up on in outside meetings between EMOs and the NEC.

The COPCEL meetings are reminiscent of the consultation the Department of Fisheries had with civil society groups and the tripartite meetings that take place at the Ministry of Labor. Though the dialogue process is not always smooth, the process often results in various actors softening their stances and coming to understand other points of view. The main difference between COPCEL meetings and Ministerial meetings is that at COPCEL meetings, all participants are on an equal footing and there is no agenda for change. In contrast, Ministerial meetings are usually held precisely because there is an agenda for change, which creates pressure on both sides to achieve a pre-set objective (for example, to come to a consensus on the articles of a draft law).

#### March on the National Assembly

Another strategy employed during CCEL lobbying was the organization of three days of public gatherings in Phnom Penh and four provinces (Kompong Thom, Takeo, Kandal, and Kompong Cham) in July 2000.

During the events in Phnom Penh, NGO leaders and the election coalitions marched in front of the National Assembly and Senate, where they met with Parliamentarians.

When the march from the Independence Monument to the National Assembly was proposed, two of the coalition groups were hesitant to participate even though legal authorization for the event had been obtained. The march took place anyway, and a number of NGOs participated, but it was not as successful as had been anticipated or hoped for. A lesson learned in this process was the importance of understanding the different natures of agencies involved in a campaign and identifying fears, pressures, and constraints that may lead to discord.

Although a march can be an effective way of gaining public attention, some feel that marches are closely associated with opposition parties (which have marched extensively in the past), and consequently are reluctant to participate out of fear of being affiliated with opposition parties.

#### Lobbying with Donors

EMOs maintained regular communication with donors, a strategy that proved to be effective in getting results, but also backfired in one situation. Any time a request or inquiry was submitted to the NEC by EMOs and no response was forthcoming, EMOs learned that an email circulated to donors was likely to produce the desired response in record time. This occurred in the case of using blackboards for vote counting, described previously.

Maintaining regular contact with donors was an effective strategy because donors were, for the most part, supporting both the EMOs and the NEC. Another avenue for lobbying was by meeting with the EU, UNDP representatives, and embassies that had direct contact with the Prime Minister and that were in a position to raise issues for NGOs.

Close relations with donors had its disadvantages as well however. One obstacle that EMOs encountered was the fact that some donors originate from countries with proportional representation systems. Those donors were not necessarily in favor of efforts to change to a direct electoral system.

One significant error related to fostering close

Although a march can be an effective way of gaining public attention, some feel that marches are too closely associated with opposition parties which have marched extensively in the past.

communication between EMOs and donors involved the wide and unintended distribution of a controversial email, which expressed the EMOs' discontent with the government. The result of the incident was that EMOs gained a reputation for being intransigent and impulsive in their reactions and some donors criticized their actions. Relations would eventually become smooth again, but this incident presented a major learning experience for the EMOs.

### Press and Electronic Media

One of the most effective strategies of the CCEL campaign was the skill with which EMOs used the media. Because the advent of commune councils was an important story, some newspapers had reporters assigned specifically to that one issue; advocates used this to draw considerable media attention to the campaign. The media strategy included a series of press conferences at the Sunway Hotel and dissemination of numerous press releases.

EMOs also gained experience in dealing with the Khmer-language press. One organization held a meeting with journalists and conducted a training course for them on commune elections in order to explain the role of EMOs and to highlight the non-partisan aspect of the CCEL campaign. Through these activities, the EMO built closer ties with reputable editors, which enabled them to provide journalists with pertinent information – sometimes even news analysis – for distribution by the newspapers. Journalists even began approaching EMOs for information. Although the leading Khmer-language newspaper, Rasmei Kampuchea, remained uninterested in talking to EMOs throughout the campaign, they sometimes published articles on the topic.

EMOs used email regularly to disseminate information to the provinces and abroad in order to keep people informed. As mentioned in the previous section, the use of email needs to be carefully monitored because of the ease with which messages can be sent to unintended readers. In general, however, email is an invaluable, instant global channel of communication.

### EMOs Threaten to Withdraw from the Process

Because EMOs perceived the NGOCC as trying to control them, at one point the EMOs held

a press conference in which they threatened to withdraw from the election process if provisions for the NGOCC were not changed. While the EMOs' concerns about the NGOCC may have been very real, from the donors' point of view the abrupt manner in which the decision was announced was a mistake and donors applied pressure on the EMOs to relax their position. The incident brings up an interesting question as to when withdrawing (or threatening to withdraw) from a negotiation process can provide successful leverage for change. The general consensus is that in this case the EMOs' threat was premature and that it should

only have been used in response to sudden and drastic action by the NGOCC.

### Impact of Lobbying Activities

Organizing a campaign and doing intensive high-level lobbying is not a guarantee of success. Some actors perceived the NGOs as being stubborn or idealistic in engaging in an endeavor of this sort. Advocates understood well the enormity of the challenge they had set for themselves and realized that there was a high chance of failure. They were of course nonetheless disappointed when the campaign did not achieve any of its three goals.

### Policy

None of the three proposed changes - to alter the composition of the NEC, promote women candidates, and switch to a direct electoral system - were incorporated into the government's CCEL, though the backup position regarding the composition of the NEC (to have all three main parties represented on the committee) was ultimately adopted. Interpretations and explanations for why the three proposed changes were rejected are many. The two main political parties argued that Cambodia was not ready for a majority system yet. Others argued that the National Assembly was not ready, but that the Senate might be ready soon. A prevailing view is that the current administration is neither able to accept change nor face the possibility of being voted out of office, as it would then be forced to compete for power on equal footing with other parties. Still, the campaign can be considered a success in that election coalitions drew significant attention to the commune council election issue

One of the most effective strategies of the CCEL campaign was the skill with which EMOs used the media. The media strategy included a series of press conferences at the Sunway Hotel and dissemination of numerous press releases.

and generated considerable public discussion about it.

### Enlarging the Democratic Space

EMOs possessed the leadership required to advocate at the highest level. Strategies included personal lobbying, roundtable discussions at the district level, workshops, and COPCEL meetings. The presence of donors, as in other sectors, did apply a certain amount of pressure on the NEC and NGOCC to be responsive to NGOs, which may not have been the case otherwise. Still, the relatively peaceful conduct of the commune elections in February 2002 and the comparatively positive response of EMOs and other observers regarding the polling process may go a long way to improving relations. It will be interesting to observe how relations between the NEC and NGOs develop during next year's national election.

The CCEL campaign received considerable media attention, and coalition groups sought to draw public attention to the issues by conducting awareness raising activities. These activities included 75 drama performances conducted by NICFEC, distribution of leaflets, showing of videotapes, and other forms of education. Although there has been no evaluation of the effectiveness of these efforts, the issues were presented to the public and will provide a foundation of public information that EMOs can build on in the future.

### Building Capacity of Civil Society

Unlike in the fisheries or labor sectors, it is not necessary to base a campaign to change the electoral system on popular support. This is due to the fact that, while important for political decentralization, commune elections are not a livelihood issue and therefore plays a minor role in the average Cambodian's daily life. In a country where most people have many more immediate and serious needs, it would be difficult to rally a mass movement to change the CCEL. For this reason, the emphasis of capacity building for this issue lies with election and governance NGOs.

In general, the CCEL campaign was well organized and efficient. Lobbying was performed at the highest levels, and probably no other sector has been able to replicate the level of lobbying that took place in this campaign. NGO leaders met with party leaders, members of the royal family, and countless politicians to argue their case. Lobbying skills were undoubtedly sharpened during the experience. Use of the media is another area in which coalition groups gained skills.

As this was the third election in Cambodia that NGO workers had been involved in (through education or monitoring), NGO staff are quickly



*Public education as part of the CCEL campaign: here NICFEC staff hand out brochures in Phsar Leu market informing people about commune council voting dates and times. Battambang province, January 2002.*

becoming veterans. Even so, the CCEL campaign differed from national elections in that in the CCEL campaign, staff had to analyze articles in the draft law and develop a new concept of commune councils.

Although there was a broad understanding of the need to include women in politics, comprehensive statistics on the participation of women in politics were not available at the time. In retrospect, NGOs consider this to have been one of the weaknesses of the advocacy campaign because their arguments tended to rely on historical references. In general, parties were against a policy of encouraging women to run because they were already committed to promoting long-time supporters and active members, who in most cases were men.

In mid-2001, EMOs conducted a survey of parties and discussed women's issues with them to assess their policies regarding women and criteria for candidates. In October 2001, when candidate registration was completed, EMOs conducted another survey of parties and found that (as they suspected) most candidates were men. Some parties argued that it was difficult to find women

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The CCEL campaign was the first opportunity for NGOs to work on a long-term issue that was not likely to reap immediate results. When asked how they kept their spirits up, EMOs indicated that while it was sometimes difficult to keep themselves motivated, the prospect of real change and the knowledge that they were abiding by the people's will buoyed them.

candidates.

The average representation of women in public institutions was only 7%. The real issue was to get women placed high enough on candidate lists so that they stood a fair chance to get on councils. In the end, 16.2% of all party commune council candidates were women, but they were placed low on candidate lists and therefore unlikely to get seats. One exception to this was the SRP, where 21.1% of candidates were women and these were well placed on the lists. FUNCINPEC had 14% women candidates, who were not quite as well placed as the SRP female candidates. The CPP had 13.27% women candidates, who were generally placed lower on the lists.

## Lessons Learned

The CCEL campaign was the first opportunity for NGOs to work on a long-term issue that was not likely to reap immediate results. When asked how they kept their spirits up, EMOs indicated that while it was sometimes difficult to keep themselves motivated, the prospect of real change and the knowledge that they were abiding by the people's will buoyed them.

One important lesson learned was the need to understand the pressures and fears that various

organizations were subject to. This was not adequately done in the CCEL campaign and as a result, when the advocacy strategy moved from influence to confrontation, some organizations withdrew, causing loss of momentum within the movement. While it is not possible for organizations to always be in agreement, it is possible to identify points at which views are likely to diverge in order to avoid loss of stakeholders at inopportune moments.

Similarly, it was important for CCEL advocates to identify activities that needed to be done together and those that could be done apart. In an effort to ensure consensus, especially regarding press releases, some processes in this advocacy campaign were probably too slow. Given the need to be able to disseminate information quickly, guidelines need to be established so that time is not wasted building consensus when the situation does not require it, or when immediate action is needed.

## Future Considerations

One of the challenges facing EMOs is the cyclical nature of their activities. In pre-election and election periods, they receive considerable attention and funding and they implement many activities. In the interval between elections however, funding diminishes significantly. In the future, it would behoove EMOs to learn how to function like real coalitions, drawing on the resources of their members (staff, computers, cars, etc.) during peak periods, and then releasing resources back to their organizations during slow periods.

EMOs view the campaign to advocate for changes in the CCEL as having just begun. They learned important lessons in their first advocacy attempt and will continue to accumulate experience with every subsequent election. EMOs possess the staying power needed to achieve success in the long run. But while they consolidate their efforts, they must keep in mind that the political context in Cambodia will continue to change – particularly with the formation of 1,621 communes. Their advocacy strategies will have to adjust to the changing landscape.

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# women's issues

- Women's rights
- Domestic violence
- Commercial sex workers
- Anti-trafficking
- Politics and leadership

The women's movement in Cambodia spans a wide range of issues and needs, and as such, literally dozens of organizations are currently working on women's issues. Given the limited scope of this research project, it has not been possible to provide a complete overview of all advocacy activities in this sector. Instead, the examples presented below were selected to highlight particular aspects and challenges of advocating for women's issues. Inclusion in this document by no means implies that these efforts are more important than those that it was not possible to include here.

## Advocating for the Rights of Women in Cambodia

In the pre-UNTAC era, advocacy for women meant supporting the government's development plan, which stated that women were to support their husbands and sons in the development of the country. In 1992, Cambodia signed the UN Convention to Eliminate Discrimination Against Women. The following year, the 1993 Constitution guaranteed women and men equal rights under the law and endeavored to eliminate all forms of discrimination against women. In 2001 however, NGOs monitoring the government's adherence to the UN Convention stated in their second parallel report that discrimination continued to be a part of the daily lives of Cambodian women. Although women are guaranteed rights by the government, they have not been able to access these rights consistently due to Cambodia's strong traditions related to hierarchy, power, and gender relations.

The early-1990s saw an influx of relief and development activities in Cambodia, many of which focused on improving the lives of women. Programmatic emphasis during the early years was on literacy, nutrition, food supply, and the provision of childcare. The goal of these programs was to place the poorest women in a position to improve their lives and provide for their children. Educating women (and men) on human rights was another focus of early NGO programs. By the mid-1990s, programmatic foci changed to credit and other livelihood activities. By the late-1990s however, donors and NGOs began to question the effectiveness of these programs and a series of women's rights and protection programs began to be funded.

## Domestic Violence Legislation

Until recently, Cambodian social norms strongly refuted outside intervention in a marriage, and as recently as six or seven years ago there was no common term used to describe domestic violence in the Khmer language. Wives are encouraged to reconcile with their husbands when problems occur. Reporting of domestic violence crimes is low and enforcement is generally acknowledged to be nil. Sadly, it is not unheard of for a woman to express fear to her neighbors that her husband has threatened to kill her and to be found dead soon after.

In 1994, researchers from the Human Rights Task Force (HRTF) and its partners conducted a survey on domestic violence. Preliminary findings indicated that at least 25% of women were domestic violence victims, which prompted HRTF to conduct a further study. This second study indicated that at least some, and often many, women were regularly beaten by their husbands and that victims were ashamed of, and thus not vocal about, their abusive relationships. In December 1994, the Ministry of Women's Affairs hosted a Regional Conference on Intra-Familial Violence for participants from 16 countries, and it was at that time that Cambodia prepared a national action plan. By 1995, the Project Against Domestic Violence (PADV) was established and it collaborated with the Ministry of Women's Affairs to organize a *Household Survey on Domestic Violence in Cambodia*. The studies and conference helped people to recognize the extent of the domestic violence problem and to decide upon action.

In 1999, the Cambodian Women's Crisis Center (CWCC) conducted a survey of 80 women in Phnom Penh and found that 17% had been raped by their husbands, while 76% were mentally or physically abused. A *Demographic and Health Survey* of 15,351 women conducted by the Ministry of Planning in 2000 indicated that one

in every four women (25%) aged 15-49 had experienced domestic violence in her lifetime, and that of this 25%, 66% had experienced domestic violence in the recent past. NGOs considered it a major success that the Ministry of Planning included domestic violence-related questions in the survey. This and other studies have provided important information on the domestic violence situation in Cambodia, and results have supported arguments for the need for legislation and justification for further action.

Currently a number of local organizations provide shelter, legal services, and reintegration programs to domestic violence victims, in addition to lobbying for legislation and raising public awareness of the problem.

### Legislation

As mentioned previously, research to establish information on domestic violence in Cambodia began in 1994. The first draft of a Domestic Violence Law was produced in 1996 and was a collaborative effort between the Ministry of Women's Affairs, PADV, and UNCHR. At that time, the draft law was submitted to the Council of Ministers, but government interest waned and no subsequent action was taken.

In 1998, a group of women's NGOs began organizing a 16-day Campaign against Violence against Women, to be attended by the Prime Minister. Though the Prime Minister initially expressed skepticism as to the seriousness of the domestic violence problem, he did attend in 1998 and proceeded to attend the next two years' campaigns as well (by that time the Campaign was being held annually). By 2000, he was convinced by the arguments and indicated that he would support introduction of a domestic violence law. During that same year, on the occasion of the 16-day Campaign, a group of NGOs succeeded in gaining an audience with H.R.H. Queen Monineath Sihanouk. In 2001, the 16-day Campaign was held in the provinces rather than in Phnom Penh.

A second effort to enact domestic violence legislation was initiated in December 2000 by NGOs, primarily PADV, CWCC, and Cambodian Defenders Project (CDP), who invited more than

29 NGOs to collaborate in collecting a list of concerns that would need to be addressed in a law. The three agencies organized workshops for NGOs to sensitize them to the issue, and invited victims of domestic violence to testify about their ordeals.

As a result of the workshops, the NGOs asked UNDP to provide legal and technical assistance in organizing a committee to promote enactment of the domestic violence law. Three committees were formed: one to work on the actual draft, a second to conduct an advocacy campaign, and a third to address the issue of direct services. CWCC was placed on the drafting committee and PADV on

the advocacy committee. Campaign activities included television spots on the domestic violence law and presentations to villagers. In April 2001, PADV – on behalf of NGOs – made a presentation at the Ministry of Women's Affairs on the draft law. In May 2001, the NGOs organized a workshop for various ministries to promote the integration of domestic violence awareness into their regular activities.

That same month, the Ministry of Women's Affairs presented draft legislation to Parliamentarians for feedback as a strategy to gain support for the issue. NGOs themselves were not satisfied with the draft because it did not include penalties for domestic violence crimes. The draft law committee found it difficult to reach consensus on the inclusion of criminal provisions. NGOs wanted language included about criminal penalties but felt that they needed more representation on the draft law committee to lend weight to their arguments. NGOs' request for increased representation was eventually granted, but so late in the process that it was only at the last meeting that two other NGOs, LICADHO and Legal Aid Cambodia, were present.

Increased NGO representation notwithstanding, the Ministry of Women's Affairs was not ready to incorporate provisions for penalties and submitted the draft law without this language to the Council of Jurists at the Council of Ministers. The Ministry and NGOs then organized a workshop for government officials in which three domestic violence victims testified about their horrifying experiences. Officials were shocked by the victims' stories and felt the need



*Workshop held in April 2001 on drafting the domestic violence law. From right to left: PADV Director Ms. Hor Phally; Minister of Women's and Veterans Affairs Ms. Mu Sochua; H.E. Yos Diy; and Council Minister H.E. Heng Vong Bunchhat.*

to address the problem. Mr. Heng Vong Bunchat, senior member of the Council of Jurists (Council of Ministers), was so moved by the stories he heard that he eventually returned the draft to the Ministry of Women's Affairs and instructed them to include language on criminal penalties. Thus, the workshop and inclusion of real victims' stories paved the way for incorporating penalties into the draft.

The Ministry of Women's Affairs asked CWCC, PADV, and CDP to revise the draft along with UNCHR. All inputs from NGOs were sent through UNCHR as a formal channel to the government. MoWA forwarded the new draft to the Council of Ministers, which drafted a new law based on the original. The current version has a vague definition of domestic violence. Apparently, Council debates on the articles took a long time – in a two-day period only five of 47 articles were reviewed. Further discussions have addressed a total of 14 articles.

The next steps will be to analyze the most recent draft and outline a lobbying plan, especially as the new draft will be submitted to the National Assembly soon. NGOs plan to organize a workshop for lawmakers in collaboration with the MoWA. They also plan to have individual meetings with lawmakers, in particular, members of the legal committee. The National Assembly has already asked NGOs to make a presentation on domestic violence at one of their sessions.

Lobbying of members of the National Assembly was done informally through acquaintances and contacts, as Parliamentarians claimed they were too busy to meet with lobbyists. For example, lobbyists were able to meet Parliamentarians at a conference on Parliamentarian Advocacy for the Elimination of Violence Against Women organized by UNFPA in Bangkok in 2001.

### Strategies & Lessons Learned

During the advocacy process, domestic violence advocates have employed innovative strategies and learned valuable lessons, including:

- During initial efforts at getting legislation passed, NGOs did not have enough experience to know that they needed to mobilize public support and raise public and government awareness of the domestic violence problem. As a result, the campaign failed.

- By researching and documenting domestic violence and by asking victims of abuse to come forward and tell their stories, NGOs have generated legitimacy and sympathy for the domestic violence movement.

- The Cambodian Men's Network also participated in the advocacy effort, explaining why a domestic violence law is useful. This was a deliberate strategy to gain support for the law by having men (instead of only women) explain why it is needed.

- The inclusion of domestic violence-related questions in the 1999 national health survey added legitimacy to the issue.

- Networking with Parliamentarians, especially women Parliamentarians, was a critical part of this advocacy campaign. International conferences presented good opportunities for lobbying Parliamentarians.

- In addition, NGOs and the MoWA successfully lobbied a senior member of the Council of Jurists at the Council of Ministers.

### Obstacles to Success

Domestic violence advocates also encountered several obstacles to success:

- At this time, women still do not know that marital rape is a violent crime and do not report it to the authorities. Even in the rare cases when they do, there is no enforcement of criminal penalties, as law enforcement agencies still believe that this is a husband's right.

- One of the main obstacles to success of domestic violence education and other advocacy activities is the low self-esteem and confidence of abused women.

- Domestic violence victims are generally completely dependent on their husbands for shelter and livelihood. This makes it difficult (if not impossible) for victims to contemplate action to extricate themselves from their situations.

- Legislative lobbying on women's issues is hampered by a lack of professional legal counselors.

- Some NGO workers are not convinced that a domestic violence law is necessary because rape will be dealt with severely under the new penal code. They do not understand that Cambodian women do not see the threat of penalties for rape crimes as an effective deterrent to domestic violence.

### Organizing Commercial Sex Workers and Legalization of Prostitution

There is no reliable estimate of the number of commercial sex workers (CSWs) operating in Cambodia. A study conducted by Parliamentarians in 1998 puts the figure at 14,000 in Phnom Penh alone, while the Cambodian Women's Development Association (CWDA)

estimates the number of sex workers in Cambodia to be around 55,000. Though their exact numbers are not known, it is known that commercial sex workers generally lead miserable lives, are vulnerable to abuse, and constantly run the risk of contracting HIV.

Prior to 1975, prostitution was legal in Cambodia. During the Khmer Rouge regime however, there were severe penalties for prostitution, and in the 1980s, prostitutes were sent to a reeducation camp on an island. Even though prostitution is not illegal in Cambodia today, it is not technically legal either. Because of this quasi-legal status, commercial sex workers have no specific legal rights and no clear legal standing in the community. As a result, local authorities take (illegal) action against sex workers on a regular basis.

The movement to legalize prostitution in Cambodia is perhaps the most manifest example of grassroots women's organizing. In 2000-, Oxfam Hong Kong's *Womyn's Agenda for Change* program was initiated in collaboration with Family Health International (FHI) to bring women to the forefront of the empowerment process by facilitating self-organization of sex workers and building capacity of local NGOs to analyze gender issues. Local partners in the program include Cambodian Women for Peace and Development (CWPD), Urban Sector Group (USG), Phnom Srey Association for Development (PSAD), and Nyemo.

Since the program's inception, 1,900 commercial sex workers have been organized into collectives. In addition to activities like HIV/AIDS and safe sex education, the women learn about their legal rights, and evidence exists that the program has started to change the power balance. Now that sex workers are aware that prostitution is not illegal under the law for example, they respond when one of their own is arrested or detained by marching in a group to the police station to demand the detainee's release.

### March on the Ministry of Women's Affairs

In December 2001, at a meeting of 400 members, commercial sex workers marched on the MoWA to lobby for the legalization of prostitution. The Minister of Women's Affairs met with 40 of the marchers in front of the Ministry. Other demonstrations were held in front of City Hall (where sex workers obtained a meeting with the Vice Mayor), and at the Ministry of Health. The women are now trying to meet with the Prime Minister.

### Legislation

In 1999, Gender and Development (GAD) organized the first national conference on gender

and development for 100 women from government agencies and 100 from non-profit organizations and associations. During the conference a suggestion was made to legalize the sex trade. For the past two years, *Womyn's Agenda for Change* has been working with Parliamentarians to advocate legalizing prostitution.

At a policy level, CSWs are asking for a regulated geographic area where they can operate self-managed businesses that are free from extortion. While initial reaction to this request was negative, attitudes are changing. By providing examples from throughout the world, it has been possible to convince those who thought they could put a complete stop to prostitution that this have never been achieved in any country and would be a useless effort. By telling their own stories, the sex workers have been able to highlight the complexities causing prostitution.

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### NGOs as an Obstacle?

While political leaders appear to be softening their stance on legalizing prostitution, NGO leaders have not always given the issue priority. There are many possible reasons for this. NGO leaders may be more interested in other programmatic issues, may need to focus on the development of their own organizations, or may have time constraints that prevent them from taking on the issue in earnest. Additionally, some NGO leaders may be bound by moral dilemmas or a lack of understanding of the depth of commercial sex workers' suffering. Whatever the case, support agencies need to help NGOs realize the importance of their role as facilitators for progress on this issue.

### Strategies and Lessons Learned

- Commercial sex workers are empowered when they know their rights and they are beginning to understand the power that comes with solidarity.
- Demonstrations and marches can be effective strategies for awareness raising and getting the attention of high-level political officials.
- Current NGO programs aimed at providing training and services to commercial sex workers are not likely to receive strong public

support due to the fact that sex workers are on one of the lowest social levels in Cambodian society.

### Obstacles to success

- Some NGOs involved with commercial sex workers may not be advocating on their behalf with the dedication needed to bring about change.
- There is a general lack of understanding about the complex causes of prostitution.
- Commercial sex workers do not tend to attract widespread public support and therefore do not elicit the sympathy that other groups might (for example child laborers).

### Regional Anti-Trafficking Campaign

There are a number of programs that aim to address trafficking of women and children, including those implemented by the UN Inter-agency Project Against Trafficking and the International Office of Migration. Trafficking is not a new problem in Asia, and Cambodia shows similarity with other Asian countries. This section examines a few anti-trafficking campaigns currently operating in Cambodia.

AFESIP focuses solely on trafficking and sexual abuse issues that affect women and children. The organization was founded by a Cambodian who, while working as a program officer on a Medicine Sans Frontier (MSF) AIDS prevention project for commercial sex workers in the mid-1990s, was exposed to these women's suffering. Although many organizations at the time were working with CSWs in brothels, these organizations generally targeted the workers as an HIV/AIDS problem. AFESIP, which considers prostitution an intermediary situation for women under difficult circumstances, decided to address the human rights aspect of the CSWs' situation by offering interested workers a full range of medical and social services, including mental health care, medical care, rehabilitation, and reintegration.

There are currently a number of networks working on behalf of children as well. For example, Ending Child Prostitution and Trafficking (ECPAT) is a network of organizations that has been working on child issues in Cambodia since 1994. The network has decided to target tourism in its next efforts. ECPAT has good relations with the MoWA anti-trafficking project, as well as with the National Assembly and Senate through informal contacts. As part of its strategy to reach Parliamentarians, ECPAT advocates directly with non-profit organizations of interest to Parliamentarians and provides them with information and advice. Through its efforts,

ECPAT has learned that it is important to have reports ready with data and recommendations. Lawmakers and government officials tend to be so busy that it is generally useless to go to them with a problem, but very helpful to go with a solution.

The Cambodian Confederation of Women's Organizations (CCWO) is part of the ASEAN Confederation of Women's Organizations (ACWO), which holds meetings every two to three months. CCWO has successfully lobbied to have a special session on trafficking at the next ACWO General Assembly, to be held in June 2002. This venue provides access to high-level officials (or their spouses) at the regional level. As trafficking is really a regional problem, these contacts provide a mechanism for advocating for regional action against trafficking. CCWO is also planning to launch a regional anti-trafficking campaign at the ACWO meeting. There are a number of things that can be done at the regional level to fight trafficking, such as working with countries to harmonize laws that relate to prostitution (such as the legal age for sex).

### Strategies and Lessons Learned

- As a large network, ECPAT is in a good position to make recommendations to the government.
- Advocacy at the National Assembly and Senate is partially done through informal contacts.
- A regional lobbying approach to eliminating trafficking puts indirect pressure on individual countries.
- Regional networking tends to open doors to important contacts, such as spouses of high officials.
- When lobbying lawmakers, it is best to prepare reports with support documentation. Rather than approaching them with a problem, approach them with a proposed solution.

### Women in Politics and Leadership<sup>1</sup>

Cambodian women acquired the right to vote in 1947 with the introduction of parliamentary democracy. The first woman Parliamentarian was elected in 1958. Article 35 of the 1993 Constitution guarantees women the right to participate actively in politics, though women's participation in politics is not new to Cambodia and a woman was appointed Minister of Education 50 years ago.

Even so, despite Constitutional provisions and the efforts of the MoWA and many NGOs, the number of women holding leadership positions remains small. During the 1993 National Assembly elections, only seven out of a total of 120 members elected were women. The 1998 National Assembly

elections saw an increase to 14 female members in a chamber of 122. This represented an increase from 6% in the first session to 11% in the 1998 session. In the Senate, created in March 2000 with the role as a reflection chamber, only eight out of 61 appointed members are women (13%). To combat this, the Ministry and NGOs actively encourage women to take more political responsibility and run for elected office, and also organize workshops and publications informing women about their rights.

Currently, the proportional party representation system used in elections inhibits the election of independent candidates. As political parties control the lists of their candidates and since male party members usually have seniority over female members, it is generally unlikely for women to be given prime or prominent positions on party lists. To try to change this situation, in 2000 NGOs advocated strongly for legislation mandating a minimum percentage of women candidates on electoral ballots for commune councils. Unfortunately, their efforts were unsuccessful. (See case study on Commune Council Election Law).

As a fallback to the above position, NGOs worked to encourage parties to voluntarily include women candidates on their commune council electoral lists. Although the three main political parties accepted in principle to nominate 30% women to their party roster lists, only one party achieved this objective. On a more encouraging note, in 2001, the Royal Government and the Ministry of Interior appeared to take extra efforts to employ women in the newly created Commune Clerks positions.

Within the current administration, only two out of 24 full-fledged ministers are women, a low number, but still an improvement over the 1993 administration. At the provincial administrative level, there were no women appointed as head of the 24 provinces or municipalities. Within the judiciary, there are no female members of the Supreme Court. A woman is the head of the Court of Appeals and is also the only female member of the Council of Magistracy. Of the 220 or so trained and practicing lawyers in Cambodia, only 20 are women. Of 110 judges, eight are women, while none of the 40 prosecutors are women. Female civil servants seem to be concentrated in non-decision making positions in their ministries, and some evidence suggests that instead of being

Despite Constitutional provisions and the efforts of the MoWA and many NGOs, the number of women holding leadership positions remains small.

allowed to use their technical skills, qualified women are

assigned administrative work. This same situation prevails in both the military and police forces, where women are in the vast minority and usually hold only token or minor positions.

Since the 1993 elections, the Royal Government has begun to recognize the important role played by NGOs and civil society organizations in the country's development and the non-governmental sector has been allowed to emerge as an advocate for social justice and a partner in the fight against poverty. As a general rule, women are better represented in NGOs than in most other organizations or agencies. Women assume leadership roles in several NGOs and have been effective in affecting changes, particularly in the area of women's rights.

### Strategies

- Workshops for Commune Clerk candidates, to assist them in passing the entrance exam.
- Trainings, workshops, and media publications focused on legal rights and human rights.
- Lobbying for law requiring a quota system for female candidates (unsuccessful as yet).

### Obstacles

- Men control political parties and decide who election candidates are.
- Women lack disposable income needed to run for elections, especially national elections.
- Women are generally not expected to participate in politics or in community leadership roles. There is generally lack of active support by husbands, family, or communities for women to engage in public office.
- Women's lack of self-confidence and awareness of their limited education prevents them from considering themselves qualified for public office. There is a lack of role models and traditions relating to public service for women.

## Impact of Advocacy on Women's Issues

### Policy

In addition to draft domestic violence legislation and efforts to legalize prostitution, there is an ongoing effort to get the government to amend the Family Law that was ratified during the State of Cambodia administration around 1989. The Family Law regulates marriage and divorce, as well as issues related to children such as custody and adoption. Advocates believe the law to be greatly outdated and to lack gender sensitivity. For example, the law currently stipulates that women are required to wait 300

days after separating from their husbands before obtaining a divorce.

Efforts to amend the Family Law began with a workshop organized by the GAD network (25 NGOs concerned about women's issues) to identify articles in the law that need to be changed and to articulate change objectives. Recommendations from the workshop were sent to JICA with a request for them to consider proposed changes to the civil code related to marriage. (JICA is working with the Ministry of Justice on the civil code, which overlaps with part of the Family Law.) For example, in the current civil code, the legal marrying age for women is 18 and for men is 20. NGOs recommended that the age be the same for both genders. The workshop recommendations have been acknowledged and will be considered for incorporation into the new civil code. To mobilize support for the changes, the GAD network has tried to meet with the Minister of Justice to request an amendment to the Family Law, which could fill gaps until the civil code is ratified. GAD has not been able to obtain this meeting as of yet, however.

In a separate effort, when the GAD network heard that the government was rewriting the criminal code, the network obtained a copy of the draft and held a workshop to review the articles in light of gender sensitivity and crimes against women. For example, under the UNTAC law, the sentence for rape was 10 years, while under the new draft penal code it was only one to five years. Recommendations were sent to the Ministry of Justice, the Ministry of Women's Affairs, and to members of the National Assembly. Though the network did not receive a response, advocates were pleased to learn that the National Assembly did make changes regarding the sentence for rape (now ranges from 10 to 15 years), as well as the sentence for murder.

Cambodian law makes the buying and selling of people illegal. However, when police go to brothels, they do not arrest brothel owners, but rather the prostitutes (who are not committing a crime under the law). Only in very rare cases (perhaps as low as 1% of cases) do police charge brothel owners with any crimes. NGOs working to fight trafficking are requesting that the government implement a special policy targeting traffickers. Measures would include penalties for brothel owners who receive underage prostitutes (whether voluntary or in bondage), as well as for the parents of underage prostitutes.

The existence of a draft Domestic Violence Law, enacted Anti-Trafficking Law, Family Law, and legislation to legalize prostitution suggests that the Cambodian legislative system is supportive of women's issues. As mentioned

previously however, the lack of women lawyers and the low number of elected women leaders at the national level present significant obstacles to the participation of women in legislative decision-making. From an enforcement point of view, the government gives free legal counsel to citizens for criminal charges, but not for civil charges, so women cannot get legal assistance when they are abused. Clearly, there is still much work to be done, and it will be some time before it is known whether efforts to change existing laws and enact new ones are successful, and even more time before their impact can be assessed.

### **Enlarging the Democratic Space**

When the Human Rights Task Force began its first research in 1994, the team was known as the 'whisper team' because at the time, women were so uneasy about discussing domestic violence that they did not dare speak out loud. In the space of eight years, the term "domestic violence" has become common, if not in all villages, at least in the cities. People are becoming aware that violence against women is a grave problem in Cambodia.

But changes in rural and urban areas have not been even. In urban areas, there has been some delay of marriages and enrollment of women at higher institutions has increased. These trends are not being seen in rural areas however, which do not have adequate schools or teachers as in urban areas. In rural areas, girls' access to school continues to be more limited than that of boys. For grades 10-12, only 32% of enrolled students are girls. Currently 75% of school fees are absorbed by the family. As the education of boys usually takes precedence over girls, the high cost of schooling presents another obstacle to the advancement of girls' education. Poor, young rural women are particularly vulnerable and if they do not end up moving to Phnom Penh to work in garment factories, there is risk that they will find employment in the sex industry or become involved in trafficking.

There is a view among development workers that involvement of women in the women's movement has not been adequate. While women are the recipients of development programs, participate in lending groups, and are invited to celebrate International Women's Day, there are few examples of advocacy for women in which women outside of a program or specific sector are involved. One of the reasons is that it takes time for women to gain confidence and assert their rights, even after they have understood them clearly. To give an example, in rural areas, although women may claim to have understood their rights, they are not likely to advocate to keep their daughters in school or to get access to

healthcare. While many women know that they have the right to live free from abuse, they do not file criminal charges against abusive husbands or initiate divorce proceedings because they believe that doing so will make their children suffer. From an economic standpoint, it is not clear that the situation of women has improved over the last decade. A total 66% of women in Cambodia are unpaid family workers and therefore do not gain any economic power from their labor. Therefore, though women's advocacy in Cambodia is making progress, it will be some time before average women will be able to assert their rights.

### Building Capacity within Civil Society

Within the NGO community, women manage many local organizations. Women working in NGOs benefit from more opportunities to travel, study abroad, attend international conferences, and take leadership positions. It has become common practice for potential NGO employers to encourage applications by women. As a result of these benefits, women NGO leaders have become articulate, experienced, and have a certain amount of legitimacy when dealing with the government. They can make presentations at international conferences, organize demonstrations and marches, and launch extended advocacy campaigns.

To a much lesser degree, representatives of civil society groups and local associations are beginning to gain recognition for their leadership skills as well. In isolated cases, proactive women from villages have come to Phnom Penh to advocate for support for a particular problem their community is experiencing.

At the grassroots level, advocacy remains limited, particularly due to personal constraints and burdens encountered by women, a lack of support for women to play leadership roles, and perhaps even a lack of role models.

### Networks

The number of women's NGO networks, government networks, inter-ministerial networks, and government-NGO networks exceeds those found in other sectors. Most of these networks focus on women's rights as a key way of changing the situation of women. Some networks are active, while others have very few activities or are inactive. While some networks competently use coordination as a means to achieving a specific objective, such as NGO parallel reports to the CEDWA, others appear to have meetings as their primary objective.

As women's issues are demanding on NGO leaders and resources are scarce, women's groups would benefit from coming together to establish



*Demonstrators marched from the Cambodiana Hotel to Wat Phnom as part of Women's Day 2002 events.*

a map of the various networks and identify where their organization fits on the map. This exercise would help identify opportunities for collaboration (such as using the same material for the CEDAW report and the NGO Statement to the Consultative Group Meeting), and eliminate duplication of effort. One of the negative effects of having so many networks is that lack of proper oversight of one network may adversely affect the reputation of other women's networks.

One suggestion has been to bring all the networks together beneath one umbrella. Under such a model, women's groups could identify sub-committees for specific activities, topics, or events, which could assemble and disband as occasions require. This would enable NGOs to participate in selected activities of particular interest to them, while remaining informed of the outcome of other efforts.

Finally, most networks have NGO staff as their members but limited or non-existent representation of non-NGO women. Networks should consider including women from the grassroots and government levels in the future.

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- <sup>1</sup>Extracted from: *Cambodian NGO Committee on CEDAW, 2001. Second Parallel Report on Elimination of All Forms of Discrimination Against Women, Phnom Penh, Cambodia.*

# urban poor

## Urban Poor in Phnom Penh

The Municipality of Phnom Penh is divided into seven administrative sections called *khans* or districts. According to *State of Poor Settlements in Phnom Penh* published by the Solidarity and Urban Poor Federation (SUPF) in 1999, approximately one-fifth of Phnom Penh residents (up to 240,000), are urban squatters or urban poor. The largest squatter and urban poor settlement is located in Chamcarmon District, in the southeast part of city.

Poor communities usually live in unhealthy environments in areas that flood regularly, either on public land, land with high value, or in areas scheduled for development of city infrastructure such as roads or canals. As a result, the urban poor are often threatened with eviction. In addition, as dwellings in Phnom Penh squatter areas are generally made of wood, and as fires are a phenomenon common to all squatter settlements, Phnom Penh squatters live in constant fear of fire as well.

Within squatter communities, the most vulnerable usually live where physical conditions are the harshest - often in ground-level makeshift shelters or very light homes, below the flood line. These shelters are mostly located on the edges of rivers or in water catchments areas. During the rainy season, inhabitants of such dwellings either move upland where they rent more expensive plots, or live on rented pirogues in extremely hazardous conditions.

A number of NGOs are working to improve the situation in these squatter communities, including: SUPF, URC, USG, UPWD, Khemara, CSARO, PADEK, UPDF, and ANS. These organizations' programs are generally similar and include activities such as community organizing, capacity building of community leaders, savings and credit, infrastructure, health, and education. Some of these organizations were established in the early-1990s and others in the mid-1990s.

Community Development Management Councils (CDMCs) are collaborative, district-level

planning committees made up of district officials, community leaders, and local and international NGOs. There are usually about seven people on a CDMC, depending on how active the NGOs and community representatives are. Sadly, few of the councils are active however. Though they have regular monthly meetings with stakeholders, the council's mandate is unclear as the CDMC chair is also the khan chief, and sometimes the two roles have conflicting interests. The khan chief is often the official who issues letters of eviction whereas the CDMC chair is charged with co-ordinating and implementing development programs that lead to poverty reduction or eradication.

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## Organizing Poor Urban Communities

The main strategies by which urban NGOs work to empower their communities are community organizing and capacity building of community leaders. Most urban-focused

NGOs conduct participatory appraisals, organize communities into groups, and facilitate elections for community representatives. Community representatives are encouraged to solve small problems, for example, related to sanitation. As representatives gain experience, they begin to tackle more difficult problems, such as securing land titles. Some urban development agencies make field visits every day and provide training on negotiating with legal authorities, for example on how to protect settlements and safe guard against evictions.

One obstacle encountered when organizing community groups is a shortage of willing volunteers to stand as community leaders. Less frequently, elected leaders are unwilling to step down at the end of their mandate. Since community members are directly affected by community problems, they are generally willing to work hard to solve them. Sometimes however, if communities are very well organized and receive outside funding support, local authorities feel threatened because they perceive that they are

losing influence. For this reason, cooperation with and inclusion of local authorities is a very important part of an NGO's strategy (though communities are usually averse to having local authorities handle funds for them).

One interesting strategy used by urban advocacy groups to involve local authorities is to invite them and community members from other poor urban areas to attend celebration activities marking the completion of an area improvement project. The celebrations allow community representatives to explain how work was accomplished and even challenge local authorities if they were not cooperative during the project. Representatives from new communities who are invited can learn from real examples and local authorities learn to interact with the poor communities.

Occasionally communities have to be creative and forceful in the face of official intransigence. In one example, local authorities would not authorize the construction of a kindergarten in a squatter area. The community tried everything it could think of to obtain the permission, but without success. In the end, community leaders decided to build the entire center in one night. When faced with a fait accompli, local authorities were reluctant to object, especially because the NGO involved had invited journalists to witness the center's opening.

## Squatter Communities and Evictions

The average squatter eviction event usually affects only 15-20 families at a time. As many of the urban poor are squatters, the main concerns of urban development organizations are unplanned evictions by the Phnom Penh Municipal Government. Following the 1993 election, the Municipality of Phnom Penh did not cooperate much with NGOs, especially with regards to squatters. The Municipality did not recognize that squatters had rights and perceived them as being illegally settled. As a result, evictions were forced, without planning or prior notice, and certainly without cooperation with NGOs. Since

then, urban development groups have tried to negotiate with local authorities to plan evictions. In a number of cases this approach has been successful.

In addition to organizing and building the negotiating capacity of community leaders, NGOs and other development agencies work with communities to prepare in the event of an eviction. Urban groups play an important role in facilitating meetings with committees and educating them about the importance of having a common voice. For example, faced with eviction, community members often want different things: some want land, some want to stay, others want cash, and still others may want the ability to return to their native villages. NGOs explain that community members cannot expect the government to respond to all of their requests, and that they therefore should reach consensus on what they ask for. A technique NGOs use to reach consensus among squatters is role-play - with some community members acting the parts of the local authorities. Using this and other tools, NGOs assist communities in narrowing their requests to two or three options.

Another service provided by NGOs is helping communities identify relocation sites before the Municipality initiates the relocation/eviction process. Often NGOs rent a truck and take community members around to look for relocation sites. By identifying sites that are within a reasonable distance of the city (where community members are likely to earn their living), and valuing the cost of purchasing the land, communities are able to be proactive about offers made by municipal authorities. The lack of planning characteristic of the Municipality undermines relocation efforts. According to the URC database, on average, squatters only remain 1.5 years outside the city before they return. The main reason for returning is that relocation sites are too far from the city for residents to be able to earn a living.

Frequently in the past squatters have requested permission to improve their sites and

Residents in parts of Toul Svay Prey, located just off Mao Tse Tung Boulevard in Chamcarmon, knew that they were illegal squatters who would eventually be relocated. In 1999, Solidarity Urban Poor Federation (SUPF) and its target squatter communities began a discussion about a possible eviction. When the time finally came the Municipality agreed to discuss relocation with SUPF and representatives of the squatters' community. Eventually the Municipality offered land outside the city to 129 families. However, the land proved to be too far away and the people felt they could not earn a living there, so they turned down the first offer. The community helped identify other open land in Boueng Krappour and the Municipality purchased it for them. UNCHS provided basic infrastructure and landfill for the site. Urban Poor Development Fund (UPDF) provided \$48,000 in loans to the community to construct houses and Urban Resource Centre (URC) assisted with the layout plans. The case of Toul Svay Prey provides an excellent example of a successful and collaborative relocation effort.

local authorities have refused permission. At one time, it was very difficult for community leaders to obtain meetings with district leaders. Recently, the situation has changed considerably as relationships improved during the mid- to late-1990s, and squatters can now usually get the permission they need. In at least one example, local authorities even made a contribution to an infrastructure project in a squatter neighborhood. These positive trends notwithstanding, NGOs are currently reassessing the relationship between authorities, NGOs, and urban poor groups, in light of the authorities' treatment of squatter residents after the Tonle Bassac fires of 2001.

## Tonle Bassac Fires

In May and December of 2001, two fires destroyed large parts of the squatter communities in Tonle Bassac in the area known as Building, opposite the Bondos Vichea Primary School. The fires, which are generally accepted to have been started intentionally, left 20,000 people homeless. The Municipality's subsequent handling of the crisis has eroded the trust of NGOs and aroused their suspicions.

The day after the first fire in Bondos Vichea, LICADHO, the Urban Sector Group (USG), and others distributed emergency supplies at the fire site. From that point on, the Municipality began sending mixed messages regarding permission to contribute emergency supplies, and after a few days declared that supplies could only be distributed at the relocation site at Chung Ruk (Samaki) (though some NGOs distributed supplies to communities from their offices). After the second fire in December, the Municipality again refused permission to donate emergency supplies to victims at the fire site, though distribution did take place in pagodas and other places away from the site. NGOs protested the Municipality's prohibition and felt that the government should have allowed erection of emergency shelters at the fire site while the relocation area was prepared.

Even so, NGOs wanted to help fire victims and since the only way to do so was to provide assistance at the relocation site, they inadvertently helped to legitimize the government's policy. UNCHS, in complying with government demands and helping to prepare the relocation site after the first fire, also set a negative precedent. Thus, when the second fire occurred, the government issued the same restrictions. The government transferred fire victims to a rice field until UNDP protested based on the lack of planning and adequate facilities at the transfer site.

The scale of the Tonle Bassac fires acted as a catalyst for urban-sector NGOs. The first fire in Bondos Vichea affected 547 families, while the



*Fires burn in the Building area of the Tonle Bassac squatter community, May 2001.*

second fire in Bassac/Chbar Ampeu affected more than 3,200 families. The crisis drew attention to the problem of squatters and spurred NGOs to consider issues related to the urban poor more seriously.

As with many tragedies however, the increased attention dissipated quickly. Although there were eleven urban community development NGOs monitoring the second fire and URC organized a press conference to protest the Municipality's handling of the crisis, there appears to have been no concerted effort to influence government policy or practices. The press conference received some media attention and may have raised public awareness, but in the end the decision to relocate all fire victims remained unchanged.

## Widening of National Route 1 and Resettlement Compensation

When the Asian Development Bank (ADB) entered into a contract with the Cambodian government to provide a loan for the rehabilitation of National Route 1, the contract included a stipulation regarding compensation of residents affected by the road-widening project. In addition, a separate clause required that an NGO be assigned to monitor the project. Separately, a group of NGOs under the umbrella of the NGO Forum conducted their own independent monitoring. The various NGOs involved in monitoring were not used to having different agencies working on the same issue and it took some time for NGOs to realize that each group had an important and separate role to play.

After monitoring the situation closely, NGOs submitted a short report to the ADB outlining problems with the government's compensation methods. One problem was that the inter-ministerial committee for valuing and distributing compensation was the same committee that heard plaintiffs' compensation-related complaints. This represented an obvious conflict of interest that put

plaintiffs at a disadvantage. A second problem was that households received different levels of compensation without sufficient and clear justification.

During the monitoring process, urban development NGOs became aware that while they were raising issues of adequate compensation in one area, there were other areas where residents were being resettled with no compensation whatsoever. The Tonle Bassac fires had highlighted the need for clear relocation policies, and since that time NGOs have held meetings to discuss relocation and organised a workshop in August 2001 on relocation guidelines. The Municipality participated in the workshop but has not accepted the guidelines, which contain references to alternatives for compensation. Subsequently, the ADB initiated the idea of a National Resettlement Policy and NGOs have been invited to give feedback directly to ADB and the government.

### **Supporting Organizations**

A number of agencies provide support and networking opportunities to urban development NGOs and urban communities, among them the UN Center for Human Settlements, the Asian Coalition for Housing Rights (ACHR), and the Urban Poor Development Fund (UPDF).

#### **UN Center for Human Settlements**

The UN Center for Human Settlements (UNCHS) grew out of the 1976 Habitat conference, and deals with problems of land ownership with a focus on urban habitats, housing, and living environments as factors that contribute to habitat development. Today UNCHS focuses on access to tenure (individual or community titles, temporary right to stay) and good urban governance. UNCHS began working in Cambodia at the end of 1995.

UNCHS' first five-year phase covered the period 1996-2000. The emphasis during the first phase was to provide inputs for community-initiated area improvements such as walkways, drainage systems, and water supply. This work was done in collaboration with local communities and with UNCHS facilitators. NGOs working in a district were required to get district approval in order to access UNCHS funds. Gradually this work was transferred to partner organizations, and UNCHS' focus shifted to issues such as resettlement. UNCHS has conducted workshops on resettlement guidelines so that future relocation can be implemented in a more thoughtful way. However, there appears to have been little progress on this issue to date, and by the end of July 2003 management of the project will be completely transferred to the Municipality.

### **Asian Coalition for Housing Rights**

The ACHR is a network of community-based organizations and NGOs that uses the solidarity of an international network to change draconian government policies that affect the poor. In Korea, ACHR secured relief for communities that were brutally evicted from areas prior to the Seoul Olympics. In Hong Kong, ACHR lobbied to improve substandard worker accommodations. In Cambodia, ACHR has worked with the Solidarity Urban Poor Federation (SUPF), a federation of organized urban communities, and has supported the Urban Resource Group, which provides technical assistance to organized urban communities and NGOs in urban planning and infrastructure development. In 1999, ACHR assisted with the establishment of the Urban Poor Development Fund.

### **Urban Poor Development Fund**

The Urban Poor Development Fund (UPDF) was created in early 1998 by ACHR, SUPF, and the Phnom Penh Municipality to make affordable loans available to poor urban communities for improving housing and settlements, and building community capacity to manage their own development. UPDF has a board comprised of urban poor people, NGOs, donors, and municipality officials. It attempts to act as a bridge between civil society groups and the municipal government. The fund provides loans for housing improvements, environmental improvement projects, and occasionally for income generation projects in low-income communities.

### **Strategies Used by Urban Development NGOs**

#### **Community Organizing**

The main advocacy strategy used by urban development groups is the organizing of committees by community leaders to negotiate area improvement projects with local authorities. It generally takes a monumental effort to get district authorities to agree to initial meetings with community committees, and authorities do not usually want to meet with more than five to seven people. A common delay tactic used by district officials is to refer community leaders to the next level of administration for certain requests.

Some development agencies estimate that political pressure applied at the highest levels is ineffective because civil servants are unwilling or unable to take action. Thus development agencies focus on working through civil society groups to build practical engagement with the Municipality.

## Lobbying

As part of their strategy, NGO representatives meet initially with district authorities to open a channel of communication between them and community committees. After NGOs have facilitated the first meetings, staff will usually withdraw from the process and encourage community leaders to network on their own. Some urban development NGOs refrain from attending any meetings between communities and district authorities, in order to avoid creating community dependence on the NGO.

NGO staff interact with government staff at all levels, including sangkat, khan, and the Municipality, and generally request meetings to advocate for the delay of evictions and to find other appropriate solutions to problems facing community members.

NGOs also use the UNCHS weekly meeting with the Phnom Penh Mayor as an opportunity to advocate on particular issues. Experience indicates that in order for advocacy efforts to be successful, it is important to have high-profile people involved, such as the NGO director. It is also important to do advocacy on a continuous basis and not wait for disasters such as fires.

## Media

When communities from Bondoh Vichea were barred from rebuilding their shelters, they demonstrated in front of the Prime Minister's house. Though urban-focused NGOs had not been initially aware that the media could help their cause, staff observed journalists covering the demonstration and read the article that was subsequently published. The demonstration generated significant publicity and this experience helped NGOs to understand the importance of the media. Now NGO staff carries journalists' telephone numbers with them and contact them as soon as they learn about a crisis.

Some urban NGOs produce newsletters that they distribute to communities, municipal officials, NGOs, and local authorities. Publications serve to inform municipal authorities of problems that arise. Though most NGOs who produce newsletters do so independently, a single sectoral publication that presents articles from various organizations would likely carry more weight.

## Impact of Advocacy Activities

### Policy/Program Changes

At the implementation level, NGOs and urban committees have made

progress in negotiating improvement projects with district authorities that deal with communities on a case-by-case basis. Some NGO staff feel that district authorities are beginning to listen to and cooperate with NGOs. In some communes, however, no amount of strategizing can encourage authorities to cooperate with poor communities and sometimes authorities even create obstacles when dealing with poor communities.

Overall, development agencies suggest that there has been a shift from a gradual improvement in the attitude of the municipal government through 1999, to an increasingly hard-line stance of relocating people onto unprepared sites, as highlighted after the Bondos Vichea fires. After the fires, NGOs had a few meetings with the Municipality, but the Municipality tended to treat NGOs as potential donors rather than collaborators. That the Municipality provided supplies and materials to victims at all is viewed as its strategy to appease fire victims and deflect criticism.

Possible reasons for the Municipality's increasingly tough stance may be that it sees the bottom-up approach as being too fragmented and slow, or that it creates independent entities that may criticize the government in the future. Whatever the case, the Municipality's management style is perceived as being top-down, with some city officials acting as if the city does not include poor communities. The Municipality has many problems to address and the urban poor seem to be low on their list of priorities.

Very little success has occurred relating to urban poor policy formulation or change. Authorities will continue to evict poor communities that will eventually move to other locations in the city despite initial relocation areas set up by the municipality outside the city. Long-term policies that address the urban poor's rights need support from NGOs and authorities to help resolve the urban poor's plight.

### Enlarging the Democratic Space

Some progress has been made at the local

When 11 banks closed in 2001, many organized urban communities that had deposited savings at one of the closed banks were severely affected. A number of NGOs came together to form a Depositors Rights Protection Committee to lobby for the return of part of the money. The group wrote letters to the Ministry of Finance, the National Bank, and the directors of the closed banks, as well as organized a number of demonstrations. The committee was ultimately successful in getting the banks to return \$500 to depositors as a first step. An additional 15% of funds deposited was subsequently returned as well.

level to increase interaction between district authorities and poor urban communities, but there has been little progress made in lobbying the Municipality with regard to relocation and compensation policies. In the future, urban development organisations plan to support community interaction with the newly elected Commune Councils, although the scope of power for the Commune Councils is not yet clear.

### Building Capacity of Community Organizations and NGOs

ACHR, UNCHS, and other agencies have provided a number of capacity building opportunities for urban development workers, leaders of urban communities, and municipal authorities. Within the urban poor sector, the aim of capacity building activities is to enable organized communities, community leaders, and NGO staff to:

- Get squatters compensation for evictions;
- Help squatters find new opportunities to earn a living (after evictions); and
- Improve current facilities in urban poor settlements (sewage, drainage, electricity, water).

Capacity building activities have included workshops, exposure trips, and exchanges between communities. An important strategy promoted by ACHR is understanding alternative solutions to problems, such as alternative ways of identifying land for relocations. Whenever possible, UNCHS helps communities to develop technical designs and awards infrastructure improvement contracts to communities instead of contracting with the private sector.

One of the obstacles encountered by urban development groups is that doing some of the work requires courage and a number of urban community development NGOs have lost their stronger staff. While community participation has improved, in general participation in Cambodia is not as advanced as in other Asian countries. On the positive side, community members have come to understand that solidarity gives them power.

Experts have observed an increase in the capacity of urban NGOs and organized communities, particularly regarding technical and institutional capacity areas, though some agencies criticize NGOs for thinking too much in the short-term. Another weakness cited is that often urban groups only work and visit their target communities and as a result are unaware of problems - and achievements - that arise in adjacent communities.

At the grassroots levels, there are a few urban programs that aim to build capacity of groups

other than the common urban committees. For example, USG's Womens and Legal Rights program works with

micro-vendors to assist them to negotiate with market committees and sangkat and khan officials. Although mainly interacting at the market committee level, micro-vendors are more active than before and are often aware of market development plans. The aim of the USG program is to network women across Phnom Penh's markets and to advocate with a common voice on concerns that affect all vendors.

### Networking

The networking capacity of the urban development sector remains weak. Reasons for networking difficulties are lack of time and the fact that NGOs focus primarily on their individual programs. NGO directors are often unable to attend the plethora of meetings, workshops, seminars, and conferences. A number of professionals working in this field cite lack of solidarity as an explanation for weak networking.

It appears that urban groups implement activities without clear advocacy objectives. The NGO Forum working group on urban crisis is not an effective network and meetings do not usually result in action. One of the reasons is that participating organizations tend to send mid- or lower-level staff to the meetings who are not decision-makers and who may not have clear strategies or strong advocacy skills. Another challenge urban groups face is the large amount of time required to fulfill donor reporting requirements. Managers sometimes cite this as a reason that directors cannot attend meetings in which their presence would make a difference.

Since the Bondos Vichea fire, NGOs have realized that they need to improve their coordination. Recently, the NGO Forum has helped to host a Resettlement Action Network with participation from a small number of NGOs, in the hope that greater participation will strengthen the urban sector network.

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Experts have observed an increase in the capacity of urban NGOs and organized communities, particularly regarding technical and institutional capacity areas, though some agencies criticize NGOs for thinking too much in the short-term.

Dozens of NGOs in Cambodia are currently implementing HIV/AIDS programs. This case study presents a brief look at networking and policy oriented activities and is not intended to be all-inclusive.

## HIV/AIDS in Cambodia

The 2001 *NGO Statement to the Consultative Group Meeting* section on HIV/AIDS indicated that in 2000, approximately 169,000 people (2.8% of the population aged 25-49 years) were living with HIV. In 2000 alone, there was an estimated 49,228 new infections, transmitted mainly through heterosexual activity. NGO surveys indicate that between 30% and 50% of people in villages has a relative who is HIV+ or whom has died of AIDS. Many HIV+ people are unaware of their HIV status due to the paucity of testing centers and the fear of discrimination that results from a positive diagnosis. In addition to the loss of human life, patient care creates a heavy burden on families that lose much-needed income when people are unable to work, and which often go into debt to cover medical expenses.

NGOs are concerned about the validity of national HIV statistics, as the government is the only sentinel (testing) organization. There are also doubts as to the reliability of the statistics, particularly regarding condom use, and the degree to which statistics are placed in the public domain.

## HIV/AIDS Coordinating Committee (HACC)

Established in 1993, HACC is a network of 55 organizations that have HIV/AIDS components to their programs. The network coordinates with the National Aids Authority and the Ministry of Health to organize special event days. In 1999, HACC employed its first staff to take over coordination and communication between members, as the committee members were occupied with their own professional responsibilities. World Vision International (WVI) provided funds for an office and for administrative

### NGO advocacy concerns include:

- Patients' access to treatment, including anti-retroviral treatment;
- Patient care, as the government does not have a law or policy on the treatment of HIV/AIDS patients;
- Blood testing; and
- Participation of all government ministries in the HIV awareness raising effort.

costs. One of HACC's roles is responding to inquiries from other NGOs regarding counseling, home care, and people living with AIDS.

HACC advocacy focuses mainly on awareness raising through the production of television spots and the celebration of public events such as Candlelight Day (day of remembrance for AIDS victims), World AIDS Day, and the Water Festival. The purpose of these events is to raise awareness about HIV/AIDS both within the public and within the government, in order to lobby the government to take more action in the fight against AIDS. The Water Festival is an especially important event because people come from all over the country to spend four to five days in the capital. Occasionally HACC organizes public forums which are attended by government officials, NGOs, and members of the public.

In 1997-98, HACC formed three working groups that continue to meet to this day. The first is the counseling/homecare/support working group. A second working group addresses training issues and the third one addresses IEC and media issues. The main purpose of each group is sharing lessons learned. HACC maintains a series of leaflets, booklets, and documents on HIV that are available to the public, and publishes two directories, one with general information about members and a second containing information about HIV-related services around the country.

HACC has also organized two training

courses for members of the media (press, magazines, television, and radio), where they learned about HIV/AIDS and increased their ability to write informed articles on the subject. In addition to building journalists' skills, the workshops served to forge better relations between NGOs and the media, which is important for better publicizing the problem of HIV/AIDS. HACC plans to conduct another session for journalists in 2002.

HACC has provincial and nationwide networks and continues to build on these networks. Due to the lack of a coordinator and a delay in funding disbursement from a donor, HACC has had limited success linking with regional and global networks to date. HACC is planning three provincial meetings in 2002, the first to be held in Battambang in June. HACC plans to mobilize multiple community-based organizations to participate in the coordination process in an attempt at expanding the current network and its facilities to the more remote provinces of Cambodia.

Managers of the network contend that working through networks presents advantages and disadvantages. The advantage is that through networks NGOs can have a strong voice, which facilitates lobbying the government and donors to change their policies. The challenge of working with a large number of organizations is that it takes time and energy to help the agencies come to a common understanding and reach consensus on advocacy objectives because each has its own strategies and criteria to follow.

NGO advocacy concerns include:

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A number of factors facilitate HIV/AIDS advocacy. First, HIV is a global problem and Cambodia benefits from lessons learned and models developed in other countries. Second, there are many NGOs working in the HIV/AIDS field in Cambodia and significant human and

financial resources are being channeled to this sector. Though at present there are many people and agencies willing to participate in campaigns however, there are still few actors able to design and lead campaign strategies.

## Empowering People Living with AIDS

A donor assessment conducted in 2001 revealed that HIV+ people were not being included in the policy design process. In addition, the assessment identified a need for capacity building of policy-makers and the provision of good information and evidence to be used in policy formation. As a result of the assessment, in July 2001, the International HIV/AIDS Alliance global initiative supported creation of a Cambodian

Positive Network (CPN+) through the Khmer HIV/AIDS NGO Alliance (KHANA). The purpose of the network is to enable people living with AIDS to participate in policy dialogue. The role of the organization, which is staffed by HIV+ individuals, is to bring support groups and AIDS service organizations together so that they can share information. Approximately twenty organizations are in

regular contact with the network.

The creation of meaningful participation requires mentoring and the developing of professional skills. The POLICY Project currently provides mentoring and technical assistance to CPN+. Capacity building includes supporting CPN+ staff to participate in global conferences, regional HIV forums, and regular national meetings so that Cambodian people living with AIDS (PWAs) can participate meaningfully and actively in national, regional, and global movements. English language training has also been important, as language is a barrier to participation for people living with AIDS in policy formulation. The network was recently invited to address safety and security organizations at an ASEAN human security network session in Bangkok.

The POLICY Project has also developed an HIV advocacy curriculum for members of the CPN+ network, in addition to targeting and training those people who are advocating for and on behalf of people living with AIDS. The central principle of the POLICY Project's strategy is the inclusion of people living with AIDS in policy formulation, a principle which is often not operationalized in Cambodia, or only to some

The role of the Cambodian Positive Network (CPN+), which is staffed by HIV+ individuals, is to bring support groups and AIDS service organizations together so that they can share information.

extent. As part of its strategy, the POLICY Project brings HIV+ people into strategic planning activities of line ministries such as the Ministry of Defense.

In a separate activity, the POLICY Project and Family Health International (FHI) are engaging in dialogue with non-health ministries to encourage them to develop and implement their own HIV/AIDS responses. These non-health ministries include Women's Affairs, Cults and Religions, and Defense. The POLICY Project and FHI are also approaching monks - influential community members who are currently providing care for AIDS patients and orphans in pagodas - to become 'policy champions.' One of the POLICY Project's central tenets in its work in Cambodia is the belief that Buddhist monks are key behavioral change agents, and as such are crucial in addressing and educating against the stigma and discrimination against HIV+ people. For example, the monks at Wat Noria, led by the charismatic Venerable Monkmaster Mony Vannsaveth, have designed a process called the Project Action Dharma Restoration Plan, through which they attempt to persuade clergymen, pagoda committees, nuns, and village and commune chiefs to cooperate with monks to promote HIV/AIDS knowledge and reduce both the stigma associated with and discrimination against people living with AIDS.

## Analyzing the Impact of Advocacy Activities

### Policies

To a certain extent, the Cambodian government has become aware of the HIV problem because of the number of local NGOs that have initiated HIV programs with the donor agency support. Awareness raising events have contributed to the government's understanding of the extent of the threat HIV/AIDS presents to Cambodian society, and have prompted the government to pay more attention to the issue by creating guidelines for HIV/AIDS prevention.

A number of HIV-related policies have been formulated or are in the process of being drafted. The government has established a multi-sectoral National AIDS Authority and has created national- and provincial-level structures to concentrate on HIV, although these are not presently functional. The Ministry of Health is currently setting up guidelines for a testing policy and it is expected that the Ministry will request NGO input before finalizing them. A draft AIDS law, which outlines anti-discrimination policies, infection control, and responsibility of various ministries to educate the

public about AIDS, was written by the National AIDS Authority in collaboration with UNAIDS, and with input from the HACC. This piece of legislation is currently at the Council of Ministers and is expected to be passed in the near future.

Separately, the Ministry of Women's and Veterans Affairs (MoWVA) wants to start a process by which legislative bills are analyzed to identify their gender implications. This would include analyzing gender implications of the draft AIDS law. With assistance from the POLICY Project, the Ministry is currently analyzing revising its own HIV policy, is operationalizing the policy, and is also developing an advocacy toolkit for use by the HIV Unit (in MoWVA) when advocating for gender and HIV issues in other line ministries.

HACC and MEDICAM (the association of NGOs working in health) have been instrumental for networking on policy issues. Though progress has been made in some areas however, strategic advocacy focus has not taken place yet. Perhaps the most important issue - access to ARIV therapy - still remains unaddressed. In addition, once the AIDS law is passed, advocacy will be needed to ensure that the law is enforced and that people are not discriminated against because of their HIV status.

### Enlarging the Democratic Space

HIV awareness raising efforts are slowly beginning to take effect as people learn the importance of having protected sex. For example, an article published in the *Raksmey Kampuchea* newspaper in January 2002 described the story of a commercial sex worker from Kompong Cham who refused to sleep with two men because they would not use condoms. The article highlights the fact that education is empowering women to negotiate condom use and that the topic of condom use can be published in a mainstream newspaper.

Several key leaders are also becoming key advocates for HIV/AIDS issues. For example, the POLICY Project supported Princess Rattana Devi (member of the National Assembly Health Committee), the Minister (Mu Sochua), and the Secretary of State (Dr Phavi), to discuss the effects of HIV on women and children at a forum for Buddhist monks in Battambang.

Regarding interaction with the government, HACC and MEDICAM are in a good position to provide input on policies. As AIDS is a global issue and all government ministries are encouraged to join the fight against AIDS, there are many opportunities for NGOs to interact with government agencies at various levels. HIV is perceived as a less threatening topic than some

economic issues NGOs are advocating on (such as control of land and fisheries resources), so there are fewer barriers to engagement than in other sectors. The abundance of HIV resources flowing to Cambodian NGOs from international assistance agencies also places NGOs in a position of leverage, as NGOs can help government agencies implement programs. Limited technical and human resource capacity are perhaps the main barriers to engagement between civil society and the government on HIV/AIDS policies.

### **Building Capacity of Grassroots Organizations and NGOs**

The HIV/AIDS sector in Cambodia is comprised of a good mix of HIV-dedicated organizations and NGOs with HIV components. There is still ample opportunity for capacity building of the sector, however. The objective of HIV education is to change behavior, a difficult task which requires considerable skill. For the better part of the 1990s, HIV/AIDS capacity building has focused on providing technical and training skills to HIV educators, program implementers, and medical professionals. According to AIDS experts, these capacity areas remain limited among a significant number of NGOs.

It is therefore not surprising that HIV advocacy, which requires very sophisticated skills, continues to be limited in Cambodia. As in other sectors, for many, HIV advocacy continues to be an abstract concept and NGOs need to learn how to make the issue more relevant to themselves, their constituencies, and potential HIV advocates. HIV advocacy continues to focus primarily on education and awareness raising activities.

The exclusion of HIV+ people in policy formulation is an obvious weakness in the sector. As cited in the case studies on other sectors presented in this report, observers state that some NGOs are paternalistic in their relationships with people living with AIDS, viewing them as beneficiaries rather than constituencies that need to be enabled to speak for themselves. For this reason it is important for NGOs to forge closer ties with the grassroots level. Creation of the CPN+ networks is an important first step in empowering what unfortunately will become a growing constituency of PWAs in Cambodia.

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NGO Statement to the 2001 Consultative Group Meeting on Cambodia. CCC, MEDICAM, NGO Forum.

### HEALTH SECTOR

NGOs working in the health sector benefit from the presence of the MEDICAM, a strong networking organization whose large membership is crucial to building credibility with donors and the Ministry of Health. Health sector NGO relations with the government are particularly strong compared to other sectors, and for the past decade NGO representatives have been invited to attend the monthly Coordinating Committee meeting hosted by the Ministry of Health. This provides an important opportunity for NGOs to advocate for further NGO participation in health issues.

Over the years, MEDICAM has hosted a number of working groups that were formed to address issues and then disbanded when they were no longer practical to organize. Current working groups include the Health Sector Reform Think Tank and the Health in the Prison working group. In 1999 and 2000, a Community Participation in Health working group prepared feedback for the Ministry, which was incorporated into the Ministry's guidelines for community participation issued in 2001.

NGOs took a pro-active approach to health sector reform by hiring a consultant to collect experiences and lessons learned from various agencies that were involved in health sector reform pilot projects, and presented the findings to the Minister of Health. In February 2002, MEDICAM organized a national conference for NGOs, directors of the provincial Departments of Health referral hospitals, and Ministry of Health staff. The conference allowed NGOs to express their concerns and experiences regarding health sector reform.

# child rights

During the Khmer Rouge regime, the rights of children were greatly abused in Cambodia. Children were sent into forced labor and many of them died. It was only in 1989 that the UN Convention on the Rights of Children was enacted. Child Rights became an issue in Cambodia when the government signed the UN Convention in 1992. NGOs and other stakeholders began learning about Child Rights when the UN started raising awareness about the issue. The rubric of Child's Rights covers a number of problems, including sexual prostitution (which can be voluntary), sexual trafficking (in which children are bought and sold against their will), and labor trafficking.

## NGO Committee on the Rights of the Child

The NGO Committee on the Rights of the Child (NGOCRC) was formed in 1994. Spearheaded by Save the Children/Norway, the committee spun off and moved into its own offices in 1995. Whereas the network originally had nine members, today membership stands at 33. The NGOCRC, which currently has four staff and a five-member Executive Committee, has as its main purpose the promotion, advocacy, and monitoring of Cambodia's implementation of the UN Convention on the Rights of the Children. In 2001, the network produced its first four-year plan. NGOCRC is currently experiencing a problem of institutionalizing however, as it is trying to register with the Ministry of Interior (MOI) where the Ministry does not have a registration process for a network. Instead, the MOI is requesting changes to the structure of the organization.

NGOCRC helped start a child rights network in Battambang and plans to establish networks in other provinces as well in order to collect more information for reports and planning. This expansion is proving difficult however, as not all provinces have NGOs working on children's issues. This absence of children's rights-focused NGOs indicates a major challenge that children's rights advocates face: the child rights issue does not currently represent a priority for many people in Cambodia, including local authorities.

## UN Convention on the Rights of Children

Cambodia signed the UN Convention in 1992. As with all UN treaties, the Convention requires that five years after signing, signatories must demonstrate what progress has been made. The Royal Government's report was completed at the end of 1999 and a NGO parallel report was submitted to the UN in 2000. The NGO report took one year to prepare and the effort is notable because network members were Cambodians who did not benefit from expatriate consultant services in the preparation of the report. According to the NGO report, the government report mainly referred to achievements - such as legislation to protect against the trafficking of children - and downplayed the real situation of children in Cambodia.

In 2001, four NGO representatives were invited to travel to Geneva to make a presentation to the UN and respond to questions regarding the government's report. When UN recommendations were made public a month later, the network was pleased to see that nearly all of its recommendations had been incorporated. For example, in the parallel report NGOs recommended that the chair of the Cambodian National Committee for Children (CNCC, an inter-ministerial committee formed in 1997 comprised of members from 14 or 15 ministries) provide strong leadership and be committed to the cause of protecting children. Partly as a result of this recommendation, UN recommendations to the Royal Government focused on the need to improve the functioning of the CNCC. The NGO report also recommended that the CNCC be independent to avoid being co-opted by other government agencies, and that the government take action on legislation to fight child trafficking and prostitution and provide children with access to education and health.

Upon their return to Cambodia, the NGOCRC organized a workshop to inform their members of what had occurred in Geneva and invited government representatives to speak. Soon after, the CNCC organized a workshop attended by various provincial governors and asked NGO representatives who had traveled to Geneva to present their findings. At that time the NGOs lobbied the government to incorporate the UN's recommendations into their action plans.

In 1999, 5,000 children from 16 provinces participated in a Global Children's march from the Olympic Stadium to the Independence Monument, where the Prime Minister awaited them. Since then, the Prime Minister has provided financial support to the Children's Committee, an association of 50 children under the age of 18 who

come together to discuss problems and formulate recommendations. This represents a rare example of efforts to organize groups around those who are affected by policies (or lack of policies) so that they can have a voice in policy formulation.

In Battambang, a network of 24 NGOs called the Child Rights Protection Network collects information relating to the situation of children and passes this information to NGOCRC for inclusion in NGOCRC reports.

## Child Labor

In the mid-1990s, two important reports were published about child labor in Cambodia, a qualitative report prepared by the Asian-American Free Labour Institute (AAFLI) and a quantitative report prepared by the International Labour Organization/International Program on Elimination of Child Labour (ILO/IPEC). These reports helped draw national attention to the problem of child labor. In 1997, the ILO/IPEC formed a national coordination committee to plan and coordinate a national plan of action against child labor and strengthen the Ministry of Labor (MOSALVY). Since then, the ILO/IPEC has organized occasional meetings and provided training in the area of child's rights, including increasing advocacy skills (case management and negotiation), and ways to combat prostitution.

In early 1998, a *Global March Against Child Labor* was organized in Cambodia and coordinated by LICADHO. The march was initiated by the International Secretariat of the Global March based in India, and represented an international movement to support development of a new UN convention for the elimination of the worst forms of child labor. The objectives were to provide input into a draft for the new UN convention and to use the input to advocate with various stakeholders involved in child labor, such as trade unions, employers, and the general public. The core group for this activity eventually evolved into a NGO, the Committee on the Rights of the Child.

In 1999, 5,000 children from 16 provinces participated in a Global Children's march from the Olympic Stadium to the Independence Monument, where the Prime Minister awaited them.

Since 2000, MOSALVY has maintained a subcommittee on Child Labor that

meets every two months and which is chaired by the Minister. Government agencies, unions, and NGOs participate in this committee, which coordinates anti-child labor activities and approves proposals funded by the ILO. Last year the subcommittee approved a proposal from the Ministry of Planning to conduct research on child labor, a study that has since been completed.

## From Awareness Raising to Community Action

World Vision International (WVI) and LICADHO were among the first NGOs to work on child labor issues, though currently a number of other organizations are implementing effective programs to protect children from child labor and the NGO Child Labor Network was established in December 2001. WVI works mainly with children in garbage dumps and on problems of trafficking/child abuse. LICADHO established a provincial child's rights network, which this section examines more closely as LICADHO's work is an excellent example of moving from awareness raising to community action.



*Children picking through garbage heaps looking for recyclables. Kampot province, 2002.*

To create an effective child labor network, LICADHO starts off with workshops for provincial officials and NGO staff. Officials include labor inspectors and officers from the departments of Social Affairs, Education, and Women's Affairs, who are asked to identify districts and communes that have high rates of child labor. LICADHO then offers workshops for commune and district officials from those identified areas. These workshops are followed by workshops for parents and concerned community members, and finally by workshops for child laborers themselves, such as the vendors at the temples of Angkor Wat and children working in the salt mines of Kampot. LICADHO follows up with two to three monthly meetings with participants, in which original curriculum is reviewed and new topics are discussed. The bringing together of participants for a series of activities rather than one single workshop is considered an important factor in making children's issues a priority for workshop participants.

During the series of workshops, LICADHO asks participants to select representatives to attend the monthly provincial network meetings. Representatives include two children, two to four

parents or concerned citizens, four local authorities, and six to eight representatives from NGOs and provincial departments. The network is designed to provide a mechanism for parents and children to identify problems and relay information to local and provincial authorities, while giving authorities a mandate to respond to problems.

When the original provincial networks were formed, participants were selected from too wide an area and as a result had divergent concerns as well as logistical difficulties in meeting. LICADHO has since altered its strategy to target communes and districts that identify child labor as a problem and the model has become more effective. Project staff is continuously looking for ways to improve the model, and elements of success include the commitment of network members, the strength of the network chairperson, and the wide geographic distribution of members.

LICADHO bases its work on the theory that even before an NGO enters a community there are community leaders who are concerned about a problem and who perhaps try to act on their concern. LICADHO's strategy is to find existing social networks and build their capacity. LICADHO's program has also designed effective media strategies to communicate their messages to community members. These strategies include photos and simple visual signs about the worst forms of child labor.

## Analyzing The Impact Of Advocacy Activities

Advocacy activities related to child's rights in Cambodia consist mainly of awareness raising, mobilizing people to apply the terms of the UN Convention, and producing International Education and Communication (IEC) materials such as child abuse posters. Advocates are regularly challenged by the difficulty of getting policy makers to make child's rights a priority. Child's rights advocacy in Cambodia appears to lack a champion of the caliber of some child rights activists in Thailand like Meechai, who draws attention to the issue.

## Policy

Cambodia's ratification of the UN Convention on the Rights of Children represents a first step in bringing the protection of children to the forefront of the government's agenda. This has been followed by the creation of the CNCC. However, the government's reports to the UN (such as the one submitted in 1999) continue to downplay the real situation of children in Cambodia and the perception of NGOs is that the CNCC continues to be weak. The Ministry of Social

LICADHO's efforts to raise community concern are beginning to result in community action. The Siem Reap provincial child's rights committee was recently notified of a case of a child who had been in bonded labor for years. People familiar with the situation felt that the child should have paid off the debt years prior. The network decided to act on behalf of the child and asked the employer in question to show some sort of accounting of the child's debt. In another case, a child was separated from his parents and forbidden by his employer to visit his family's home. Committee members approached the employer to make the case that it is wrong to take away a child's freedom. As a result, the employer now allows the child to make occasional home visits.

Affairs' Sub-committee on Child Labor that meets every two months has proven more effective in promoting children's rights. Currently much of the government's interest regarding child rights is propelled by UN agencies, though this comes as little surprise given the myriad basic needs issues on the government's agenda.

With regard to legislation, the government has issued a proclamation (*prakas*) on the protection of children, though NGOs had no input into this document. Sub-decrees are currently being prepared regarding birth registration and adoption. Again, NGOs are not involved, though they would like to be. A chapter of the new penal code, which is currently being revised, relates to children and NGOs have sent recommendations to the Ministry of Justice on it.

While NGOs have met with members of the National Assembly, they do not have full access to Parliament and high government officials. As a result, lobbying on legislation related to child's rights has been weak. This is a problem encountered in other sectors where advocates are young professionals who have not had time to build sufficient legitimacy to conduct successful, high-level lobbying. Another challenge encountered by NGOs is a lack of legal expertise to analyze legal articles.

## Enlarging the Democratic Space

As alluded to above, the inclusion of civil society organizations in child's rights policy formulation is not systematic. While government officials attend International Children's Day celebrations and other awareness raising events, they currently do not seek out NGOs to provide input into legislation and policies affecting children. Unlike many of the other sectors, the child's rights movement does not benefit from particular donor interest that would help to raise

the issue on the government's agenda. There appears to be a better chance of raising concern of authorities at the local level by drawing attention to specific cases.

Each year the NGO CRC organizes public awareness events centered on International Children's Day. International Children's Day 2002 will be celebrated in June in Poipet due to the high incidence of child rights violations that occurs in Banteay Meanchey Province. Additionally, NGOs have produced television spots on child rights, birth registration, and have even organized a television quiz on the UN Convention. Since 1998, the NGO CRC has produced and distributed a children's rights training kit that includes IEC materials and a game that teaches the rights of children.

In order to educate the media, in March 2000 the NGO CRC held a workshop for the press on the UN Convention on the Rights of Children which was funded by the Save the Children Fund Alliance. Another such workshop is currently being planned.

Although a number of educational activities have been implemented over the last five to seven years, NGOs currently do not have any way to evaluate these activities or measure their impact on changing the views of government officials or the general public with regards to children's rights.

### **Building the Capacity of Networks, NGOs, and Grassroots Organizations**

Programs such as LICADHO's provincial child's rights networks are providing opportunities for community members, parents, and local authorities to take action against the abuse of children. The program aims to raise the concern of adults while building their capacity to promote child rights. One important aspect of the program is that it creates a channel of information from the local to the provincial level by which concerned citizens can report cases of abuse and expect to receive a response.

Some individual NGOs demonstrate high capacity for advocating on behalf of children at the local level, as well as for creating effective educational materials. However, while the ILO documents child labor problems and other UN agencies document other aspects of the situation

of children in Cambodia, the documentation ability of NGOs remains limited.

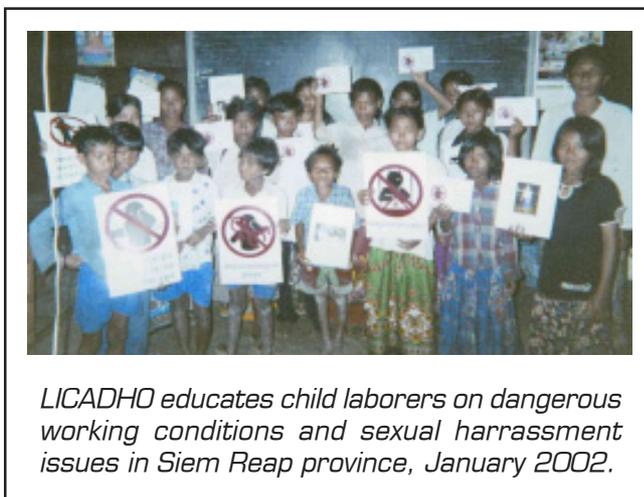
As a network, the NGO CRC appears to be well organized and Executive Committee members are able to clearly articulate the problems faced by Cambodian children and the challenges faced by NGOs in addressing those problems. The network conducts field visits to member programs and has invited key actors from the Ministry of Interior (those who have the power to stop traffickers) and the Ministry of Women's Affairs

One important aspect of LICADHO's provincial child's rights network program is that it creates a channel of information from the local to the provincial level by which concerned citizens can report cases of abuse and expect to receive a response.

as well as CDP, CWCC, and the CNCC Secretary General to participate. As mentioned in the main part of this report, the NGO CRC is the only network examined that has produced a four-year action plan in addition to producing an annual report. Even so, the network is clearly aware of its weaknesses, especially with regard to its ability

to assess impact of advocacy activities and provide input into draft legislation. Critics have expressed the view that NGO CRC activities are still limited to superficial awareness raising. Nevertheless, the network is interesting in that Cambodians manage it and members are highly dedicated to its advocacy campaign.

In addition to the NGO CRC, a second informal network of about 20 organizations exists called the Child Welfare Group. The Child Welfare Group holds monthly meetings at the CCC as a forum for information exchange, and with assistance from the Tear Fund, has produced a directory of child welfare organizations, available in hard copy and on CD-ROM. Though activities have not been duplicated between the NGO CRC and the Child Welfare Group, rather than acting completely independently, these child's rights networks would serve Cambodian children best by ensuring that they have clear communication between them.



*LICADHO educates child laborers on dangerous working conditions and sexual harassment issues in Siem Reap province, January 2002.*

# advocacy resources

## Organizations

### NGO Forum on Cambodia

The NGO Forum on Cambodia is an organized forum of NGOs that seeks to discuss, debate, and advocate the concerns of NGOs regarding Cambodia's development. A core membership of over 60 NGOs elects the Management Committee, which sets the NGO Forum's strategic direction. The NGO Forum currently focuses on issues affecting the rights of women, the use of natural resources, the growth of civil society, and the impacts of development policies on the poor. The NGO Forum also works in close collaboration with other NGO networks, both within and outside Cambodia. House #35, Street 178, Psaa Thmey 3, P.O. Box 2295, Phnom Penh, Cambodia. Tel: (855-23) 986 269, Fax: (855-23) 214 429, Email: [ngoforum@ngoforum.org.kh](mailto:ngoforum@ngoforum.org.kh), Website: [www.ngoforum.org.kh](http://www.ngoforum.org.kh).

### Khmer HIV/AIDS NGO Alliance (KHANA)

KHANA is a linking organization of the International HIV/AIDS Alliance. KHANA supports Cambodian NGOs working to reduce vulnerability to sexually transmitted diseases (STDs), HIV, and the impact of AIDS, by helping them to strengthen their capacity to develop effective and sustainable responses to HIV/AIDS/STDs. KHANA provides grants, technical support, and training to Cambodian NGOs that wish to add HIV/AIDS prevention, care, and support activities to their current programs. As part of its advocacy activities, KHANA supports the HACC and CPN+, as well as other advocacy campaigns, and has prepared advocacy training for its partners. KHANA has also forged a strategic partnership with relevant government institutions as part of lobbying activities. #25 Street 71, Boeung Keng Kang I, Chamcarmon, Phnom Penh. Tel (855-23) 211-505, Email: [khana@bigpond.com.kh](mailto:khana@bigpond.com.kh).

### OXFAM

The Oxfam Mekong Initiative is a joint effort of the seven Oxfams working in the six riparian states of the Mekong River. Together with its partners, Oxfam is working to promote the

interests of the poor throughout the Mekong Region during a time of extensive and rapid development, which is complex in nature and often includes difficult trans-boundary issues. The Mekong Initiative is primarily an advocacy initiative centered on sustainable livelihoods and communities' abilities to access natural resources in light of donor developments. Visit the Mekong Initiative website at: [www.oxfammekong.org](http://www.oxfammekong.org).

Additionally, Oxfam America has helped produce an advocacy guide, *Advocacy for Social Justice, A Global Action and Reflection Guide*, published by Kumarian Press in 2001. Oxfam America has a library of materials in its Phnom Penh office, located at #41 Street 352, Boeung Keng Kang I, Chamcarmon. Tel: (855-23) 210-357, Email: [OxfamAmerica@bigpond.com.kh](mailto:OxfamAmerica@bigpond.com.kh).

### Star Kampuchea

Since 1997, Star Kampuchea has been working towards building capacity of civil society organizations to conduct advocacy by supporting the establishment of four provincial advocacy networks in Kompong Cham, Kompong Speu, Pursat, and Svay Rieng. Star Kampuchea has organized a number of national and provincial public forums to promote good governance and transparency as essential characteristics of democracy. As part of its Advocacy and Information Program (AIP), Star Kampuchea also advocates on a number of legal issues, usually in collaboration with other organizations. Star Kampuchea's Legislative Development Project aims to improve the qualitative and quantitative information available on the legislative process through translation and dissemination of draft laws and production of a newsletter. The organization also provides basic advocacy training to network members and to more than 30 collaborating organizations, and has organized a series of study tours abroad related to advocacy. # 16 Street 398, Boeung Keng Kang I, Chamcarmon, Phnom Penh. Tel (855-23) 211-812 or 211612, Email: [star@forum.org.kh](mailto:star@forum.org.kh).

## Internet Resources

Although not a complete list of Internet resources, the websites below provide good starting points to finding advocacy links.

### General

The *National Center for Advocacy Studies (NCAS)* aims to strengthen rights-based and people-centered advocacy by working with social action groups and public-spirited citizens. Although the geographic focus of its activities is in India and South Asia, NCAS is emerging as a

premier center for rights-based and people-centered advocacy in the Global South. Visit the NCAS website at <http://www.ncasindia.org>.

The *Democracy Center* was founded in San Francisco in 1992 to strengthen the advocacy work of nonprofit and community groups in California, as well as NGOs in a variety of countries around the world. Visit their website, which provides tips on advocacy at [www.democracyctr.org](http://www.democracyctr.org).

The *Advocacy Project* was created to help advocates who are working on the front lines for social justice, peace, and human rights. The Advocacy Project tries to help its partners use information and technology more effectively. Criteria to qualify as an Advocacy Project partner: (1) local and established through a local (as opposed to foreign) movement; (2) made up of a group (as opposed to an individual) which is organized and has clear campaign objectives; (3) uses advocacy in their work; (4) works for human rights or social justice. The Advocacy Project offers a series of services to organizations wishing to organize an advocacy campaign. Visit their website at [www.advocacynet.org](http://www.advocacynet.org) or email them at [info@advocacynet.org](mailto:info@advocacynet.org).

The *World Council of Churches* maintains a website called Ecumenical links that lists hundreds of resources according to the following broad categories: human rights, peace and reconciliation, economy and development, humanitarian aid and emergency relief, refugees and migrants, environment, general interest, and intergovernmental organizations. Visit their website at [www.wcc-coe.org/wcc/links/aidorgs.html#7](http://www.wcc-coe.org/wcc/links/aidorgs.html#7).

The *Institute for Global Communications (IGC)* offers progressive individuals and groups a place on the Internet to learn, meet, and organize, and has been the primary information and communications service provider for various UN conferences. IGC has established a number of Internet networks, including PeaceNet, EcoNet, and WomensNet. Visit their website at <http://www.igc.org/> and go to the subdirectory [/igc/issues/hr/igc.html](http://www.igc.org/hr/igc.html) for a list of resources and newsgroups around the world.

## Women

The *Asia Pacific Forum on Women, Law, and Development (APWLD)* is committed to enabling women to use law as an instrument of social change for equality, justice, and development. The organization has a number of online resources and free subscription to a

newsletter. APWLD is based in Thailand and can be contacted by email at: [apwld@apwld.org](mailto:apwld@apwld.org). Visit their website at [www.apwld.org](http://www.apwld.org).

The *Commonwealth of Learning (COL)* was created to encourage the development and sharing of open learning/distance education knowledge, resources, and technologies. COL's Gender Training Resources aims to provide enhanced access to gender mainstreaming capacity support materials from the United Nations and Commonwealth systems. Visit COL at [www.col.org/GenderResources](http://www.col.org/GenderResources).

The *International Center for Research on Women* conducts research, capacity building, and advocacy on issues affecting women's economic, health, and social status in low- and middle-income countries. Visit their website at [www.icrw.org](http://www.icrw.org).

The recently formed *International Gender and Trade Network (IGTN)* is organized in seven regions of the world - Africa, Asia, the Caribbean, Europe, Latin America, North America, and the Pacific. Throughout the network, women are developing strategies to expand research, advocacy, and trade literacy in order to take control over their lives and ensure that trade is working for the common good and not a select few. This global campaign on gender and trade is central to women's economic and social rights.

Joan Korenman is the author of *Internet Resources for Women*. She has created a website that lists dozens of international women's organizations based outside the U.S. Visit her website at [research.umbc.edu/~korenman/wmst/links\\_intl.html](http://research.umbc.edu/~korenman/wmst/links_intl.html).

The *United Nations Development Fund for Women (UNIFEM)* promotes gender equality in order to advance the status of women. In particular, UNIFEM focuses on implementing the Beijing Platform for Action and other UN global commitments through political and economic empowerment of women. UNIFEM maintains a special website on events and publications relating to East and Southeast Asia - including a special report on women and the Cambodian commune council elections. Visit the website at [www.unifem-eseasia.org](http://www.unifem-eseasia.org).

The *United Nations WomenWatch* was created to monitor the results of the Fourth World Conference on Women held in Beijing in 1995. The website has information on UN conferences and events, and provides access to a database with

statistics on women. Visit WomenWatch at [www.un.org/womenwatch](http://www.un.org/womenwatch).

## Children

*Defense for Children International (DCI)*, based in Switzerland, was established in 1979 to ensure on going, practical, systematic, and concerted international action specially directed towards promoting and protecting the rights of children. DCI produces a newsletter on UN activities related to the protection of children's rights. Visit their website at [www.defence-for-children.org](http://www.defence-for-children.org).

The *United Nations Children's Fund (UNICEF)* maintains a website with information resources, including UNICEF publications, a video catalogue, and statistics about children at [www.unicef.org](http://www.unicef.org).

The *Association Francois-Xavier Bagnoud* has a web page on health and human rights advocacy and resources, with a focus on children at [www.fxb.org/hhr/crights.html](http://www.fxb.org/hhr/crights.html).

## HIV/AIDS

The *Joint United Program on HIV/AIDS (UNAIDS)* provides information on world AIDS campaigning, as well as updates on the epidemic and a list of publications at [www.unaids.org](http://www.unaids.org).

The UK-based *International HIV/AIDS Alliance* supports community action on AIDS in developing countries and founded KHANA in Cambodia. The agency presents a comprehensive list of AIDS resources at [www.aidsalliance.org](http://www.aidsalliance.org).

A good place for Internet research on HIV/AIDS advocacy is at the *HIV/AIDS Search Engine* at [www.hivaidssearch.com](http://www.hivaidssearch.com). The site has many categories, including advocacy.

## Land

The *Cambodian Ministry of Land Management* maintains a website with resources, including various pieces of land legislation in English and Khmer, at [www.mlmupc.gov.kh](http://www.mlmupc.gov.kh).

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