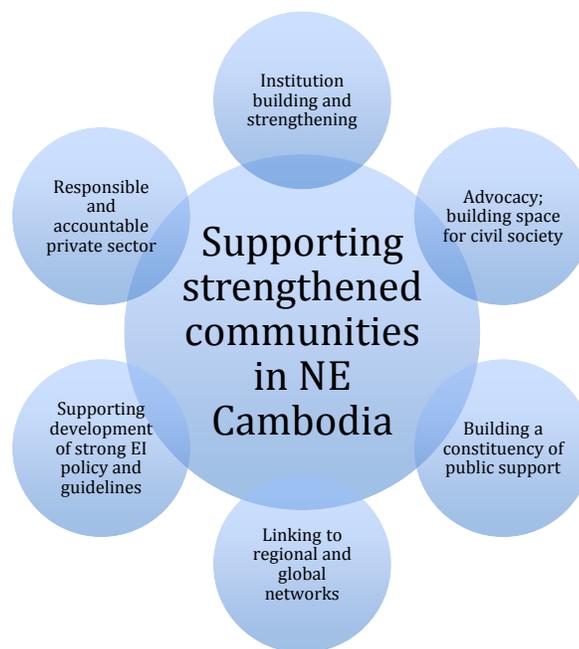


# Extractive Industries Program in Cambodia (2009-2012)

East Asia Regional Office



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August 2013



*This document represents an independent evaluation of Oxfam America's Extractive Industries in Cambodia program. The program has been operating in Cambodia since 2009 (with occasional regional activities). This evaluation focuses on work undertaken between 2009 and 2012.*

*The major evaluation activities took place between April and August 2013. The evaluation was carried out by Scott Rankin, Senior Evaluation Specialist with the Research Communications Group through a competitive process and reflects the findings as reported by him as validated with stakeholders. The evaluation was managed by Yuko Yoneda, Research and Evaluation Adviser, Oxfam America (EARO Phnom Penh), and commissioned by Allison Davis, Research and Evaluation Senior Advisor, based in Oxfam America's Learning, Evaluation, and Accountability Department in Boston.*

*For additional information regarding the evaluation Terms Of Reference, please refer to the report appendices*

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# LIST OF ABBREVIATIONS AND ACRONYMS

ADB	Asian Development Bank
AFSC	American Friends Service Committee
AIR	Annual Impact Reflection
ASEAN	Association of South East Asian Nations
CAMEC	Cambodian Association of Mining Exploration Companies
CICM	Cambodian Centre for Independent Media
CIYA	Cambodian Indigenous Youth Association
CLT	Communal Land Title
CMFP	Community Mine Focal Points
CNPA	Cambodian National Petroleum Authority
CRRT	Cambodians for Resource Revenue Transparency
CSR	Corporate Social Responsibility
DfID	(British) Department for International Development
DPA	Development Partnership in Action
EI	Extractive Industries
EIA	Environmental Impact Assessment
EISEI	Extractive Industries Social and Environmental Impact
EITI	Extractive Industries Transparency Initiative
ELC	Economic Land Concessions
FGD	Focus Group Discussion
FPIC	Free, Prior and Informed Consent
GMS	Greater Mekong Sub-Region
GROW	OA's 'Food. Justice. Planet.' Program
HA	Highlanders' Association
HBF	Heinrich Boll Foundation
ICSO	Indigenous Community Support Organisation

ICT	Information and Communications Technology
IPNN	Indigenous Peoples NGO Network
IRAM	Indigenous Rights Active Members
KII	Key Informant Interviews
LoA	Letter of Agreement
MEF	Ministry of Economy and Finance
MEL	Monitoring, Evaluation and Learning
MoE	Ministry of Environment
MInfo	Ministry of Information
MIME	Ministry of Mines, Minerals and Energy
MSP	Multi Stakeholder Platform
NE	North-East
NRM	Natural Resource Management
NSDP	National Strategic Development Plan
NTFP	Non Timber Forest Products (a local NGO)
OA	Oxfam America
PEM	'People Protecting their Ecosystems in the Lower Mekong
PIP	Program Implementation Plan
PMWG	Provincial Mining Working Group
PSP	Program Strategic Paper
SCO	Strategic Change Objectives
SCY	Support Children and Young People (NGO)
SMS	(Oxfam's) Single Management Structure
SNEC	Supreme National Economic Council
ToC	Theory of Change
UNDP	United Nations Development Program
WCS	Wildlife Conservation Society
YRDP	Youth Resource Development Program

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# EXECUTIVE SUMMARY

The Oxfam America Extractive Industries Program in Cambodia reflects a deeply ambitious, complex and challenging response to the many issues arising from the emergence of an extractive industries (EI) sector in Cambodia. The Program goal has three related aspects:

- Vulnerable communities in NE Cambodia affected by extractive industries will exercise their right to a sustainable livelihood.
- This right will be ensured and respected by government bodies and companies involved in extractive industries.
- Respect for community rights will allow communities access to information, redress/recourse, and decision making so that the benefits of EI are shared equitably and contribute to poverty reduction efforts in the region.

The Program's ambition lies in its efforts to support indigenous communities to exercise their right to a sustainable livelihood in a context of chaotic development and uncertain land tenure. Its complexity lies in the breadth and diversity of different stakeholders needing to be engaged from community to national and regional levels if the Program is to succeed. Its challenge is to win support for transparent and accountable management of resources, despite a history of natural resource wealth being squandered due to the absence of a legal framework and corruption.

These Program challenges have been made all the more complex by a vastly changed operating context to that which was envisaged at the time of the Program's design. In 2008, it was anticipated that a number of world renowned extractives companies would imminently commence large mining and oil and gas projects in Cambodia, with a resultant flow of tax and royalty revenue into government coffers, providing the Project tangible EI activities to work with. The scale and visibility of these projects would be used to leverage both community support and government action on mechanisms to ensure transparency around resource revenues. The stature and reputational risk of these well known companies looking to commence operations would also be leveraged to achieve a voice for affected communities in decision making, and to ensure that communities' free, prior and informed consent (FPIC) was a pre-condition to project commencement.

Instead, the Program finds itself operating in 2013 in the context of a stagnant Cambodian EI sector, where not one mine has yet officially reached production, and not one drop of oil or gas has flowed from offshore blocks. The big mining companies whose socially and environmentally aware governance codes were going to be an important point of engagement and leverage for the Program have now all withdrawn from Cambodia, with no suggestion that they plan to return. In their place have come a range of small, almost invisible mine operators, mostly from within the Mekong region, who appear to have little interest in environmental or social responsibility, transparency or the development of a strong regulatory framework for EI in Cambodia. These mines operate illegally and are often 'politically protected', making them very difficult to engage within the current political environment.

An impact of this vastly changed context is that very little revenue is actually flowing from EI projects into government coffers. This lack of activity and revenue has taken the heat out of the issue of revenue transparency, and also reduced pressure on the government to address a range of policy limitations and the current weak EI legislative framework. Understandably, this changed context has also undermined Program efforts to mobilise a public constituency of support to pressure government for a responsible legislative framework for EI, since there are effectively no tangible EI activities underway to build interest around! The Prime Minister strategically picked up on this slowing momentum when he said that “we should not talk about how to cook the fish while it is still in the water.... first we should catch the fish.” This short-sighted sentiment is now being used more broadly by government in justifying its slow progress towards construction of an appropriate governance structure for EI, implying that there is no urgency despite significant ongoing exploration in both the mining and oil and gas sectors. Another aspect of the shortsightedness of this approach is that the absence of a convincing EI framework is central to the lack of serious investment in the sector, and the unwillingness of larger, more responsible and accountable companies to enter the Cambodian EI market.

There have also been developments in Cambodia’s NE provinces that were not fully anticipated in the Program design. Large scale rubber plantations have emerged as by far the most serious threat to indigenous communities capacity to practice ‘sustainable livelihoods’ in the NE. These rubber concessions occupying enormous tracts of land, divide traditional community lands and destroy biodiversity. The combined impact has been to render traditional livelihoods no longer feasible for many communities.

The omnipresence of the rubber industry has had the effect of rendering EI a peripheral issue in the eyes of all but those few communities that are directly affected by an EI. The Program Manager of the Highlanders Association (a Program Partner) summed it up when he noted that of the 94 communities that his organisation works with in Rattanakiri, only seven face a serious threat from EI whereas all 94 are under threat from rubber. Given the immediate nature of the threat of rubber, it is understandable that the primary focus for civil society organisations working in NE Cambodia has shifted to the general issue of land tenure and ameliorating the threat of ‘economic land concessions’ (ELC) *in general*.

The impact of rubber planting is so significant that it actually brings into question the ongoing validity of the OA EI Program goal, as it is currently articulated, given the Program’s ambition of ensuring indigenous communities in NE Cambodia the right to a sustainable livelihood. The impact of rubber plantations makes it quite feasible that even if the OA Program was to succeed in facilitating best practice governance of Cambodia’s EI sector that ‘sustainable livelihoods’ could still not be practiced, based on the land lost to rubber plantations.

While the impacts of rubber and other economic land concessions (ELCs) on indigenous communities were acknowledged and engaged at the time of the EI Program design by OA (through OA sponsored research and support to groups such as the Land Working Group of the NGO Forum), a decision was taken to maintain a focus on EI, since at the time it was felt to pose a similar level of threat. It was also acknowledged that due to many other organisations being focused on ELCs, it would be more strategic for OA to focus on bringing its experience of EI to the ‘ELC table’. A contributing reason to this decision was the fact that some of the more concerning Asian ‘companies’ operating in

the NE have interests in rubber and mining, as well as other ELCs – such as the Vietnamese conglomerate Hoang Anh Gia Lai, which has interests across rubber, mining, forestry and agro-industry.



*Village based map detailing land access secured for communities under ‘Communal Land Titling’ process. Areas between the polygons are generally lands allocated for ‘economic land concessions’ such as rubber. .*

Therefore, a key question in relation to this Program and its current Theory of Change (ToC) is whether or not there will be NE livelihoods to sustain, once the EI sector actually commences – since there is little doubt that an EI sector will commence at some point in time.

Irrespective of the vastly changed context described above, much of Oxfam America’s initial EI Program problem analysis remains valid. The mining community in Cambodia remains convinced that Cambodia will soon see some sizeable mining projects commence. At some point soon, resource revenues will flow, making it vital that a suitable framework for management of revenues is in place. Greater revenue transparency remains an urgent need right across government, as is the need for strong civil society networks capable of raising awareness and building national ownership around key debates such as those related to EI. And perhaps most importantly, land tenure and the practice of ‘sustainable livelihoods’ in indigenous communities are under

even greater threat than anticipated at the time of the design. However, the reality is that threat is currently not primarily due to EI, as anticipated in the Program design. (Strategically, OA is building capacity to respond to this changed context through its 'People Protecting their Ecosystems in the Lower Mekong' (PEM) program, and also its GROW campaign.)

While this overall changed context has thrown the Program slightly off balance, it is the opinion of this evaluation that the Program's challenges have also stemmed from an unrealistic and overly optimistic Theory of Change (ToC). The ToC is based on an assumption that informed and active citizens, supported by a strengthened civil society and improved governance, will be able to protect themselves from threats to their livelihoods, in part by demanding accountability from government and/or the private sector. The ToC also assumes that civil society supported, citizen led action (including regional and global civil society networks) can help apply sufficient pressure on both government and the private sector to ensure best practice in the EI sector, including development of legal and regulatory frameworks that ensure fair compensation, benefit-sharing and environmental responsibility.

While there is certainly logic to this argument, its ambition needs to be questioned, since it is effectively asking civil society to deliver results and a new dynamic throughout the Cambodian government (at multiple levels) that Cambodian civil society has up until now never been able to deliver, let alone in a sector with the political sensitivities and power dynamics of EI. This is not to say that it isn't a worthy ambition. It is more to highlight the enormous challenge that the Program has set itself across its 15 year implementation period.

According to the Program's strategy, facilitation of these highly ambitious expectations has fallen largely on the shoulders of Program staff and two newly born civil society networks – the revenue focused 'Cambodians for Resource Revenue Transparency' (CRRT), and the more field focused 'Extractive Industries Social and Environmental Impact' (EISEI) Network. Each of these networks has worked to raise awareness and build a constituency of support for responsible management of EI, ranging from efforts to affect national policy through to problem solving at local community level. From the outset of each, the OA EI Program has played a central role in helping establish these networks on solid foundations, through support for training, exposure visits and day to day operations. In one meeting, Oxfam was described as "CRRT's father!"

By many measurements, these networks have enjoyed considerable success when measured against the three year milestone of the Program. Each is well established and known across civil society. In the case of CRRT, it has also established a reputation within the broader community as a knowledge centre for issues of resource revenue transparency – though only in relation to oil and gas. Each are supported by a relevant and appropriately skilled membership, and each has a secretariat with full time staff conducting a range of different activities related to their mandate. Yet, despite these solid foundations, there has been only limited progress in terms of achievement of their mandates, which can be summarized as helping secure the strong EI legislative framework necessary to give the ToC the structure that it needs to work off. Without

clarity as to the rule of law in relation to EI, it is very difficult for 'active citizens' to demand accountability or seek recourse.

While CRRT has gone through a difficult period of late, these difficulties have forced members and supporters to think deeply about its role and strategy. OA EI Program staff played a critical role in reviewing its operations and encouraging the active participation of members and the secretariat through what was a difficult process. The importance of this support cannot be overstated, with a broad range of organisations noting Oxfam's nuanced, behind the scenes role in helping maintain CRRT's momentum. Similar sentiments were also expressed in relation to the EISEI network.

Central to this rethink of CRRT's role and approach has been recognition that CRRT is a coalition, not an NGO, and that as a coalition it needs to work collectively and strategically to maximise the whole of its membership's skills, capacity and efforts. There is also recognition of the need for CRRT to broaden its messaging to encourage a nervous civil society to become more involved in the 'politics of revenue', thus building the organization a stronger voice.

Currently, CRRT is perceived as an entity focused solely on EI issues, despite the fact that resource revenue transparency and sound management has the potential to grow the national budget, and therefore build resource allocations of government to sectors such as health and education. CRRT's message into the future needs to be that resource revenue transparency is therefore an issue of national significance, given its potential relevance to progress in all sectors.

A measure of OA's role and approach in supporting CRRT has been its ability to shift from being a major donor during CRRT's start up to a situation now where it is one of the coalition's minor donors, yet continues to play an important advisory role.

EISEI has also endured growing pains as it works to consolidate its role and capacity. Unlike CRRT, EISEI is challenged by insufficient resources to achieve what is an unrealistic mandate given very limited financial and human resourcing and an ambition to perform both the advocacy and technical role detailed in its strategy. EISEI's current strategic plan aims to conduct outreach and education at each of community, provincial, national and industry levels; technical analysis of any EI issues raised by its membership; as well as facilitate advocacy at each of local, provincial, national and international levels, as circumstances demand.

In theory, EISEI should enjoy the support of provincial partners with whom it works to build capacity at provincial level. However, due to resource constraints is in reality a very Phnom Penh centred network unable to develop the capacity necessary for its membership to assume core responsibility for monitoring of EI in NE Cambodia. This situation contributes to a situation whereby provincial EI networks are overly reliant on support from the under-resourced and over-worked EISEI secretariat. And because secretariat staff are overworked, they are unable to devote the time necessary to develop the provincial capacity that could in theory reduce their workload!

Another aspect of EISEI's difficult financial situation is that it fosters an unhealthy reliance on the support of the local NGO 'Development and Partnership in Action (DPA), where it

is physically located, and from whom it receives consistent support and guidance. This contributes to a situation whereby EISEI is viewed by many as being more a 'DPA project' than it is a 'network'. It is the opinion of this evaluation that this is an unfair assessment, since DPA's active role in EISEI is primarily driven by the network's poor resourcing situation, and the reluctance of others to invest time and energy in the Network. Nonetheless, EISEI would undoubtedly benefit from being able to set itself up independent of DPA, and for it to be perceived by its members as a true network that they have responsibility to support and foster. Currently, it is too easy for members to step back and 'leave it to DPA'.

Another aspect of Program efforts to open space for civil society to discuss and contribute to EI issues has been a suite of efforts to raise awareness and mobilise support for Program objectives beyond traditional civil society audiences. Support to a highly regarded TV current affairs show (Equity Weekly) aimed to reach decision makers within government, who were thought to be a key audience for the show. 'Youth' were also targeted by various partners as an increasingly important constituency capable of bringing pressure for change – a strategy very much vindicated in the recent national election. As a result, CRRT now has an extensive roster of 'associates', which is primarily made up of youth interested to be active on the issues of EI. These Program initiatives demonstrate dynamism within the Program as it tries to build a constituency of support for achievement of its goal.

Unfortunately, the pressure asserted from a cross-section of angles and entry points has not yet resulted in noticeable progress in development of a legislative framework for EI, which for the most part remains shrouded in secrecy with little opportunity for civil society input or impact. While this is in large part related to the absence of political will, it also relates to structural flaws within the Program strategy and logic.

The gathering point for evidence gathering and discussion of issues of EI, ELCs, land titling, cultural rights and sustainable livelihoods in the context of NE Cambodia is crowded, characterized by a wide range of connected yet competing approaches. OA works hard at collaboration and to promote coordination, and is respected for its efforts to pull together an unwieldy civil society sector. However, the Program's conscious implementation strategy is to work through local partners – each of which have their own areas of focus and understanding of current needs and priorities. While this is appropriate on many levels, it is felt that effective coordination of such a complex environment would benefit from a more hands on approach at provincial level, given that Oxfam brings organizational experience and capacity for strategic planning around acutely sensitive issues that many local partners do not have.

Generally speaking, a tension exists between the Program's ambition to engage a vast multitude of stakeholders and build national capacity around the issues of EI, and the staffing available to it. Despite this staffing stress, Program staff are regarded as having played a critically important catalytic role in setting solid foundations for an EI interested civil society sector to build from, with OA 'fingerprints' evident throughout the sector. However the issue of insufficient core Program staffing inevitably contributes to Program strategies whereby sensitive and fragile civil society structures are left to prematurely stand on their own. Staffing stresses and the sheer number of Program partners (both direct and indirect) and funding agreements also compound the ability for the Program to

monitor its grants with sufficient rigour. This is most notable at provincial level, where structures are most weak.

This contributes to a situation whereby many of the Program's partners are struggling to operationalize the Program vision at local level, characterized by infrequent and largely ineffective engagement of local authorities; inadequate capture of the types of evidence necessary to empower communities and civil society networks, as envisaged in the ToC; and through extremely limited relationships with the EI companies.

While the Program has enjoyed some significant successes in its engagement of government (notably, drafting of EIA guidelines for the mining and oil and gas sectors), generally speaking the Program is experiencing significant difficulty engaging relevant government bodies. While Program staff have been tireless in identifying new ideas, approaches, strategies for engaging government, the reality is that stronger relationships need to be established – notably with MIME, where the current relationship is effectively non-existent.

A possible entry point for rebuilding relations with MIME is through the private sector, where representatives report easy and constructive relationships – especially at the levels of middle to senior management. 'Responsible EI companies' (which tend to gather through the Cambodian Association of Mining Exploration Companies (CAMEC) share the ambition of civil society for a clearer legal framework for the sector, albeit for different reasons. Some of the better, more responsible EI companies see benefit in a high benchmark being set with regards to FPIC, and social and environmental responsibility, since this will improve the image of the sector, and also weed out less scrupulous operators. They believe that a more professional and responsible sector, operating to clear government set guidelines, will also encourage investors that are currently uncertain about investing in Cambodia. Given these perspectives, some leading figures in the EI business community see civil society efforts to encourage better regulation and monitoring of the informal sector as being allied to their interests.

It is also the perspective of private sector representatives that there are many in MIME who share these perspectives, and recognize that Cambodia's best chance of developing a robust mining sector is by encouraging the return of larger, more reputable companies, and eliminating the poor practice seen amongst many of the regional smaller operators.

Having said that, private sector engagement comes with some risk, but with thorough due diligence, it is felt that some important strategic alliances can be forged with the private sector that help address some of the limitations described above – notably, relations with MIME.

As stated at the outset, the OA EI Program operates in a complex, shifting and sensitive environment, where traction is very difficult to achieve. While this evaluation highlights the many challenges that exist, it also acknowledges that important foundations have been laid for ongoing action on what will remain a very important issue for Cambodia. Important mechanisms are now in place for monitoring of the EI sector. A cross-section of Cambodian civil society organisations are now conversant and active on issues of EI. And awareness is increasing amongst the general Cambodian public as to the complexity, importance and potential contribution of a well governed EI sector.

# 1. INTRODUCTION

## 1.1 INTRODUCTION

What follows is an independent evaluation of the first three years (2009-12) of implementation of Oxfam America's (OA) Extractive Industries (EI) Program in Cambodia. The Program was conceived as an effort to address the various issues arising from what appeared to be a quite rapidly emerging extractive industries sector (both mining, and oil and gas) in Cambodia. Program development was also cognizant of the regional dimensions of the extractive industries sector and the nature of Cambodia's relationship with key neighbors who were rapidly becoming growing sources of inward investment for the country. The Program logic therefore anticipated deepening levels of awareness, understanding and engagement of the Lower Mekong sub region in relation to EI, over the proposed fifteen year implementation period.

The purpose of this evaluation is to assess Program progress to date through assessment of achievements against a number of benchmark outcomes related to the longer term goals set by the Program until beyond 2020. The evaluation process is also seen as an opportunity for contemplation of the vastly changed EI context that the Program now operates within, and the impact that this has had and is having on the implementation approach and theory of change. In total, the evaluation is expected to capture important Program learning regarding past and current performance and the changed operating context, while also capturing and exploring new and emerging issues. It is anticipated this will help guide and inform the Program's strategy for the coming three year period.

## 1.2 PROGRAM BACKGROUND

### 1.2.1 Design Context

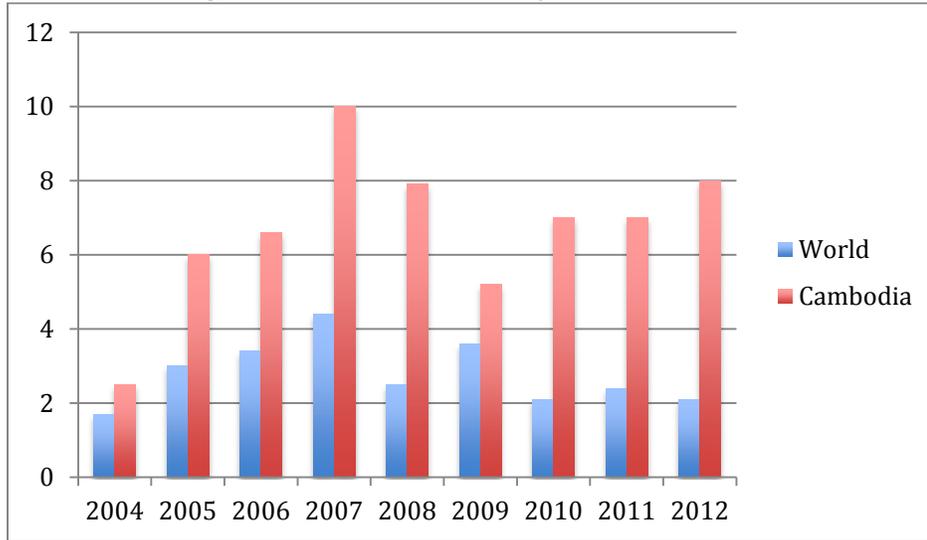
As long as Oxfam has been working in the Mekong region, it has maintained a strong program focus on the issues of natural resource management (NRM) and sustainable livelihoods of the region's more vulnerable peoples. This has occurred through engagement of issues such as forestry, fisheries, water access, land titling and hydropower. Particular focus has been placed on ensuring local community rights to sustainable livelihoods, and ensuring their right to participate in the discussions that occur around resource use and exploitation. Another important aspect of Oxfam's history in the region has been a range of efforts to strengthen local civil society, with the aim of achieving an accepted and valued role for civil society in deliberations around management of natural resources and other key development issues.

The impetus for Oxfam to focus on these program areas grew from observations that vulnerable communities in Cambodia had little voice or access to recourse when their livelihoods came under threat. This situation relates to a range of historical factors including the absence of a clear system of land tenure; a weak or non-existent policy and legal framework in relation to natural resource management; and widespread corruption whereby powerful people have felt entitled and been able to assume control of land and resources at the expense of the less powerful.

Cambodia has stabilized significantly since the late 1990s, and now enjoys sustained high

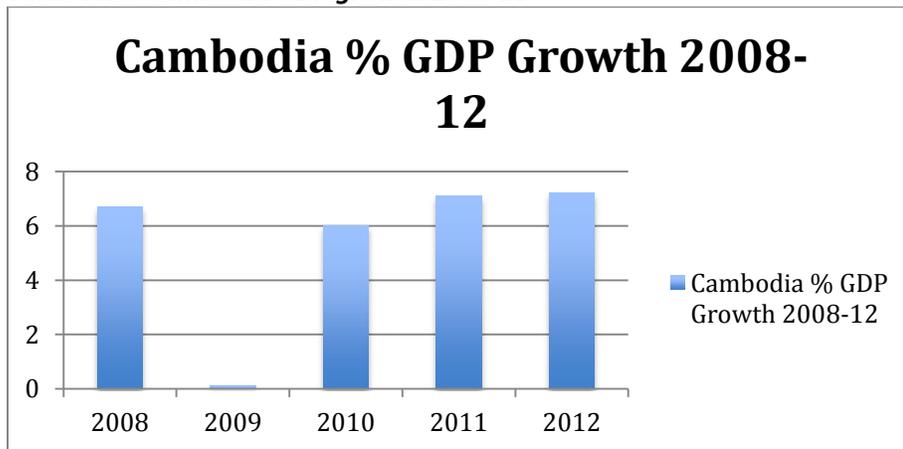
levels of economic growth, Over the period 2004-9, GDP growth averaged more than 10%. Since 2010, it has stabilised to around 6.5%.<sup>1</sup> Sadly, this growth has generally not improved the plight of rural communities whose land tenure and access to natural resources has continued to be threatened – and in many instances worsened. Another aspect of Cambodia’s political stability and macro economic growth has been a surge in foreign investment - in areas such as garment production, agro-industry and more recently, extractive industries.

**Table One: Foreign Direct Investment as % of GDP 2004-12<sup>2</sup>**



This growth in investment sits within a context of sustained GDP growth over the period.

**Table Two: Cambodia GDP growth 2008-12<sup>3</sup>**



Notable from the above statistics is the severe drop off of both investment and growth in 2009, the year that the Program commenced. This dramatic braking of the economy at the peak of the Global Financial Crisis, profoundly impacted the Program Theory of

<sup>1</sup> World Bank Databank: <http://databank.worldbank.org/data/views/reports/tableview.aspx>

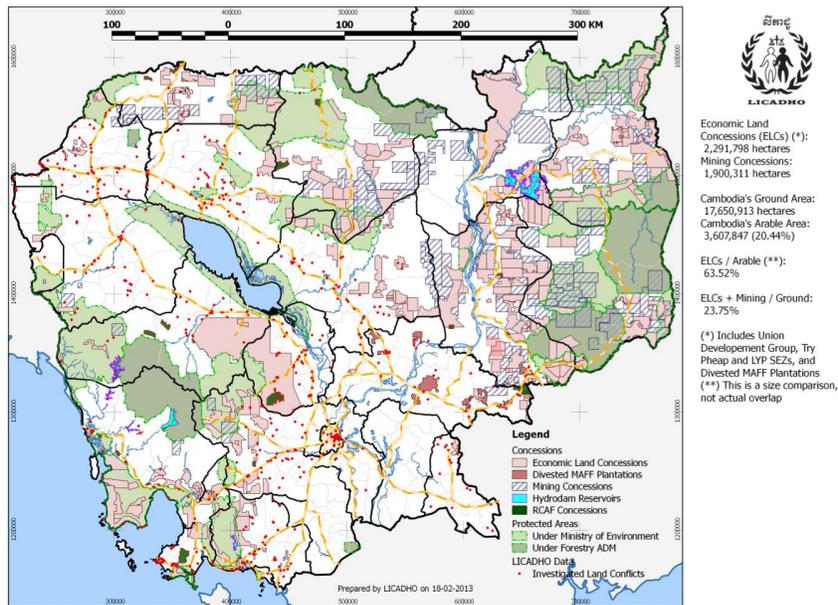
<sup>2</sup> World Bank Databank: <http://data.worldbank.org/indicator/BX.KLT.DINV.WD.GD.ZS/countries/1W-KH?display=graph>

<sup>3</sup> Asian Development Bank: <http://www.adb.org/sites/default/files/pub/2013/CAM.pdf>

Change, which assumed steady growth in investment within the EI sector.

Globally, Oxfam maintains an important leadership role in maximizing the benefits and minimizing the harm caused by foreign investment in developing countries. Over the past decade, extractive industries have emerged as an important revenue source for many countries in SE Asia. However, Oxfam also observes that in order to attract foreign investors, governments across the region have been happy to issue a range of economic and other land concessions without fully considering the social, environmental and cultural impacts that such decisions can have on the marginalized and very poor. In Cambodia, a serious complicating factor exists in the fact that there are often multiple layers of overlap between community lands, protected areas and land designated for economic land concession. This situation relates to a general lack of transparency around process and decision-making to determine land use, with little communication between responsible authorities. The map below helps highlight the mish mash of land use plans for the country. A larger version of the map is attached at Annex One).

**Table Three: Economic Land Concessions, Mining Concessions and protected area overlays – Cambodia 2013**



These risks become more acute in areas such as the NE of Cambodia where a significant (though reducing) proportion of the population are indigenous (non-Khmer) peoples<sup>4</sup>, and where the majority of Cambodia's mining concessions have been issued.

<sup>4</sup> The term 'indigenous' is politically loaded in the Mekong region, since Khmer (and Lao and Vietnamese - often referred to in Vietnam as Kinh) can all rightfully claim to be indigenous to the areas that they live in. However, in this document (as is common across much of SE Asia), 'indigenous' is used to describe people from the region's many ethnic minority groups that live by different cultural norms to the dominant ethnic groups that are the official representation of their respective countries.

Indigenous peoples commonly lead lives that are far removed from the realpolitik of Cambodia, and have historically had limited capacity (or interest) to participate in and affect political decision-making. Ability to effectively engage and challenge decision-makers and powerful people seeking to access and exploit natural resources is further complicated by NE Cambodia's relatively underdeveloped civil society. This further enhances vulnerability to exploitation by unscrupulous investors and reduces capacity for holding government accountable. It is further observed in indigenous areas that women are particularly vulnerable given their consistent exclusion at all decision making levels, exacerbated by exclusion based on cultural traditions.

Importantly, the EI Program design process recognised the significant threat posed by other, 'non-EI' economic concessions in NE Cambodia, notably rapid expansion of rubber planting. However, a conscious decision was taken that OA's value add was to bring its expertise and focus to EI specifically, given that many different actors were already active on ELCs. While not explicitly addressing ELCs within the Program design, OA is now taking action on ELCs through projects such as PEM and GROW, and through support to entities such as the Land Working Group of the NGO Forum. Other Oxfam affiliates are also active in working to mitigate the risks posed by ELCs.

Program design also took into consideration the opportunities and threats posed by the 'Development Triangle' being promoted by the Asian Development Bank (ADB) at the time with the aim of 'opening NE Cambodia up for investment'. To this end, the Program worked to engage regional mechanisms, as well as benefit from OA's global interest and knowledge of the EI sector and the strengths and weaknesses of multi-lateral development banks when it comes to listening to the voices of the most marginalised.

While it was recognized that a fully regional approach would eventually be required, Cambodia was chosen as the initial entry point based on a range of factors related to capacity, resources, established networks, and also practicality – given OA's regional office being based in Phnom Penh. CSO space in Cambodia was also relatively open compared to Lao and Vietnam, making it a logical entry point. While the EI Program was rolled out in Cambodia, OA set about and succeeded in identifying additional resources to bolster OA's overall Program ambition for better natural resource management through relationships with entities such as the Margaret A. Cargill Foundation and the MacArthur Foundation.

Another important factor driving the Program's decision to commence operations in Cambodia was what seemed to be the very strong likelihood that several very large EI projects would soon commence in Cambodia, led by BHP Billiton and Chevron in the mining and oil and gas sectors respectively. This context brought a sense of urgency to the need for an improved regulatory framework and for procedures and guidelines to be developed that protected and ensured the rights of vulnerable people, and promoted resource revenue transparency.

### 1.2.2 Program Summary, Goal and Objectives

The stated goal of Oxfam America's EI Program is that:

*Vulnerable communities in Northeastern Cambodia affected by mineral mining and national hydrocarbon exploitation will exercise their right to a sustainable livelihood. This right will be ensured and respected by government bodies and companies involved in extractive industries, allowing them access to information, redress/recourse, and decision making so that benefits of EI are shared equitably and contribute to poverty reduction efforts in the region.*<sup>5</sup>

To achieve this, the Program works at both national and local levels in Cambodia to preserve and enhance the rights of indigenous people. Strategies employed by the Program focus on promotion of greater self-determination, better governance by the Cambodian state and regional governments, and improved corporate social responsibility within the EI sector. The Program also places significant emphasis on building strong grassroots and national level civil society networks capable of monitoring the activities of EI companies, and which have the ability to effectively advocate for best practice nationally around issues of EI.

Advocacy efforts are also linked, as appropriate, with regional level initiatives of the Greater Mekong Sub-region (GMS) and the Association of South East Asian Nations (ASEAN), as well as with global movements and platforms focused on promoting greater social and environmental responsibility within the extractives sector, such as the Extractive Industries Transparency Initiative (EITI).

Central to the Program approach is promotion of active citizenship in affected communities, through increased awareness and strengthened social capital. At the same time, the Program strives to help facilitate a 'civil society comfort zone' that enables a safe space for meaningful citizen's participation. This was seen as crucial given acute sensitivities within both government and civil society around the 'politics of revenue'.

Overall, the Program has three strategic change objectives (SCOs) to achieve its goal:

**SCO 1:** *Building communities' capacity and providing them access to information and knowledge of potential benefits and impacts of EI, so that they are able to influence decisions at local and national levels through an organized advocacy structure.*

**SCO 2:** *Lobbying, advocacy and campaigning as to get key government agencies to consult with communities through creation and amendment of policy and legal frameworks, as well as the inclusion and enforcement of international best practices in EI legislations in order to ensure transparent, responsible, and accountable management of the industry.*

**SCO 3:** *Engaging and campaigning so that extractive companies uphold international best practices, respect people's rights to free, prior, and informed consent, and show support to revenue transparency by disclosing payment to host governments.*

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<sup>5</sup> Extractive Industries Program Strategic Paper 2009-2023, East Asia Regional Office, Oxfam America , p.20

The Program works to achieve its goal and SCOs through inter-related initiatives at multiple levels (local, national, international), framed by a fifteen-year strategic plan. The Program design outlines long-term sequencing of activities, with the Program anticipated to move increasingly towards regional-level advocacy after an initial focus on Cambodia during its first three year period (2009 – 2012).

As the timeframe suggests, the Program was based on the premise that the sought after change required both time and a considered longer term strategy, especially given the sensitive nature of EI and the history of state-civil society relations. This longer term strategy and proposed sequencing are outlined in the Program Strategic Paper (PSP), where the Program's direction is separated into three indicative phases (see Annex One).

This evaluation is tasked to consider the Program's work through the first three years of its initial phase, by considering relationships with national level partners in Cambodia, as well as selected grassroots partners working on the ground in Cambodia's northeastern (NE) provinces. At the same time, the evaluation was tasked with considering 'next steps' and the implications of moving on to a wider theory of change whereby the program broadens its involvement into Vietnam and Laos.

### 1.2.3 Other Key Stakeholders

A range of other stakeholders are of direct relevance to achievement of the Program goal. This is due to widespread appreciation of the general vulnerability and disadvantage faced by indigenous people living in NE Cambodia. This has led to many and varied organisations becoming engaged in the area. Communal land titling, forest and fauna protection, hydro-power, non-timber forest products and the preservation of indigenous cultural identity are some of the different points of entry for development organisations working in the NE. While these organisations recognize the potential threat posed by EI, they do not necessarily place EI at the centre of their Program rationale. Conversely, OA recognizes the importance of the various issues that these organisations focus upon, yet has EI as its entry point. Collectively, the Program works hard to foster a culture of strong collaboration amongst NGOs operating in the NE, and OA enjoys close collaboration with many of these organisations, making them important stakeholders of the Program.

Cambodian youth are an increasingly important stakeholder group, assuming a more and more important role in Cambodian political life, as demonstrated by the efforts of political parties during the recent National election to secure their support.

The private sector is another key stakeholder group, given its key role in all aspects of the EI sector. The EI interested private sector in Cambodia is extremely diverse, with degrees of commitment to environmental and social responsibility ranging from considerable to next to zero. This requires multiple strategies as well as a sophisticated understanding of the different types of companies operational in countries such as Cambodia.

An important gathering point for the Cambodian EI sector is the Cambodian Association on Mining Exploration Companies (CAMEC). CAMEC's mission statement is "to assist with the development of an active exploration and mining sector, operating to international standards, which recognises and respects all stakeholders. Its principal role is to present to government the concerns and issues facing the industry, to address these issues and to advocate for beneficial changes to both existing and proposed new legislation and policy

that affect the mining sector.”<sup>6</sup> While CAMEC is an important entity in its own right, its membership is largely made up of western companies, with little representation from the less formal mining companies that form the greatest threat to local communities.

UNDP was also active in the EI sector during the period under evaluation, working to promote resource revenue transparency. Other multilateral institutions such as the ADB and World Bank have intermittently engaged the EI sector, though primarily through the lens of economic development and revenue.

### **1.3 PROGRAM THEORY OF CHANGE**

#### **1.3.1 Theory of Change**

Indigenous people living in NE Cambodia are the Program’s primary change agent, benefiting from a range of different forms of Program support. The Program aims to secure their rights to sustainable livelihoods and traditional ways of living while also building greater levels of appreciation and respect amongst non-indigenous populations for their rich culture and the importance of their NRM capacity and knowledge.

While the approaches supported by the OA Program place specific focus on EI, there was recognition at the outset that the skills being developed should potentially be of value to other facets of the lives of the rural poor, particularly in relation to securing land tenure. Advocacy towards the achievement of communal land title, as outlined in the Land Law was an area of specific focus where skills being fostered by the Program could be utilized.

Central to the Program ToC is belief that a strongly functioning civil society is central to supporting the aspirations and securing the rights of indigenous communities and achievement of the Program goal. EI aware civil society networks are regarded as being pivotal to supporting communities vulnerable to EI. The Program approach also recognizes that Cambodia has a vast and diverse civil society and NGO community, ranging from emerging very small, provincially based community based organisations to larger NGOs that have been operational for more than twenty years. Capacity building approaches are thus tailored specifically to the capacity and needs of different partners.

In order to strengthen civil society and national ownership of advocacy efforts, the Program has played an integral role in supporting the emergence of two civil society networks specifically focused on the issues of EI. Cambodians for Resource Revenue Transparency (CRRT) is a civil society coalition aiming to work with government and the private sector to help ensure that revenues from EI in Cambodia are equitably and transparently managed in a way that is understood and supported by the Cambodian public. The Extractive Industries Social and Environmental Impact (EISEI) Network is a national network of NGOs and civil society organisations created to facilitate the study and dissemination of information regarding social and environmental impacts from Cambodia’s extractive industries. The EISEI network aims to educate, provide technical support and advocate initiatives that address community and civil society concerns about EI activities in Cambodia. OA played a critical role in the establishment of both – strategically, in term of financing and also in helping mobilise further support for each.

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<sup>6</sup> Taken from [www.camec-cambodia.com](http://www.camec-cambodia.com)

The Program ToC also assumes willingness within the Royal Cambodian Government (RCG) to develop policy supportive of indigenous rights and the social and environmental responsibility of the EI industry, and that these policies will actually be enforced at local level. It is therefore of critical importance that good government policy and performance prepared at national level actually translate to local levels of government. Government stakeholders of most relevance to the Program are the Ministry of Mines, Minerals and Energy (MIME), Ministry of Environment (MoE) and also the Cambodian National Petroleum Authority (CNPA). The Ministry of Economy and Finance (MEF) and the Supreme National Economic Council (SNEC) are other important stakeholders.

Impetus for the EI Program is also based in knowledge that there will be a substantial flow of revenues from the sector to Government courtesy of licences, royalties and taxes, and a desire within civil society for those revenues to be well managed and used for the benefit of all Cambodians.

At the heart of the Program's ToC therefore is an assumption that informed and active citizens (both indigenous and Khmer), supported by a strengthened civil society and improved governance, will be able to protect indigenous communities from threats to their livelihoods, notably those posed by EI. The ToC also assumes that civil society supported, citizen led action can help apply sufficient pressure on both government and the private sector to ensure best practice in the EI sector, including transparent management of resource revenues.

Progress in protecting the rights of these vulnerable communities will be further consolidated through demanding accountability from both the government and private sector in terms of their ensuring social and environmental responsibility within the EI sector. In indigenous areas, informed community members will, through their enhanced understanding of decision-making processes and policy, become more engaged and demand that companies and governments pursue sustainable development processes and seek assurance that their right to self determine their livelihoods and way of life will not be undermined.

Significantly, the ToC assumed there would be actual EI activities for the Program to engage and build momentum around. This momentum would be achieved through a diversity of approaches that would build a foundation for empowerment of local communities to engage in and self-direct advocacy 'from square one'.

The challenge that such an approach presents, especially in remote areas populated by indigenous peoples, was acknowledged in the PSP:

*"Rural people and indigenous communities with low levels of education tend not to demand responsible governance as a result of the past several decades of negative changes in political regimes. These communities simply want a peaceful political atmosphere. They fear that the demand for accountability and transparency will contribute to political instability. Thus, it is essential that OA take the lead and proactively engage with all key actors to help build a comfort zone for CSO engagement."*<sup>7</sup>

While this ToC remains theoretically valid, it was developed in a vastly different EI context to that which exists today. At the time of the PSP preparation, it was anticipated that

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<sup>7</sup> Extractive Industries Program Strategic Paper 2009-2023, East Asia Regional Office, Oxfam America, p. 24

some of the world's largest EI companies (including BHP Billiton, Chevron and Total) would imminently become active in Cambodia across the mining and oil and gas sectors, and that their corporate governance regimes in relation to social and environmental responsibility would be an important point of leverage for the OA EI Program.

Instead, the Program finds itself operating in 2013 in the context of a stagnant sector, where not one mine has yet officially reached production, and not one drop of oil or gas has flowed from offshore blocks. The big mining companies whose socially and environmentally aware governance codes were going to be an important point of engagement and leverage for the Program have now all withdrawn from Cambodia, with no suggestion that they plan to return in the near term. In their place have come a range of small, almost invisible mine operators, mostly from within the Mekong region. These companies have no track record in the sector, difficult to trace governance regimes, and appear to have little interest in environmental or social responsibility, transparency or the development of a strong regulatory framework for EI in Cambodia. Often they operate illegally, protected from scrutiny by Government supporters.

Another impact of this changed context is that very little revenue is actually flowing from EI projects into government coffers. This lack of activity and revenue has taken the heat out of the issue of revenue transparency, and also reduced pressure on the government to address a range of policy limitations and the overall weak EI legislative framework.

This changed context has also undermined Program efforts to mobilise a public constituency of support to pressure government for a responsible legislative framework for EI, since there are effectively no tangible EI activities underway to build interest around! The Prime Minister of Cambodia strategically picked up on this slowing momentum when he joked that “we should not talk about how to cook the fish while it is still in the water.... first we should catch the fish.” This short-sighted sentiment is now being used more generally by government to justify its slow progress towards construction of an appropriate governance structure for EI, implying that there is no urgency despite significant ongoing exploration in both the mining and oil and gas sectors. Another aspect of the shortsightedness of this approach is that the absence of a convincing EI framework is central to the lack of serious investment in the sector, and a major factor in the unwillingness of larger companies to enter the Cambodian EI market.

### 1.3.2 Implementation Approach

The ToC, as outlined in the PSP, is built around the achievement of three Strategic Change Objectives (SCOs). Implicit to the ToC is the interdependence of the three SCOs and the need for integrated approaches and linkages if the program goal is to be achieved. A theme implicit to each SCO is the need for each key stakeholder grouping (community, government, business) to genuinely accept the importance, the right and the value of civil society's role in supporting vulnerable communities, and also the concept of a 'civil society comfort zone' through which the voice of local communities and individuals can be heard and acted upon by both government and the (generally international) private sector that drives the EI sector in Cambodia.

**Table Four: OA EI Program Direction Years 1-5**

Strategic Change Objective	Year 1-5 Outcome Statements
<p><b>SCO 1</b> Communities will have access to information and knowledge of potential benefits and impacts of EI on their way of life. In addition, they are able to influence decisions at local and national levels through an organized advocacy structure.</p>	<p>Communities that are [physically and economically] affected by extractive industries are aware of EI issues and able to raise their concerns and interests with local and national authorities or representatives</p>
<p><b>SCO 2</b> Key government agencies consult with communities through the creation and amendment of laws. They also commit to the inclusion and enforcement of international best practices in EI legislations in order to ensure transparent, responsible, and accountable management of the industry.</p>	<p>Governments will consult with CSO on an EI legal framework</p>
<p><b>SCO 3</b> Companies uphold international best practices and seek community approval for their operations by respecting people’s rights to free, prior, and informed consent and show support to revenue transparency by disclosing payment to host governments.</p>	<p>Medium and large scale companies in Cambodia will consult communities on EI development plans</p>

SCO1 focuses on strengthening the capacity of civil society to organize, advocate and strategically share information with the aim of protecting and enhancing the rights of indigenous communities, with a focus on building *national* capacity for advocacy and action in the initial Program period. This approach is based in recognition that a logical hierarchy of needs and capacities exist, before it is realistic for local communities affected by EI to assume the important space that they need to occupy within the ‘civil society comfort zone’ that the Program aims to facilitate. The Program approach therefore involves each of awareness raising, education, ensuring access to information, capacity building, facilitation of national and local level civil society structures, and harmonization with likeminded organisations and approaches. The approach is also premised on the steep learning curve required to effectively navigate and manage such complex issues.

SCO1 also lays the foundation through which SCOs 2 and 3 can be achieved, since without an organizing and advocacy capacity within civil society, it is not possible to effectively engage government and the private sector.

SCO2 revolves around engagement and sensitization of government regarding issues of transparency and accountability, the value and importance of community consultation around EI issues, respect for indigenous rights, as well as promotion of a government supported ‘civil society safe space’ to contribute to discussions of EI governance. The Program has worked on multiple fronts across government to assert civil society’s right to contribute to the development of EI policy and legal frameworks. The Program has also promoted civil society’s capacity to validate the relevance and appropriateness of policies and laws to the context of sustainable livelihoods and sustainable management of EI.

SCO2 also involves advocacy in terms of promoting to government the concept of local communities having a legitimate right and role to play in management and monitoring of companies' environmental and social responsibility efforts. Another important dimension of SCO2 is the aim of directly supporting government to be better positioned to monitor and regulate the performance of extractives companies through the development of procedures for government's performance monitoring of private companies, notably around environmental impact assessment. There has also been effort put in to improving information flows, by working to ensure information flowing from community level in relation EI performance is received, understood and acted upon by government.

Program activities around SCO2 are strategically enhanced by opportunities being provided to Cambodian government staff to better understand best practice in relation to EI management and legislation. These activities aim to encourage government adoption of international best practice, including the specific objective of achieving government sign on and/or compliance to important global initiatives such as the EITI. To this end, key government representatives have been provided opportunities through the Program to attend important conferences and training, of relevance to EI management.

SCO3 is intended to dovetail with SCO2, given its focus on promoting good EI corporate performance, as well as ensuring companies are aware and compliant with State mining policies. SCO3 aims to ensure companies' support for people's free, prior and informed consent around EI planning, and also their compliance with the 'good, community driven and focused policy' hopefully fostered through SCO2. SCO3 is also seen as potentially helpful in leveraging government towards 'good policy', given that many (especially larger) companies have set their own standards for social and environmental responsibility, and are required to operate to those standards irrespective of Cambodian law. Furthermore, many western stock exchanges place conditions around social and environmental responsibility as a pre-condition to a company's listing on their exchange. International financing institutions are also placing greater importance on the social and environmental practice through mechanisms such as the "Equator Principles".

While progress was anticipated against each SCO during the initial implementation phase, primary focus was placed on establishing the foundations of a strengthened civil society capable of influencing decisions at both local and national levels. This was logical and appropriate given known weaknesses within civil society's advocacy approaches, and the complex challenge of effectively engaging government and the private sector on the sensitive issues associated with resources and resource revenue.

The sequence of activities and considerations described below aims to demonstrate the integrated, multi-dimensional nature of the Program, and the complex management challenge that it presents. These activities highlight the strategic phasing that has occurred in order to lay an appropriate platform from which Program objectives can be advanced, as well as ensure the benefits of synergies between activities:

- The Program played an important role in the establishment and start up of CRRT, raising awareness throughout the Cambodian community of the potential scale of revenue flows and the need for transparency in all aspects of the EI sector.
- A strategic cross-section of local civil society organisations with different sectoral focus were lobbied to become CRRT members, with the aim of mainstreaming understanding of EI issues throughout different corners of Cambodian society.

- It was hoped that increased EI awareness within the general community would help facilitate a broadening space for civil society, based on the breadth and depth of interest in the issues of EI being fostered by CRRT.
- To ensure local capacity and an organizational structure to use locally generated knowledge as an advocacy tool at national level, the Oxfam Program was a central driver in the establishment of the EISEI network.
- The ability of EISEI to consolidate interest and action around environmental and social responsibility with the EI sector would be enhanced by the constituency of 'average' people interested and aware of EI issues being fostered by CRRT
- Program efforts to mobilise an EI aware Cambodian society were further bolstered through support to a strategically identified range of other initiatives using various Information and Communications Technology (ICT) techniques
- Collectively, it was hoped this constituency would leverage space for civil society to discuss sensitive matters such as revenue transparency, land concessions, and the social and environmental responsibility expected of EI companies
- The Program also recognized the need for monitoring and advocacy capacity at local level, and supported a range of endeavors that aimed to raise awareness and skills within and around EI communities through the sub-contracting of local NGOs and mobilization of Community Mining Focal Points (CMFPs)
- Weaved throughout all of the abovementioned approaches were efforts to encourage government along on the journey, through providing opportunities for learning from regional and global approaches to EI sector management and the purpose and value of revenue transparency



*The remoteness of many mine sites cannot be under-estimated. In Mondulkiri, even locals require chains on their motorbikes to navigate roads in the wet season. Access issues affect evidence gathering by civil society, and also monitoring of efforts to support EI affected communities.*

In March 2011, an expansive baseline study was prepared based on the structure and ‘monitoring, evaluation, learning’ framework set out in the PSP. This study involved extensive work in determining community level awareness and understanding of the many issues of EI, providing the Program quantitative data from which future performance could be measured. As will be discussed deeper in the document, the Program’s monitoring approach seems to date to not have made use of data gathered through the baseline, in large part related to insufficient human resources to do this level of monitoring. LoAs with partners also generally fail to draw on the baseline in relation to Program measurement of partner performance.

## **1.4 EVALUATION METHODOLOGY**

### **1.4.1 Evaluation Purpose**

This independent evaluation is commissioned by Oxfam America to assess progress over the first three years of implementation of its EI Program (2009-12). The purpose of the evaluation is to consider to what degree the Program is progressing towards its longer term impact goals, while also allowing for consideration of new and emerging issues and the ongoing relevance of the Program’s ToC will also be reviewed.

OA has placed emphasis on the need for the evaluation to be participatory in nature, thus allowing a broad cross-section of program stakeholders a voice in deliberations on Program progress, strategy and future directions. As such, an additional purpose of the evaluation is to deepen the levels of ownership felt by key stakeholders. Ensuring the voice of women is also seen as an important aspect of the evaluation.

The evaluation is structured around a selection of benchmark outcome objectives that are seen as an integral foundation from which achievement of the longer term impact goals can occur. In total, the evaluation will be an important milestone in guiding the Program’s overall future strategy, especially that of the next three year period.

### **1.4.2 Key Evaluation Questions**

A key assumption underlying the work in Cambodia has been that an enhanced and informed civil society will be able to drive a process of change that will not only help build resilience amongst vulnerable communities, but also spur greater accountability and positive actions by government and private sector actors.

The evaluation terms of reference highlight various ‘areas of enquiry’ that test this assumption, aiming to bring focus to the issues and challenges faced by the Program to date, as well as future challenges. These ‘areas of enquiry’ can be summarized as follows:

- How effective has the Program been in opening space for civil society voices to be heard, and in enabling civil society to contribute to EI decision-making
- How effective has the Program been in mobilizing awareness and support for transparent EI governance - within government, the private sector and amongst the general Cambodian public?
- To what extent has the Program contributed to the development of EI policy and practice that reflects the needs of vulnerable indigenous communities?
- To what extent has the Program succeeded in empowering EI vulnerable communities to protect their interests and livelihoods?
- What has been the Program’s contribution to the development of multi-

stakeholder approaches for resolving local issues, and is that approach effective in addressing community needs?

- Are there any unintended consequences of the Program approach?

The evaluation asked that these areas be looked at with special focus on three key areas of OA's investment in the past three years to assess their progress and effectiveness in bringing about desired change:

- advocacy initiatives on the Environmental Impact Assessment Law and their extractive sectoral sub-decree and guidelines,
- the Mining & Petroleum Policies and Laws, and the
- Extractive Industries Transparency Initiative

### 1.4.3 Evaluation Methodology

The OA EI Program is multi-faceted, ambitious, and engaging of literally dozens of different partners. The evaluation therefore requires breaking down and investigation of several distinct areas of engagement. To help guide the evaluation methodology, a vast array of literature was reviewed, including research papers, grant agreements reached between OA and Program partners, partner reporting and workplans, evaluations undertaken of partners, and also literature initiated by related programs committed to ensuring the rights of indigenous people in NE Cambodia.

The evaluation proposed by OA also included a 'familiarisation phase' which allowed face to face engagement of a range of key stakeholders, allowing them a voice as to the direction and approach that the evaluation should take.

The research phase of the evaluation required investigation of several distinct areas of Program engagement, and the relationship and linkages that exist between each. In the case of the Program's contributions to a strengthened civil society, it was relatively easy to access stakeholders. However, accessing the government and private sector corners of the Program triangle were less straightforward, and required more circuitous strategies.

Generally speaking, it was felt that the nature of the Program demanded an evaluation that was qualitative in its focus. Key informant interviews (KIIs) were the major strategy pursued, allowing for cross-referencing and validation of different observations of Program performance. These interviews also allowed Program logic to be tracked from the theory of national level capacity building to the practice of civil society operations at local level. (A list of interviews undertaken for the evaluation is listed at Annex 4).

Focus group discussions (FGDs) were also employed to gather information from youth and associates to the CRRT program. FGDs were also used at community level to 1/ determine knowledge and competencies developed due to support provided through the Program to communities by Oxfam partners, 2/ the relevance of the Program's approach to community articulated needs, and 3/ community perceptions of empowerment.

Another challenge for the evaluation was that of attribution, given the vast number of actors pursuing objectives closely related to those of the Oxfam EI Program. The question of attribution was worked through by deconstructing different EI sector achievements to determine the range of contributing actors, followed by key informant interviews with key stakeholders to gather perspectives on attribution. KIIs were also held with key staff

active in related activities in NE Cambodia, to determine their perspectives of the value add brought by the Program to the wellbeing of indigenous peoples. Field work was further complemented by other primary research such as the Oxfam’s Cross-Learning Study, and TROCAIRE’s ‘Governance and Human Rights’ baseline study of late 2012.

Interviews were undertaken with more than 30 direct and indirect Program partners, as well as eight FGDs involving ‘youth’ in Phnom Penh and EI affected communities in the NE. Key stakeholders were brought together at three points during the evaluation process for roundtable discussions in relation to design, progress and findings of the evaluation.

#### 1.4.4 Evaluation Limitations

The most significant limitations faced during the evaluation all related to difficulties associated with either accessing key government staff or the drafts of key government policies. In particular, it proved impossible despite persistent requests to meet with staff of the Ministry of Industry, Mines and Energy (MIME), despite them being arguably the government department of most relevance to the Program.

More generally speaking, the breadth of the Program’s reach and the sheer number of partners meant that the evaluation was constrained by time and the unavailability of several key stakeholders that would ideally have been interviewed.

### **1.5 PROGRAM EXPENDITURE**

Given the breadth of the Program’s activities and its ambition, it operates to a very modest budget. Annual expenditure has run to date at an average of around \$300,000 per annum. Program staff are adept in relationship building, as well as leveraging financial support for various initiatives of importance to achievement of the OA EI Program goal. For example, Oxfam was a major funder to CRRT in its start-up period, but has now been able to withdraw to the role of incidental funder, due to other funding bodies coming to the fore. Despite now being a small scale financial donor, OA still assumes an important role in supporting CRRT’s strategic planning.

Such an approach allows the Program to maximize the application of its resources and allows for financial support to be directed to emerging issues and alternative needs.

**Table Five: Program Expenditure 2009-11**

<b>Years</b>	<b>Annual amount USD</b>	<b>Number of Grants</b>
2009	359,085.00	4
2010	178,810.00	4
2011	373,926.09	7
Total	911,821.09	15

## 2. EVALUATION FINDINGS

The following section aims to address the key questions posed in the evaluation Terms of Reference, as briefly introduced in section 2.2 above. As already described, the implementation strategy for the OA EI Program is complex, sophisticated and interconnected. No one activity sits in isolation, and no one evaluation question can be answered without consideration of the impact of other areas of enquiry. Given this, the following headings should be read primarily as guidance as to the major theme of that particular section, but on the understanding that aspects of each question will also arise in other sections as well. It is hoped that in their entirety, a holistic and thorough assessment of Program progress can be achieved.

As an introduction to the evaluation findings, it is important to note that interviews with the many OA staff who have worked directly on the Program highlights a very strong level of understanding of the Program's logic, strategy and objectives, as well as its structural weaknesses given the changed operating context. In keeping with this observation, staff are aware of the complex nature of the challenge and that the Program has made more progress in some areas of enquiry than in others. Despite these ongoing challenges, OA staff have worked energetically and creatively to find new entry points to achieve deeper levels of engagement of the government and private sectors. That these relationships still prove difficult is emblematic of difficulties associated with promoting good EI governance in Cambodia. Nowhere in the world has transparent management of EI or a clear role for civil society in decision making around EI been easily achieved, and predictably, Cambodia is proving to be similarly challenging.

The approach of OA Program staff has been clear-sighted, pragmatic and realistic. For example, staff recognize that while it is possible to achieve a seat for civil society at the 'EI table', that the seat is worthless if civil society's participation is token and its voice not heard. It is also recognized that the achievement of well crafted policy and guidelines for good governance of EI is only a partial victory, given that Cambodia has a long history across many sectors of well written policy never being implemented at local level.

In a similar vein, it is not uncommon amongst EI companies for stock exchange listed companies to have well crafted global governance guidelines in place, that are all too commonly set aside or overridden in the cut and thrust of 'getting a deal done'. This situation is greatly exacerbated when the 'EI company' is not publicly listed and is in reality a few trucks, some barrels of chemicals, and a team of workers who have no understanding whatsoever of the concepts of corporate social responsibility.

All of these factors are understood by Program staff, including recognition of the need for the Program to achieve change that is not simply cosmetic, but able to result in change and actual outcomes for local communities. For this reason, the Program maintains an approach aimed at empowering local communities, while also working to establish mechanisms that facilitate monitoring of local level implementation of national level policies and guidelines. Unfortunately, very slow progress in construction of Cambodia's EI legal framework continues to put into question the feasibility of such approaches.

Furthermore, Program staff have been dynamic in identifying and initiating a diverse range of strategies that aim to raise awareness and leverage popular support amongst

the Cambodian public for the Program’s objectives. Such efforts complement and help consolidate Program efforts aimed at government staff and civil society described above.

Given the complexities of this overall landscape, it has been vital that OA staff be astute in ensuring that opportunities and synergies to vertically integrate and connect the three SCOs are maximized. This is especially the case in respect to the Program’s core vision for its initial three year period – helping enable a ‘civil society comfort zone’. Program staff have clearly understood the importance of building trust with and between key actors, and also the need to be sufficiently flexible to opportunistically grab opportunities to help consolidate ‘civil society space’ as they arise.

Program staff’s ability to navigate the EI landscape is all the more impressive given that it is the opinion of the evaluation that the core Program has been and remains inadequately staffed. This will be discussed in more detail below in section 3.7.

## **2.1 CHANGED OPERATING CONTEXT**

Another important precursor to elaboration of the Program’s performance is to discuss in detail the acutely changed operating context of the Program today compared to the time of the initial design. The Program strategy designed in 2008 was understandably based on the EI context of the time of the design, and consideration of the most likely scenarios to unfold from that time. While it is fact that the EI context has changed significantly from that envisaged at the time, it is widely agreed that the initial OA Program design was highly relevant to the context of the day and the likely direction of the sector. In its controversial February 2009 Report “Cambodia for Sale”, Global Witness stated as the first point of its executive summary, that ‘Cambodia is on the verge of a petroleum and minerals windfall’<sup>8</sup> – a reasonable and widely held belief at the time.

Key factors affecting decision-making at the time of the design included BHP-Billiton’s plan to develop a 1,000 square kilometer gold and bauxite tenement in Mondulkiri province, with a view of quickly progressing to significant extraction of both bauxite and gold. Australian ‘middle miner’ Oxiana Ltd<sup>9</sup> was also quickly establishing a presence in Cambodia, based on ‘positive signs’ in Mondulkiri. Positive signals were also coming from the oil and gas sector, with Chevron having signed a revenue sharing agreement with the government in 2003, amidst reports that drilling would commence as soon as 2011, with revenues to hit government coffers soon after.<sup>10</sup> As it turned out, both BHP and Oxiana had withdrawn from Cambodia by end 2010 without reaching production (and both with some controversy), and to this date not a drop of oil has flown from any of Cambodia’s offshore oil and gas blocks. Reasons for this loss in momentum are multifaceted. Certainly the global financial crisis of the time was an important factor. In the case of BHP and Oxiana, a string of controversies related to payments to senior government officials made headlines across the world were central to their withdrawal, and that a more clearly understood and transparent regulatory regime might well have prevented the situation.

In place of these larger operators has come an influx of small, almost invisible mining operations primarily entering Cambodia from Vietnam and China. These operations

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<sup>8</sup> Cambodia for Sale; Global Witness, February 2009

<sup>9</sup> Now known as Oz Minerals Ltd.

<sup>10</sup> ‘Chevron to start producing oil in Cambodia in 2011’; Xinhua Newsagency; 28 March 2008

tended to be very small, highly secretive, and have little or no known governance structure to engage with in terms of revenue transparency and in ensuring social and environmental responsibility. Predictably, these very small operations tend to have little interest in measures to promote transparency in terms of licence fees paid and agreements reached with government. The 'market edge' of these companies is their anonymity and lack of corporate structure, meaning that they do not need to operate to the standards demanded by stock exchanges of more reputable operators.

Another impact of these developments was to deny the Program an important point of leverage, given that the Program logic (understandably) assumed a progression by at least some of the larger western EI companies from 'exploration' to 'production'. This has not occurred, with not one single EI company officially in production in Cambodia as of mid 2013. The caveat of 'officially' is significant, since many smaller operations are clearly extracting resource, despite still only operating under an exploration licence. Shifting from exploration to production should in theory trigger a range of government imposed monitoring mechanisms, including a fully fledged environmental impact assessment (EIA). However, by remaining at 'exploration', companies are able to avoid such mechanisms, which would, in theory at least, bring far greater scrutiny to their operation. This is able to occur in large part because of the weak legal framework for EI, where a lack of detail and capacity for monitoring contributes to exploitation of loopholes and denies government staff adequate guidance to confidently monitor activities.

The overall impact of this changed environment on the Program has been profound. The changed context has also meant that anticipated EI revenue flows into government coffers have not occurred, leading to the Prime Minister's much quoted statement to the EI interested sector that "we should not talk about how to cook the fish while it is still in the water.... first we should catch the fish." This sentiment has been used more broadly by government in justifying its slow progress towards construction of an appropriate governance structure for EI, implying that there is no urgency despite significant ongoing exploration in both mining and oil and gas.

The general lack of activity in the EI sector has also made it difficult for civil society to build a constituency of support amongst the Cambodian general public for good governance of the EI sector, since, as the Prime Minister's adage suggests, there is very little EI to govern or monitor at this point in time! Furthermore, the smaller operators that are extracting minerals are difficult to monitor given that they commonly employ local police and/or military as 'security'. This is ironic, the lack of negative social and environmental impacts is denying the Program the opportunity to build up a constituency of support to monitor companies for their social and environmental impact!

Perhaps the most significant development not adequately captured within the initial PSP has been the rapid spread and impact of a range of other (non-EI) economic land concessions (ELCs), and the dramatic impact they are having on the livelihoods of indigenous people in the northeast of Cambodia. Rubber and other agro-industrial concessions have consumed enormous tracts of land in and around indigenous communities in NE Cambodia, to the point that the capacity of some communities to 'practice a sustainable livelihood' is now in serious doubt. Another unforeseen development has been many of the smaller Asian companies choosing to negotiate with

Government on the basis of securing a 99 year “ELC”, which they then exploit as they can – often doing rubber, mining and agro-industry at the same time in the same area. Accurate data is extremely hard to gather, but according to Global Witness’s “Rubber Barons” report of mid 2013, “As of late 2012, 2.6 million ha of land had been leased as ELCs, equivalent to 73% of the country’s arable land, and almost equal to the area currently under rice production (Cambodia’s staple crop), representing an increase in concession leases of 16.7% from 2011.”<sup>11</sup>

The immediate impact of these ELCs has for many communities made the ‘potential’ threat posed by a stalled EI sector a peripheral issue. Many NGOs active in the NE have now become focused on the more generic and elementary issue of helping support indigenous communities to self determine land use in their ancestral lands – primarily through a focus on supporting communities to work through the complex and frustrating process laid out by government for the achievement of ‘communal land title’ (CLT) laid out in the Land Law of 2001. While there are still some communities where the primary livelihood threat is EI, it is far more common in 2013 for rapacious rubber barons to pose the greatest threat to a community in NE Cambodia. The overall impact of this changed context is that EI are no longer the ‘front page’ issue that they were at the time of the PSP design, compounded by the fact that the smaller miners are often hidden from the public eye. Furthermore, it is felt by some that a disproportionate emphasis on EI could even be causing harm in that it has the potential to distract attention away from the more immediate threat posed by an ELC.

And if land issues in NE Cambodia were not already complicated enough, the Prime Minister’s ‘Directive 01’<sup>12</sup> of mid 2012 has further complicated the picture. In theory, ‘Directive 01’s’ aims are to resolve land conflicts between companies and communities; reclaim and redistribute land back to communities that had been issued under an ELC but were not being utilized; and to provide private land title to households. The effect in NE provinces of Directive 01 has been to halt the CLT process, which aimed to allow indigenous peoples to formalize their customary communal land ownership within a single community land title. Supporting the achievement of CLT, through agreements with Program Partners, had been a central strategy of the Program’s work at local level. While Directive 01 is seen by many as a step backwards for indigenous communities, CLT has its own failings. As of March 2013, just five communities had achieved official CLT to their lands, despite more than 120 communities having commenced the process.

OA Program staff have been intimately involved in shaping civil society’s response to these shifts and other urgent and emerging issues. Development of PEM is just one example of OA efforts to adapt to the changing context. However, the ability of the Program to respond is somewhat constrained by its specifically EI focus. And since Directive 01 is new, it is not adequately reflected in Letters of Agreement with partners. This is significant, since it is observed that Program partners at provincial level are very reluctant to shift away from the ‘letter’ of an agreement. Inevitably, this vastly changed

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<sup>11</sup> Global Witness: Rubber Barons: How Vietnamese Companies and International Financiers are Driving a Land Grabbing Crisis in Cambodia and Laos”, May 2013

<sup>12</sup> Directive 01’s official title is “Directive 01 BB: Measures Reinforcing and Increasing the Efficiency of the Management of Economic Land Concessions”

context demands a reconsideration of the OA Program ToC, and has required Program staff to constantly adapt the Program in order to respond to these shifting sands.

## 2.2 PROGRAM ENGAGEMENT OF CIVIL SOCIETY

### 2.2.1 OA's role

The primary focus of the Program during its initial three year period has been facilitation of an enhanced and safe space for civil society to participate in discussion of the various sensitive issues related to extractives industries. Opening of this space was seen by the Program as critical to achievement of all three of its strategic change objectives. Key approaches supported by OA in relation to strengthening community capacity and civil society are described in the OA EI Program Implementation Plan (PIP).

**Table Six: OA EI PIP Summary in relation to CSO1 – Strengthening Civil Society**

<b>Year Five Target Benchmark:</b> Communities that are [physically and economically] affected by the industries are aware of the issues and able to raise their concerns and interests with local and national authorities or representatives		
<b>Proposed Interventions</b>	<b>Anticipated outputs</b>	<b>Summary Assessment of Progress</b>
Develop and support continued capacity building to national level Advocacy networks	<ul style="list-style-type: none"> <li>EISEI financial dependence on OA reduced 50%</li> <li>2 major policy papers prepared by EISEI and CRRT every year</li> <li>Strategic and yearly operational plans completed</li> <li>CRRT increases its membership</li> <li>Positive media coverage of networks</li> <li>Contingency Plan in place in case of major EI incident in a village</li> </ul>	<ul style="list-style-type: none"> <li>EISEI overly reliant on OA and NPA as donors</li> <li>Policy paper development undermined by funding and capacity</li> <li>Operational plans are prepared in a participatory manner</li> <li>Membership of both networks has consistently increased</li> <li>Both networks enjoy good media relations and coverage</li> <li>EISEI major incident responsiveness compromised by skills and resources</li> </ul>
Developing mechanisms for CS concerns about the impact of EI to be heard by government	<ul style="list-style-type: none"> <li>Meetings occur between civil society and government related to EI</li> <li>Media related to EI targeted at high government officials (televised debate, E-forum, studio events, talkback radio)</li> </ul>	<p>While meetings occur, they are irregular and lack substance and any sense of genuine partnership</p> <ul style="list-style-type: none"> <li>Extensive and diverse use of old and new media has been effective in raising awareness of key issues</li> </ul>
Establishing grassroots advocacy capability	<ul style="list-style-type: none"> <li>1 to 2 EI Community Mining Focal Points (CMFP) are mobilised per affected village;</li> <li>2 CBOs established per commune</li> </ul>	<ul style="list-style-type: none"> <li>While CMFPs have been mobilized, their capacity varies greatly</li> <li>CBO establishment is very slow</li> </ul>
Building village social capital	<ul style="list-style-type: none"> <li>20% villages articulate their own vision of EI engagement</li> </ul>	<ul style="list-style-type: none"> <li><i>Not measured</i></li> </ul>
IEC for education and awareness raising	<ul style="list-style-type: none"> <li>IEC toolkit developed; TV/Radio public awareness spots</li> </ul>	<ul style="list-style-type: none"> <li><i>Not measured</i></li> </ul>
Establishing effective local-to-national advocacy	<ul style="list-style-type: none"> <li>System/Mechanism established to gather and take action on local level EI advocacy needs</li> </ul>	<ul style="list-style-type: none"> <li>System exists in theory, but requires strengthening</li> </ul>

Throughout the course of the evaluation, many different organisations spoke of the importance and value of the global credibility that Oxfam brings in terms of its history as a leader in local civil society strengthening, network building, extractive industries engagement, and advocacy of government around a range of sensitive issues. The ‘Oxfam brand’ was therefore seen as being intrinsically valuable at the outset in terms of assuring people that the Program would be well managed and sophisticated in its approach. The value of Oxfam’s experience was regarded as measurable, since it helped open doors to government, and also linked Cambodian civil society (and government) to relevant networks operating within the region, and even globally. Examples of this include linking Cambodian civil society networks to regional EITI networks.

At a more specific level, OA was recognised for its global experience and capacity around issues of EI and civil society. This capacity was greatly valued within the context of NE Cambodia, where development organisations recognised EI related issues as significant and potentially threatening, yet were also aware that their organisations had little or no experience of such issues. It was also stated that many of these organisations (esp. local NGOs) were fearful of getting overly involved in the ‘politics of revenue’, and therefore appreciative of Oxfam’s willingness to assume a central role on issues of such sensitivity. Oxfam’s conscious approach to establishing networks with broad membership at national level ahead of commencing efforts at the more complex local level were cited as evidence of the strategic thinking in place.

Oxfam’s interest and capacity around EI was also valued because it was seen to complement and add value to the various competencies of other ‘indigenous interested’ organisations. Oxfam was therefore seen to strengthen the overall development effort in NE Cambodia, where most organisations were more or less focused on the same objective - ‘securing the livelihoods of indigenous people in NE Cambodia’. Conversely, OA benefited from other organisations’ expertise around issues such as climate change biodiversity, cultural preservation, flora and fauna, cadastral issues and forestry.

Examples cited by partner and collaborating organisations of OA’s contribution included:

- Clearly articulating the various issues, opportunities and threats of EI in a holistic and integrated manner, helping build ownership of the issue amongst Cambodian NGOs and civil society from national to local levels
- Raising awareness of *why* EI issues are important, which in turn helped organisations justify becoming more active in the EI sector
- Helping guide thinking and decision-making on an appropriate structure for management of EI issues appropriate to the Cambodian context
- Ensuring resources were available for high quality, strategically targeted and highly relevant research to occur, helping progress understanding of EI issues – both within civil society and government
- A genuine commitment to building local capacity for management and leadership, through supporting the emergence of entities such as CRRT and EISEI
- Experience and capacity to build bridges between EI interested civil society and other key actors such as UN agencies and multilateral development banks
- A sophisticated, yet sensitive capacity to provide vital background support to local organisations in the process of *learning* EI.

Many organisations valued the approach of OA EI Program staff in terms of being out front, visible and taking the heat in the early days of the Program, while retiring to the background as local institutions established themselves, their confidence and their credibility. Staff were also praised for their sensitivity and strategy in continuing to be available to provide background support with these local institutions as required.

### 2.2.2 OA EI Program Engagement of Indigenous People and Communities

Given the Program goal, it is imperative that Program efforts at opening space for civil society actually impact indigenous communities – or are at least on track to do so. The Program’s various efforts to strengthen civil society mechanisms engages at community level in two main forms. Firstly, EI vulnerable communities are encouraged to participate in and be active in the EISEI Network (to be discussed in more detail below). Secondly, the Program supports direct activities with a range of indigenous communities affected by EI through grants provided to three local NGOs – Development Partnership in Action (DPA), Highlanders’ Association (HA), and Non Timber Forest Products (NTFP).

The EISEI Network brings a cross-section of civil society actors together on a quarterly basis in Phnom Penh to strategise around issues of environmental and social responsibility of EI. Participants come from two main groups. The first being Phnom Penh based local NGO staff, and the second community leaders from EI affected communities.

EISEI also fosters the emergence of ‘Provincial Extractive Industries Networks’. These provincial networks should in theory be the point where information and knowledge gathered at national level workshops is disseminated to local networks and communities. OA agreements with partners provide resources for such provincially based activities.

Some of the NE community based participants in the EISEI Network perform the role within their community of ‘Community Mining Focal Point’, supported by a Program partner. In theory, the knowledge and skills developed through EISEI meetings are to be applied by participants back in their communities. However, these CMFPs appear to play only a peripheral role within the Provincial EI Network.

The three organisations supported by OA at provincial level each have a long history of working in NE Cambodia, and each pursue a different ‘development approach’ However, a weakness in the approach described above is that very few provincially based staff of OA partner organisations actually participate in the capacity building activities that occur through entities such as EISEI, since they are primarily undertaken in Phnom Penh.

While those participants should in theory extend their knowledge to provincial level and help initiate action through advocacy and information sharing, interviews as part of this review indicated generally limited capacity at local level - beyond a few individuals who regularly attend EISEI workshops in Phnom Penh. This contributes to limited solidarity amongst different organisations at local level, and a continuing reliance on ‘calling the EISEI Secretariat’ as a coping strategy. Furthermore, it is common that the staff who do benefit from the capacity building efforts initiated by the OA Program through EISEI are often NOT the staff who undertake the day to day interface with EI vulnerable communities. It is therefore common that the staff of partner organisations interfacing

with EI affected communities have often had very little or no exposure to the various capacity building efforts that have been initiated.

As noted, some EI affected community members DO participate in EISEI's capacity building activities in Phnom Penh. However, they rarely do it alongside the staff who are responsible for OA Grant implementation at local level. While senior LNGO staff try their best to transfer 'EI knowledge' gained from head office to province, this is difficult given how busy such people generally are.

Another factor in relation to OA's support to EISEI and provincial EI capacity development is that OA EI Program staff have few opportunities to directly engage indigenous peoples and communities. This lack of direct contact is exacerbated by general understaffing of the core OA Program, which leads to very little on the ground monitoring of provincial activities occurring. Partner performance is largely based on partner reporting, which appears to present an overly positive picture of provincial capacity to manage EI threats.

Furthermore, there appears to be misunderstanding between OA and partners regarding the degree that agreements can be modified. While OA believes it has made it clear to partners that changes to agreements can be easily negotiated, partners themselves feel compelled to deliver on agreements as per the letter of the agreement,. For example, cases were observed where partners felt compelled by the detail of a grant to work with a community on EI issues, even though they were aware that the community did not regard EI as a priority issue. Such situations are understandable in the rapidly evolving land use context of NE Cambodia at this point in time. Donor-recipient power dynamics are another factor, with it being common across for local NGOs to 'not want to bother the donor' despite there being compelling evidence for change to an agreement.

It is the perspective of this evaluation that the OA Program needs to re-energise its provincial level monitoring and information gathering to ensure up to date understanding of the provincial EI context and other livelihoods issues. This will allow EI Program management a first hand understanding of what are highly complex and rapidly evolving issues. Such an approach will strengthen the Program's relationship with key partners by allowing for a more reflective and evidence based approach to the development of future grants. Enhanced monitoring will also help address the phenomenon of local organisations' reluctance to modify agreements with donors. A very important first step in this process of deeper partnering of key partners is the 'Cross Learning Study' currently being completed, which facilitated learning and reflection amongst OA's three primary on the ground partners in the NE - DPA, HA and NTFP.

### 2.2.3 Specific focus – CRRT

The coalition, Cambodians for Resource Revenue Transparency (CRRT) emerged from the concerns and hopes of a collection of LNGOs and international organisations wanting to ensure Cambodia enjoyed maximum benefit from the resources boom that appeared imminent in 2008. A 2011 evaluation of CRRT stated that "*CRRT is a unique civil society organization that is desperately needed*"<sup>13</sup>.

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<sup>13</sup> Evaluation of CRRT; p.4

In keeping with this sentiment, the OA EI Program design recognized that the concept and objectives of CRRT closely complemented its own objectives. At least in theory, CRRT is a vitally important vehicle for opening a space for civil society to discuss sensitive issues of EI. CRRT, together with EISEI, brings an important sense of structure to the issues of EI, as well as working to ensure that local organisations are the face of civil society's response. CRRT's membership represents a cross-section of respected local organisations, each with its own unique area of focus. Collectively, the membership sets the foundation for achievement of a broad base of support for responsible management of Cambodia's resource revenues – as well as advocating for policies that address and support social and environmental responsibility along the EI licensing, exploration and production process.

From its outset, OA provided fundamental support to the establishment of CRRT. While OA's financial support was greatly valued (especially in its earliest days), members state that an even more profound contribution was made by OA staff in terms of background support to direction setting and strategic planning, based largely on Oxfam's experience of high level advocacy around issues of related to NRM and extractive industries.

From a program logic perspective, a question for this evaluation is the degree to which support of CRRT has helped progress a space for civil society to participate in Cambodia's EI discussion, and also to determine whether CRRT's work is relevant to the needs of 'vulnerable NE communities'? Generally speaking, CRRT's day to day work focuses overwhelmingly on transparency in relation to the oil and gas sector. CRRT has succeeded in securing ongoing funding. Importantly, the organization is known to government as an important body for voicing civil society perspectives on EI issues, even though its lines of communication *with* government are strained. Despite these tensions, both the Cambodian National Petroleum Authority and MIME acknowledge CRRT's existence and purpose, though remain reluctantly to actively engage it.

However, there has been concern amongst both CRRT members and interested observers that CRRT has struggled to operationalise its mandate. This has contributed to reduced credibility for the coalition, as indicated by perceptions that the CRRT has only weak relationships with key government figures. As stated in the CRRT evaluation (and backed up by interviews with Board members and other interested parties), this lack of action related primarily to a degree of dysfunction between the CRRT Secretariat and Board. This contributed to a degree of inertia within the Coalition, undermining CRRT's ability to influence government with respect to policies and legislative action around resource revenues. More generally speaking, CRRT has not been able to achieve the level of constructive engagement required of government to build momentum for good EI policy.

Since the 2011 evaluation of CRRT a range of actions have been taken to address these shortcomings. Specifically, efforts have been made to ensure more active ownership and accountability of the Board, with members working to integrate issues of EI into their own programming, rather than relying on the CRRT secretariat to achieve outcomes.

Considering CRRT's context specifically through the lens of the OA EI Program, Program investments in CRRT have to date achieved only limited momentum towards the Program's SCOs. This is based on continuing difficulties in meaningful interaction with government in development of an EI legal framework, meaning that people's voices are barely being heard in the policy development process. While limited engagement has

occurred, the government remains reluctant to engage and only very limited interaction with CNPA has been achieved. Almost no interaction with MIME has occurred. On the up side, the Ministry of Environment has proven an easier entity to engage. However, CRRT's slow progress needs to be considered in the context of the unique sensitivity of the EI sector, and the ongoing importance of CRRT as a '*desperately needed organization*'.

Through Oxfam support, CRRT has been able to develop a relatively sophisticated media capacity, complete with media protocols, a communication's strategy and strong engagement of a range of media. This has allowed management of 'CRRT crises' – such as responding to government ire upon release of the Global Witness 'Country for Sale' report. CRRT's media engagement includes information sharing with the thousands of Associates (generally Youth) who have signed on in support of the objectives of CRRT. This platform forms a good foundation from which CRRT can build into the future.

OA has also invested time, money and energy in supporting CRRT's efforts to engage government, primarily through efforts focused on development of a suite of legislation appropriate to progressing CRRT's mandate. Specifically, the OA Program worked with CRRT in development of a parallel 'Petroleum Policy', with the aim of helping provide options to aid development of the Government's Petroleum Policy in reflecting best practice in terms of revenue management and transparency. Unfortunately, the outcome of this investment remains unclear, with the government's policy direction around petroleum a well guarded secret. While most people interviewed for the evaluation are concerned that the final policy will not reflect civil society concerns, they still felt that the *process of trying* to engage the issue was well constructed, well resourced, and an example of the type of approach that CRRT should be initiating more often, and note OA's role in setting that strategy.

In a similar vein, Oxfam has supported development of extractive industries specific EIA guidelines to be used by the Ministry of Environment, with separate guidelines being developed for the mining and oil and gas sectors. OA chose to focus on development of guidelines instead of an EIA law, based on belief that a law would likely get bogged down in internal politics between line ministries, council of ministers and parliament.

Oxfam remains well placed to support consolidation of a stronger, more effective CRRT – both in terms of the support it can provide to members to achieve CRRT mandate, and also in terms of strengthening the secretariat itself. Oxfam's global experience can help sharpen CRRT's strategic focus, as well as assist in the development of an evidence base that can be used to continue to advocate for 'good policy' around EI. In August 2013, OA staff engaged CRRT staff in the discussion of the 'change they want to see', with a view to development of a new three year proposal for support across 2013-3016. A specific area where Oxfam can add unique value is establishing clearer linkages between the work of CRRT and the EISEI Network. Sound macro policy across a range of sectors is required to achieve the Program goal of supporting vulnerable communities in NE Cambodia exercise their right to a sustainable livelihood. This is an area that CRRT can help contribute to. However, sound macro policy must also be put into practice and enforced at local level – an area where EISEI has the potential to play an important monitoring and reporting role.

Currently there is only limited active communication between CRRT and EISEI, in large part because each has struggled to establish itself, and has therefore become overly

focused on matters of their own internal machinations. Clearly articulating the inter-connectedness and complementarity of the two organisations to each other's mandate would be important in terms of strengthening the credibility of each, as well as helping clarify individual approaches. As one of just two organisations actively supporting both groups (the other being Norwegian Peoples Aid), Oxfam can play an important role in harmonizing approaches. Such an approach would support the Program's objective of opening space for civil society to discuss and influence Cambodia's EI sector in a manner consistent with the Program's goal of supporting vulnerable NE communities.

#### 2.2.4 Specific focus – EISEI

The context of the EISEI network is in many respects similar to that of CRRT. Like CRRT, the role envisaged for EISEI is 'desperately needed' given the context of EI in Cambodia. The need for EISEI has actually become even more acute, given the preponderance of smaller, regional mining operations that are less easy to identify, engage and monitor. Like CRRT, EISEI has also experienced growing pains working out how best to achieve its mandate and adjust to the changed EI context.

Established in 2007, the EISEI serves as a national level communication and knowledge-sharing network created to facilitate the study and dissemination of information regarding environmental impacts within Cambodia's extractive industries. The start up vision for the Network was to provide a solid foundation for implementing awareness raising, technical support and advocacy initiatives that respond to community and civil society concerns about extractive industry activities in Cambodia. Its main objective is to promote and sustain dialogue between affected communities, government ministries and the private sector with the objective of enabling all sectors to benefit from the development of extractive industries in Cambodia while minimizing adverse impacts.

As of April 2013, EISEI's membership sat at 56 organisations<sup>14</sup>. While EISEI shares CRRT's focus of raising awareness around issues related to EI, it is more easily able to mobilise membership than CRRT for the simple reason that it does NOT directly focus on the politics of revenue – an area that many LNGOs are hesitant to openly engage. Instead, EISEI members often approach their membership of EISEI through the lens of social and/or environmental issues that reflect their particular organisational objectives.

EISEI is governed by a Steering Committee made up of a cross-section of relevantly focused and skilled local NGOs coming from a range of sectors. However, the high profile role played by DPA in both the commencement and ongoing management of the EISEI Secretariat makes DPA the de facto lead Steering Committee member. Currently the EISEI secretariat is located in an office that sits within DPA.

The Network operates to a multi-faceted strategy that has the following aspects:

- Network Outreach and Education, aimed at raising awareness of environmental and social impacts at each of community, provincial, national and industry levels
- Technical Analysis of EI issues raised by its membership
- Advocacy at each of local, Provincial, national and international levels, as circumstances demand

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<sup>14</sup> Reported in meeting with EISEI Coordinator on 3<sup>rd</sup> April 2013.

While this strategy is logical and appropriate to the context, it is also highly ambitious in its approach given that it aims to not only impact from local to international levels, but also to assume a technical analysis role for monitoring of EI projects, requiring advanced technical skills OR the resources to buy in such expertise.

To its credit, Network members have succeeded in numerous locations to assert community rights around specific EI projects, resulting in impacts such as improved communications between EI company and community; prevention of unlicensed exploration; and mobilization of government support to address environmental damage being caused. However, these achievements are somewhat erratic, with there also being many instances where EI issues loom large for a community, but where little constructive action has occurred. This uneven performance relates to a range of factors including:

- the uneven capacity of Community Mine Focal Points (described above)
- the relationship between a community and local civil society
- the degree to which a local EI is politically protected

This uneven performance also relates to EISEI's structure and resourcing. Unlike CRRT, EISEI has struggled to mobilise resources required to maintain its Secretariat and initiate field level activities. This is the primary reason why EISEI is located within DPA.

Currently the EISEI Network is almost totally reliant on support coming from just two organisations – NPA and OA. When considering the EISEI strategy described above, it is clear that a lack of resources constrains each aspect of the Network's strategy. Notably, it has limited development of its provincial capacity, leaving the Network overly reliant on the availability and capacity of its Phnom Penh based Secretariat. Most significantly, the current situation reflects a network that is not adequately utilizing its membership. This is in part to do with the fact that the majority of members are smaller community based organisations. However, it also reflects that the network has not yet succeeded in building broadbased capacity and confidence at local level. While these members have capacity, this evaluation observed a reluctance to take direct action at provincial level.

Resourcing limitations have the added impact of over-burdening the Phnom Penh based Secretariat, since they do not have the financial capacity to draw in technical support as required, nor to initiate a sufficiently robust program of province based training to build up sustainable provincial capacity for EI monitoring.

Structural issues also need consideration. In theory, EISEI's foundation is built around a network of 'Community Mining Focal Points' (CMFPs). As their title suggests, CMFPs are community based representatives who have been provided training and developed capacity in all aspects of monitoring the activities of EI in and around their communities. To fulfill their role, these CMFPs require a raft of different skills. They are required to:

- Develop a basic understanding of the EI sector, EI governance and procedures for monitoring of EI projects
- Raise awareness within their community and mobilise support around issues of EI
- Undertake preliminary information gathering around the who, what and how of any mining occurring in their area
- Initiate contact with local government authorities at commune, district and/or provincial level to resolve EI issues, together with supporting NGOs

- Initiate contact with mining companies to gather information and voice community concerns, alongside a supportive civil society
- Establish and maintain a line of communication with other interlocutors, such as the EISEI Secretariat, together with supporting NGOs

Many of the individuals who now hold the title ‘CMFP’ have been advocating around issues of resource management in their community for far longer than EISEI has been in existence. Their capacity cannot therefore be attributed to EISEI. The majority of CMFPs are new to this type of role and have been reliant on EISEI to prepare them for their role. In theory, CMFPs should also be able to draw on staff of the various LNGOs supported by the OA EI Program for support. However, in many cases, provincially based LNGO staff are similarly inexperienced in the politics of EI and only peripherally active in the EI interested sector. It is also the case that many

It also appears to be the case that there are ‘provincial realities’ that much of the Phnom Penh based training does not fully appreciate. For example, the theory of advocating with provincial authorities comes unstuck when those provincial authorities have little knowledge and have been provided no paperwork in relation to an EI project, except for a letter from a ‘powerful figure in Phnom Penh’ saying that “ABC Extractives Company” has permission to do whatever it chooses. It is also commonly the case that provincial authorities are intolerant of calls by civil society for dialogue, or that their handling of civil society concerns is token. Such power dynamics bring into question the feasibility of the ‘multi-stakeholder platform’ approach proposed by the Program, especially given limited capacity at provincial levels for strategizing and advocacy around sensitive issues, and for managing difficult relationships with authorities at local level.

For these reasons, it was common throughout the evaluation field work to be told by CMFPs and Program partner staff that provincial authorities had not actually been approached around EI concerns (!!), based on concerns that such approaches might anger local authorities. Instead, it is more common for the provincial EI community to request the EISEI Secretariat staff to approach authorities. The process that EISEI should be aspiring to is one whereby local community members and network feel sufficiently confident in their own capacity to raise issues with local authorities and report to EISEI secretariat on the issue and their progress. If the issue cannot be resolved locally, the EISEI Secretariat should be drawn upon to apply additional pressure. Capacity also needs to be developed to assist local communities to gather information and analyse the type of situation they are dealing with. For example, very different strategies should be applied depending on the level of knowledge of local authorities, since in some cases provincial authorities are powerless to act given that orders have come from Phnom Penh.

More worryingly, the majority of EI affected communities visited during the evaluation had very little awareness at all of who it was mining on their doorstep. In one village, it was asserted that ‘an Australian company (BHP)’ was still in charge of the local operation when in fact BHP had withdrawn several years earlier. Variations of this story were common. In other locations, communities lived with extensive water pollution without having ever approached the responsible company knowing they were closely connected with local authorities. Furthermore, nobody had bothered to initiate water testing to determine the nature and cause of the pollution – which in one village was causing severe rashes for people (especially younger people) exposed to the water flowing from the

upstream mine. Perhaps most worryingly, the Oxfam partner in this case (DPA) had not stepped in and asserted their authority on what is a worrying and dangerous situation.

Overall, the field work highlighted the fragility of local monitoring and advocacy systems and an over reliance on the capacity, time and resources of Phnom Penh based EISEI Secretariat staff. Furthermore, a lack of confidence and capacity exists amongst many of the staff of Partner organisations to directly monitor and manage issues related to EI as they arise. This overall situation is further exacerbated by staffing issues that limit activity monitoring undertaken by OA EI Program staff.

CMFPs and LNGO staff seek a more provincially focused EISEI approach that builds genuine provincial capacity for effective monitoring and advocacy. They seek systematic capacity building aimed at better understanding the mining sector; undertake rapid assessment of mining operations (or rumours) that emerge in their area; and also skills to better engage both company and government. Provincial staff and CMFPs also seek EISEI action at national level that focusses more specifically on advocating for clear policies and guidelines that protect and empower communities, so that when they raise their concerns with provincial authorities, provincial authorities feel compelled to act.

It is important to note that the confused context described above is significantly impacted by the changed profile of EI companies operational in the NE, whereby the majority are small, almost invisible local operators whose governance and authority to operate is incredibly difficult to clarify. It is also common for mining sites to be difficult (and costly) to access, and for sites to be guarded by off duty police and military performing a 'security guard' role. Approaching mine sites therefore needs to be well planned to ensure safety, and to overcome the intimidatory nature of such an approach.

One notable instance where EISEI's process and capacity building has gained some traction is in the case of the Canadian listed Angkor Gold Corp, which operates in Pheak village in Andong Meas District, Rattanakiri province. In this case, OA had agreed to support Highlanders' Association to work with Pheak village. Furthermore, the relevant staff member from HA had participated directly in many of the trainings facilitated by EISEI in Phnom Penh, and played an important role in EISEI's Rattanakiri based trainings. Strategies proposed through EISEI training were employed by HA staff, allowing for a dialogue to be established with the company. This dialogue has helped clarify much confusion, and also helped strengthen relations between the Angkor Cold Community Development team, the Pheak community leaders and HA.

This event helps us understand the potential of the EISEI approach, but also highlights that the current approach has been designed very much with western EI companies in mind. EISEI supported civil society members at provincial level were able to engage a company that had not adequately communicated with the local community, and highlight community concerns. In turn, the company was able to reduce the anxiety of provincial authorities at the enquiries being pursued by the Provincial EISEI network.

As mentioned, OA has been a core supporter of EISEI since its inception, through grants provided to DPA that support EISEI's operations. OA further supports achievement of EISEI objectives through ensuring its support to DPA, HA and NTFP mainstreams consideration of EI activities throughout their work.

A shift of emphasis is needed towards development of a more substantive provincially based capacity for advocacy and monitoring of EI related issues, and for national bodies to be structured with this in mind. It is also observed that current approaches towards building provincial capacity assume that little capacity already exists, with there being little room for the experience of very experienced NE community based advocates to help guide training and strategy.

While it is likely true that little capacity exists around the specific technical and governance issues of EI, there is certainly a significant number of ‘community advocates’ that have developed skills over many years in representing the interests of their community around natural resource management. OA EI Program should engage and better utilize these people as key Program partners, paying full respect to the experience and skills they have developed over many years. In particular, the Program should ensure that it is actually engaging ‘community elders’, since it is the observation of many that these respected community leaders are too often bypassed due to them not being directly connected with the LNGOs that coordinate such efforts. While it is true that all OA partners have a stated aim of working with ‘elders’, this often occurs on the terms of the NGO, rather than in a manner that is responsive to the knowledge and ideas of the elders themselves. The Program would benefit from supporting more equitable relationships between partners and community elders.

#### 2.2.5 Other organisations

It is clear that OA is valued for bringing expertise and highly relevant experience to the subject of EI. It was also clear that all organisations active in NE Cambodia see a strengthened local civil society as key to securing indigenous peoples’ rights.

To this end, the Program maintains good relations with a range of organisations active in the NE. Examples of organisations undertaking work of direct relevance include:

- Trocaire – focus on land rights and indigenous peoples (and also partnering each of DPA, HA, and NTFP)
- Indigenous Community Support Organisation (ICSO) – focus on supporting indigenous peoples’ rights and achievement of communal land title
- NGO Forum – working at a variety levels in relation to natural resource management (NRM)
- CAFOD –focus on land tenure and food security
- Wildlife Conservation Society (WCS) – focus on conservation, flora and fauna
- Heinrich Boll Foundation (HBF) – focus on resource revenue (broader than just extractive resources)

Interviews with these organisations highlighted widespread agreement of the importance of a united approach to building community leadership, and building capacity for collective action in response to individual community threats. To this end, emerging indigenous led entities such as the Indigenous Peoples NGO Network (IPNN) and Indigenous Rights Active Members (IRAM) Network are working to establish approaches that are community driven, and which take a multi-sectoral approach towards securing indigenous people’s land rights and livelihoods.

OA EI Program management are aware of the issues and dynamics described above, and their relevance to achievement of the Program’s goal. However, Program collaboration with these different organisations and stakeholders mostly occurs at ‘headquarters level’ in Phnom Penh, given that OA’s provincial work is undertaken through its Program partners. Given OA’s partners’ tendency to primarily focus on ensuring delivery on their EI specific grant agreements, it seems that opportunities are lost at provincial level for more dynamic partnering between different organisations and different grantees.

OA EI Program planning would benefit from a strategic planning workshop that brought together relevant stakeholders to consider options for a more integrated approach to meeting the complex needs of indigenous communities – of which EI is but one aspect.

### 2.3 PROGRAM ENGAGEMENT OF POLICY AND STATE

The Program’s SCO in relation to engagement of policy and state has the objective of ‘key government agencies consulting with communities through the creation and amendment of laws, and also committing to the inclusion and enforcement of international best practices in EI legislation to ensure transparent, responsible, and accountable management of the industry’. In the first Program trimester, the modest objective for the Program was for ‘Government to consult with civil society organisations in relation to development of an EI legal framework’. Key approaches supported by OA in relation to engagement of policy and state are described in the OA EI Program Implementation Plan.

**Table Seven: OA EI PIP Summary in Relation to CSO 2 - Engaging Policy and State**

<b>Year Five Program Target Benchmark:</b> Governments will consult with CSO on an EI legal framework		
<b>Proposed Interventions</b>	<b>Anticipated outputs</b>	<b>Summary Assessment of Progress</b>
Capacity building of Government on EI	<ul style="list-style-type: none"> <li>Organise trainings and workshops</li> <li>Develop IEC toolkit for use with government staff</li> </ul>	<ul style="list-style-type: none"> <li>Staff of key government departments have participated in trainings</li> <li>No IEC toolkit sighted</li> </ul>
Conducting high level policy research	<ul style="list-style-type: none"> <li>Contingency Plan in place in case of a major incident in a village</li> <li>Policy Briefs w/ explicit dissemination strategies documented;</li> <li>Mining law and its affiliated legal frameworks drafted;</li> <li>Petroleum law and its associated regulations;</li> <li>Concrete articulation of what "fair compensation" and "benefit sharing" look like/should be (in terms of actual payments and investments, etc.)</li> </ul>	<ul style="list-style-type: none"> <li>Still to be done</li> <li>Very little opportunity to engage MIME</li> <li>Deliberate and active strategy to affect process but law still not released</li> <li>Still to be done</li> </ul>

Creating an EI working group in the existing government-private sector forum, with CSO representation	<ul style="list-style-type: none"> <li>• Government Directive</li> </ul>	<ul style="list-style-type: none"> <li>• Currently not possible due to difficult relations with key government agencies</li> </ul>
Shaping the course of the debate on EI issues	<ul style="list-style-type: none"> <li>• Develop Attitude shift among influential decision makers</li> </ul>	<ul style="list-style-type: none"> <li>• Some progress, but very difficult to measure. Strategy is to identify 'champions' in key agencies</li> </ul>

Government departments of primary relevance to the Program goal include:

- Cambodian Development Council – responsible for issuing of mining exploration licences
- Ministry of Industry, Mines and Energy – responsible for developing the country's mineral resources, providing mining assistance to the private sector, and administering mining-related regulations and inspections
- Cambodian National Petroleum Authority – responsibility for management of petroleum resources, as well as updating of the 1991 Petroleum regulations
- Ministry of Environment – responsible for implementing environmental policies to ensure sustainable development of the country, and to
  - prepare proposals for National and Regional Environmental Action Plans in collaboration with concerned Ministries;
  - develop and implement environmental legal instruments
  - promote and ensure sustainable development of the country
- Ministry of Economy and Finance – responsible for administration and regulation of economic and financial sectors, including revenue collection and management
- Supreme National Economic Council – mandated to provide the Prime Minister with technical analysis, advice and recommendations with regard to policy and strategy for the rapid and sustainable socio-economic development of Cambodia

At the time of Program design, the following legislative needs were known:

- The 2001 Law on the Management and Exploitation of Mineral Resources (known as the Mining Law) was designed to regulate management and exploitation of mineral resources in Cambodia, however is out of date and requiring amendment
- The 1991 Petroleum Regulation is similarly out of date, with CNPA charged at its inception with devising an integrated legal framework to replace the old Petroleum Regulations 1991 by introducing a comprehensive package including:
  - Petroleum Law
  - Sub-decree on implementation of Petroleum Law
  - Cambodian Petroleum Policy
  - Many provision are drafting such as Local Content and Accounting Procedure
  - Updated Model Petroleum Sharing Agreement (PSC)
- The 1996 Law on Environmental Protection and Natural Resource Management (known as the Environmental Law) provides management principles for environmental and natural resource management, including EIA for investment projects. Complementing the Environmental Law is the 1999 Sub-Decree on EIA

that obliges MoE to scrutinize EIA and for investors to submit report with description of environmental impacts caused by their project activities and the actions to minimize the impacts. While this policy framework appears thorough, there is a weakness in the fact that EIA guidelines are generic across all sectors i.e. the same EIA guidelines are used for investments in both the tourism and mining sectors. MoE is therefore keen to develop sector specific EIA guidelines.

Program engagement of government around issues of EI has predictably proved very challenging. While the Program has relationships with committed and motivated staff within all key ministries, it is also the case that the dominant culture within most ministries is not to share information. In addition, the Program strategy has been to work with and promote CRRT as the face of the sector, especially in relation to civil society's response to development of Cambodia's oil and gas sector.

OA EI Program staff have used a variety of strategies to try and engage key government staff around policy and legislative development. The Program has worked hard to connect the Cambodian government with the EITI. Initial awareness raising, workshop participation and facilitating linkages with regional EITI interested networks are all strategies trialed by the Program. While interest was initially shown, there has been a cooling off over the past year, with the Government now shying away from signing EITI, and instead saying that it will integrate EITI principles in its legal framework. If this actually proves to be the case, it would be a great achievement of the Program.

The Program has also worked to encourage a progressive and transparent Petroleum law. The Program collaborated with a range of interested parties, led by CRRT, to contract a consultant with highly relevant skills to develop a draft 'alternative' Petroleum law for consideration by the CNPA. The 'alternative Petroleum policy' reflected ideas and approaches that civil society had been advocating for. However, according to CNPA, the consultant never sought a meeting with them. MoE expressed similar frustration at a lack of communication between the OA appointed consultant and their office.

Unfortunately, it is currently impossible to assess the effectiveness of strategies devised around the Petroleum law, since the draft law remains shrouded in secrecy and not available for public viewing. While it remains possible that the law will address civil society concerns around revenue transparency, the reluctance of the government to release the draft for public scrutiny does not augur well. Having said that, CNPA staff spoke positively of OA's role in the sector as being professional and involving high quality inputs, though were unable to articulate those inputs other than to say they were looking forward to 'communications training' that had been promised. CNPA also accepts CRRT's role in advocating for responsible management of EI revenues, but acknowledges that there is only limited communication between the two organisations.

Unfortunately Program relations with MIME at national level are virtually non-existent. In the early stages of the Program, a relationship was forged with senior MIME officials participating in Program events, including attendance at EITI related conferences. However, over the past year MIME has not responded to any Program approaches, including requests for an interview as part of this evaluation. This relationship breakdown possibly relates to an incident, whereby MIME took offence at comments by an Oxfam affiliate, leading MIME to cut off contact with 'Oxfam'. However, the general slowdown

of the sector; its changed complexion; and also MIME's lack of experience in dealing with civil society were possibly other contributing factors. As described above, MIME is still needing to update the 2001 Mining law, and at least parts of this updating is already in process.<sup>15</sup> Unfortunately, the current nature of MIME's relationship with civil society means that there is no opportunity for civil society input into this drafting process.

Somewhat better relations are maintained at provincial level, with intermittent lines of communication established between Program partners and Provincial MIME staff. This overall relationship again reflects the different dynamics that exist for the Program of engaging around issues of revenue transparency compared to engagement around more technical and process oriented issues. Provincial MIME staff are (sometimes!) keen to monitor mining projects in terms of their technical procedures and environmental management approaches. However, they also acknowledge that there are some EI projects where they have little room for maneuver owing to the project being sponsored in some form by a senior official from within government. In an off the record discussion, one official noted that the more established and formal EI companies are easier to engage and more willing to follow due process, and that it is the smaller, less 'documented' operators that are often off limits to provincial inspection.

It is hard to overstate the importance of the Program re-engaging MIME in general, and recommencing a dialogue around social and environmental responsibility of mining projects. This is particularly true given momentum within MIME to redraft the Mining law. Re-engagement will benefit from acknowledging that MIME (and CNPA) lack sophistication in dealing with civil society, compared to an agency such as Ministry of Environment, which has had NGOs walking through its corridors daily for twenty years. Program strategies therefore need to address their old style, conservative approaches. By good fortune, a post election cabinet reshuffle has seen a new Minister for IME appointed (H.E. Cham Prasidh) opening the door for a new relationship to be forged.

One corner of government where the Program has been able to achieve good traction is the Ministry of Environment (MoE). The Program has provided significant support to MoE on the preparation of sector specific EIA guidelines for both the mining and oil and gas sectors. These guidelines (once finalized) should in theory provide MoE with the tools necessary to undertake high standard EIA of mining projects. However, under the current law, EIA is only required when a project moves from exploration to production. Currently, there are no mining or oil and gas projects in production in Cambodia. Nonetheless, it is vital that 'proper process' and guidelines are in place. Efforts should now turn to working with MIME to help ensure their own laws and guidelines include reference to EIA, and close loopholes allowing extraction during exploration.

While preparation of the guidelines is a vital first step, MoE itself expresses the need for further support for the MoE EIA Department to actually apply them, given their technical nature, and the lack of experience that MoE staff have with utilizing such specific guidelines. It is also important to note that MoE and MIME do not have a good working relationship, and cooperation between the two is rare.

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<sup>15</sup> Interview with Angkor Gold, who have been asked to assist in development of health and safety guidelines.

Generally speaking, it is difficult to determine whether the lack of progress in some areas of government relates to a lack of political will or a lack of technical capacity. Certainly, capacity and resource issues affect the degree to which many government staff are able to fulfill their mandate. This is especially true at provincial level and lower levels of government where staff are often inadequately skilled to meet the demands of their role, and are often further constrained by basic resourcing issues, such as access to vehicles or fuel to even visit mining projects.

It is also difficult to assess the degree to which Program efforts in media and other advocacy arenas have influenced the government's actions in terms of preparing progressive and transparent EI policy and legislation – primarily because so little is known regarding the content of key policies such as the Petroleum law and the Mining law. In terms of process, the Program has aimed to both raise awareness of the various fiscal, social and environmental issues emanating from an EI sector across a range of different target audiences. This awareness raising has primarily occurred through support to CRRT and EISEI. Specific target audiences included 'decision-makers' who were targeted through support to the TV Kampuchea show 'Equity Weekly'.

One aspect of the Program's advocacy effort that has shown encouraging signs is engagement and mobilization of youth in support of good EI policy. The OA EI Program has collaborated with a range of organisations focused on youth, including NGOs Support Children and Young People (SCY), YRDP and Cambodian Indigenous Youth Association (CIYA). Primarily through collaboration with YRDP, CRRT has been able to develop a roster of CRRT Associates who are almost solely youth. This cohort is targeted in their role as 'future decision-makers' were also targeted by CRRT through their mobilization of more than three thousand 'associates', most of whom are current university students.

The political strength of youth was clearly apparent during the 2013 National election, where all parties openly fought for the youth vote. As an example of the desire of senior ruling party members to be seen to engage and listen to youth, the Director General of CNPA met with YRDP convened youth groups in several provinces during the campaign.

While there are clearly many youth interested in the headline issues of extractive industries and resource revenue transparency, a range of focus group discussions undertaken during the evaluation highlighted that youth were quite limited in their understanding of the issues under the headlines. Three focus group discussions undertaken with youth at YRDP and the Royal University of Phnom Penh highlighted the value these youth place on transparency, equity and breaking down the patronage and corruption that they feel is bringing their country to its knees. While they view these issues as a generic problem in Cambodia, they see EI as an area of unique importance given the potential revenues that it can bring to the government. Despite their enthusiasm for the issue, only two of the more than 40 participants were able to articulate anyone or any entity beyond 'the Prime Minister' as having any capacity to address the issue. They were mostly unable to see a role for themselves in advocating for a strong EI framework.

Despite this, CRRT now enjoys a mailing list of youth who have signed on in support of resource revenue transparency, suggesting that there is room to further mobilise youth in support of key issues. However, a current limitation of CRRT's relationship to its associate

is a lack of clarity about who and what it wants to influence, and how it plans to go about it. As is the case across the planet, youth are also very adept with the tools of social networking, which offers further opportunities for awareness raising and youth mobilization.

## 2.4 PROGRAM ENGAGEMENT OF THE PRIVATE SECTOR

As described above, larger, well governed EI companies have mostly departed the country, while at the same time there has been an influx of smaller local ‘businesses’, who often have no history of mine operation. No data exists as to the current state of affairs, with even the industry’s peak body (CAMEC) unable to provide any data at all. Another complicating issue is that currently all EI companies – at least officially - remain in their exploration phase. Under the existing Mining law, it is only when companies move from exploration to production that a range of conditions kick in in relation to public consultation, environmental impact and the achievement community consent. This fact is poorly understood by EI interested civil society, who are unable to differentiate between the two stages. Program support to EISEI and provincial mine working groups to better understand the current law with regards to exploration and extraction would allow for better and more efficient monitoring of activities, and also ‘red-flagging’ of those companies claiming to be ‘in exploration’ who are clearly extracting.

**Table Eight: OA EI PIP Summary in Relation to CSO 3 – Private Sector Engagement**

<b>Year Five Program Target Benchmark:</b> Medium and large scale companies in Cambodia will consult communities on EI development plans		
<b>Proposed Interventions</b>	<b>Anticipated outputs</b>	<b>Summary Assessment of Progress</b>
Tripartite forum on Extractive Industry Impacts (social, cultural, environmental, economic, etc.)	<ul style="list-style-type: none"> <li>• Forum Terms of Reference; subsequent reports of forum deliberations</li> </ul>	<ul style="list-style-type: none"> <li>• Still to occur</li> </ul>
PS EI best practices defined in Cambodia’s context and adopted by companies	<ul style="list-style-type: none"> <li>• Annual Compliance Report (beginning FY11)</li> </ul>	<ul style="list-style-type: none"> <li>• Still to occur</li> </ul>
Develop an effective approach/strategy for applying pressure on international HQs of targeted EI companies.	<ul style="list-style-type: none"> <li>• Strategy Paper</li> </ul>	<ul style="list-style-type: none"> <li>• Still to occur</li> </ul>

Despite the influx of ‘difficult to engage’ smaller Asian companies, there still remains a handful of smaller western EI companies who gather as a business community through CAMEC. While there has been intermittent engagement by the Program of CAMEC, there is clearly room for far deeper engagement, based on shared objectives for a well governed EI sector. CAMEC describe engagement with the Program to date as ad hoc, while admitting they are as much at fault as anyone in that state of affairs.



*Angkor Gold Corp. has worked to improve water supply in Pheak Village in Rattanakiri, as part of a suite of CSR activities in its concession areas. Angkor Gold is listed on the Toronto exchange, has several concessions across the NE, and is keen to promote greater environmental and social responsibility within the EI sector in Cambodia.*

Examples of areas where the private sector and EI interested civil society share common ground include an interest in:

- MIME developing a clearer policy framework (since the absence of a clear policy framework deters investors, stifling growth in the sector)
- Strong policies related to social and environmental responsibility (since the majority of CAMEC members are required to work to international standards, and have social and environmental responsibility written into their charter or insisted upon by the stock exchange where they are listed). 'Good' EI companies therefore operate at a distinct disadvantage when no penalties exist for poor performance!)
- Cracking down on poor EI performance (since operations that pollute or cause social problems bring the name of the sector down, again deterring investment)
- Collaboration around CSR programming (in order that the sector can benefit from skills available within civil society for good social programming, and also enjoy the benefits of harmonized community development approaches)

Despite this common ground, CAMEC members observe that the formal mining sector and 'civil society' find it difficult to communicate easily, given quite significant cultural differences. EI companies perceive civil society as being overly consultative and 'too much talk and not enough action'. Whether or not this is fair is debatable. However it is clear that EI representatives are reluctant to commit to day long workshops and other consultation modalities popular with civil society.

Engagement of the smaller, more anonymous EI companies presents a far greater challenge, especially since they are more inclined to bypass regulations and generally have no known accountability mechanisms in place. Within the EISEI mandate is a commitment to engaging and establishing lines of communication with all EI companies, however this has proven difficult. To EISEI's credit, they are thinking laterally about how to achieve some leverage over smaller Asian companies through measures such as relationship building with the Chinese Chamber of Commerce, and also the recruitment - sponsored by the American Friends Service Committee (AFSC) - of a Chinese national to help facilitate relationships with Chinese companies. While this is an interesting step, it will likely remain difficult to directly engage smaller Chinese and (especially) Vietnamese companies who feel they have nothing to gain from engaging civil society.

While implementation by government of FPIC remains a valid objective *in general*, there is no evidence to suggest that can be achieved in the near future given MIME's current attitude and approach – with either western or Asian companies. An FPIC approach is currently most easily pursued through enforcement of the internal regulations of western companies. However, this approach is difficult to enforce with Asian operators who so often have no known governance system in place.

The challenge of engaging local companies is demonstrated by the lack of awareness at provincial level of even the most basic details of companies active in a particular area. Of six EI impacted communities visited as part of this evaluation, in only one instance was the community aware of the name, nationality and a method for contacting the company in question.

It was also clear from interviews with CMFPs and staff of Program Partners that there is a general lack of understanding of the different types of mining companies that exist, and the different strategies that need to be employed in engaging different types of companies. For example, different strategies can be applied when dealing with a western company with a website that is stock exchange listed, compared to a company that consists of a few trucks, several barrels of chemicals and a collection of impoverished day rate workers. There was also an acute lack of awareness of the legal obligations of companies at the different phases of an EI project.

## **2.5 PROGRAM UTILIZATION OF MULTI-STAKEHOLDER PLATFORMS**

The Program has placed great emphasis on the concept of 'multi stakeholder platforms' (MSP) as a process and mechanism for bringing together community, civil society, government and company to resolve issues of mutual concern. The model is applicable to macro issues needing consideration at national level, as well as local issues where a community disputes the actions of a local operation. While the theory underpinning the approach is understandable, its success is dependent upon the goodwill and active participation of all parties. As described above, the Program faces considerable challenges in terms of its engagement of both government and the private sector. In the current context, this makes the MSP approach unreliable, since it is an approach and not a policy or procedure pushed by government or the private sector. It is therefore heavily dependent upon the willingness of the personalities involved in each individual context.

At provincial level, it was observed during the evaluation that the various community and civil society actors do not currently have the confidence or skills to self-initiate a MSP. This is based in a reluctance (often fear based) to pro-actively persist in engagement of government and EI companies around sensitive issues, especially in circumstances when it appears likely that local authorities and the EI operator have a close relationship. The approach is therefore currently reliant on an informed and confident ‘facilitator’ to persist in bringing relevant actors to the table, and to highlight where different parties’ interests converge. This is a valid approach in the current context where extractive industries are very much on the backburner, and the ‘MSP workload’ limited.

Despite the risk of failure, the MSP approach remains an important strategy, since working to assemble an MSP helps clarify the goodwill of those involved. Its potential benefits can be seen in instances where it has facilitated a successful outcome. Civil society is allowed a voice, government fulfills its mandate, companies are held to account and seen to be compliant, and communities are empowered and have issues resolved. This ‘win-win’ framework is how the Program and Partners should articulate the MSP approach, since it offers something to all parties – which is important in a nation where the ‘saving of face’ is so important. However, it is important to note that successful facilitation of an MSP requires considerable skill. To build this skill set, the Program should provide advanced advocacy training with specific focus on the skills required to bring conflicting groups to a table. While EISEI members should be centrally involved in such training, expertise should be sought from the outside, since it is an area of considerable specialization and beyond the capacity of EISEI staff. The obvious entry point for strengthening understanding of the MSP approach is with government, since they are in a position to compel private companies to the table. However, the Program’s current poor relationship with MIME makes such an approach difficult. It is therefore recommended to identify a company committed to CSR, and identify an opportunity/issue through which the purpose of the MSP can be demonstrated, and hopefully de-mystified (since it is likely perceived as threatening by government).

## **2.6 PROGRAM RELATIONSHIP TO IMPLEMENTING PARTNERS**

OA’s Program approach is a philosophical commitment to working through local partners whenever possible, with the aim of enhancing local capacity. This approach places great responsibility on the implementing partner, and leaves the Program heavily reliant on partner performance. Letters of Agreement (between OA and its partner) are negotiated in a participatory manner and set out the objectives and activities of the Agreement. While efforts are made to ensure implementing partners have sufficient capacity to fulfill the agreement, the Program has little capacity to monitor in any detail the progress of agreements due to limited core staffing. This would be a significant issue in any context, but becomes more acute in the context of a Program such as this given the sheer number and complexity of the many agreements that the Program has entered into.

It is the case that the implementing partner staff responsible for implementation of activities commonly do NOT participate in the various trainings provided by the Program to develop Partner capacity. The Program is therefore often reliant on training being passed on by the leadership to junior staff. This is a risky assumption given how busy Directors of local NGOs tend to be, and also because of the challenging nature of the material in which training is being undertaken. Collectively, these issues present a risk

that strategies agreed in Phnom Penh are often only poorly translated to provincial level, leading to a loss of focus and implementation issues. This risk is compounded by the Program's lack of staffing which makes monitoring of provincial activities a rarity.

OA's commitment to developing local capacity is highly commendable, given the importance of local civil society assuming the role of 'change agent' as envisaged by the Program. However, capacity is best developed in a supportive environment, where approaches are monitored for their effectiveness, and remedial actions taken when the desired outcomes are not being achieved.

The current configuration of the OA EI Program does not allow for that qualitative monitoring and mentoring, resulting in some worrying performance at local level. It is therefore a recommendation of this evaluation that resources be found to ensure more robust support and monitoring by OA staff of grant implementation to ensure partner approaches and practice are suitable contributing to achievement of the Program goal. OA's Cross Learning Study sheds important light on Partner capacity and challenges, and will be an important tool for strengthening relationships and performance at local level.

## **2.7 PROGRAM GENDER APPROACH**

Oxfam is respected globally for being a leader in promotion of gender issues in developing country contexts, and also for efforts at mainstreaming gender within all aspects of its work. In contrast, extractive industries are synonymous with old school, male dominated behavior, with little progress even amongst the world's most progressive mining companies in addressing gender issues within their sector.

At a structural level, the OA EI Program goal of protecting the livelihoods of Cambodia's indigenous communities, helps protect the space whereby women are able to continue to practice their traditional familial role of moving freely in their local environment, collecting forest products and foods as required by the family. The arrival of a major mining (or rubber) operation commonly restricts traditional movements within a community, especially affecting women who can lose access to the gathering potential of their local environment and be forced further from home to meet family requirements, resulting in both workload and security issues.

More generally speaking, the Program is actively aware of women being under-represented in decision-making in Cambodia in general, and in indigenous areas in particular. In response, the PSP states that it will put "women at the centre of its strategies and designs in order to ensure impact on women (and men) and especially their social relationships. ... The Program will advocate for women's representation in decision making process at all levels."<sup>16</sup> While this is a worthy ambition, it has proven difficult to achieve in reality. Efforts have been made to encourage women's participation in the various trainings provided through the Program, and the EISEI Network enjoys a healthy representation of women, including some women undertaking the role of CMFP.

EI also poses a gendered impact for men given that younger men form the majority of the workforce, and therefore are at risk from the toxins and dangerous practices common to

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<sup>16</sup> Extractive Industries Program Strategic Paper 2009-2023, East Asia Regional Office, Oxfam America, p. 12

the informal EI sector. Hunting is also an important ritual in indigenous communities, allowing men to be able to observe and monitor activities around EI.

However, there is little evidence of gender initiatives specifically focused on the extractives sector gaining any traction. While Program partners have gender strategies that they put into practice to varying extents, their capacity for 'gender mainstreaming' around such a complex issue as EI in such a complex environment is limited. For example, there is little evidence of Program partners consciously engaging women in order to disseminate information in relation to EI, despite women having a quite mobile role in indigenous societies, allowing them to be the eyes and ears of EI monitoring, and also disseminators of information.

In order to investigate strategies for mining specific gender initiatives, the Program contracted the Dhaatri Resource Centre for Women to undertake an assessment of the status and campaign strategy needs for communities affected by mining in the Lower Mekong countries of Cambodia, Vietnam and Laos. The rationale for this study was that mining has gendered impacts, and that Program approaches needed to raise awareness of these issues amongst key stakeholders, as well as get such issues integrated in the policy framework being developed around EI. Unfortunately this study remains unfinished. Hopefully it will provide the Program greater clarity with regards to how gender issues can best be mainstreamed at both grassroots and policy levels, and also strategies regarding how best strengthen partner capacity.

## **2.8 AWARENESS RAISING, ICT AND MEDIA**

The Program has recognised the importance and potential of media and ICT to help facilitate space for civil society to discuss issues of sensitivity, including EI. Strategic use of media can help broaden support for responsible management of Cambodia's extractive resources, in turn helping justify and normalize civil society's interest in the issues. Importantly, the Program has been innovative in its approaches and worked to develop a strategic approach to media and ICT that helps progress each of its SCOs, since a more aware public cannot only help open space for civil society, but can also leverage support for more accountable governance and also a more responsible private sector.

Examples of the breadth of strategy employed around media and ICT include:

- General (introductory) media training for Cambodian journalists around EI
- General support (provided by the OA Communications specialist) to strengthening of Partner communications protocols around EI
- Specific support to the development of a media protocol for CRRT, which was followed up by CRRT initiating its own briefing of journalists around the specific issues of resource revenue transparency
- Collaboration with UNDP and the Ministry of Information in development of the EI focused show Equity Weekly
- Support to the Cambodian Centre for Independent Media (CICM) in its role as a CRRT member
- Specific engagement of youth (through the Youth Resource Development Program) to build interest amongst this key demographic
- Preparation of EI literature and materials

As with many aspects of the Program, firm conclusions are hard to reach on the traction achieved by media, given the general inertia of the extractive sector over recent years. Focus groups suggested that CRRT's ability to mobilise thousands of Associates is one manifestation of Program efforts. A small proportion of interviewees spoke of Equity Weekly as an information source that motivated them to become more involved. More stated that friends' speaking of Equity Weekly contributed to them taking action – suggesting that media penetration is layered. Social media was a common strand through which people disseminated information on issues of importance to them. There have also been important media led achievements around individual EI cases, including the Prime Minister's intervention to block a titanium mine being proposed for a protected area in Koh Kong after it was featured on Equity Weekly. While the Program's support to Equity Weekly is clearly a contributing factor to this 'victory', it is also true that conservation NGOs (notably Wildlife Alliance) were active on the issue.

Generally speaking, it appears that investments in 'new media' have more impact than investments in the Cambodian ICT staple of pamphlets and brochures. Strategic investment in media and communications should continue, but should be specific and results focused, rather than 'general awareness raising'.

## **2.9 PROGRAM STAFFING AND MANAGEMENT**

It is the opinion of this evaluation that the Program is understaffed and that understaffing is constraining progress towards the Program goal. The Program is working to bring about change in a sector of unique sensitivity, where it is clear that there is considerable hesitation amongst local civil society to be direct and forceful in pushing for reform. Moreover, the Program is engaging broadly to achieve its goal, requiring active and ongoing relationships with literally dozens of different organisations.

Across 2009-11, the Program managed 15 different grants in Cambodia, while also maintaining important relations with a range of non-financial partners, such as NPA, Trocaire and HBF. Within many of the LoAs, is a related need for the Program to support capacity development within the Partner organization in order that the objectives of the agreement can be achieved. In this busy Program context, deeply considered strategy becomes acutely important. To this end, the OA Program Coordinator was consistently praised throughout the evaluation for their critically important role behind the scenes facilitating strategic linkages, helping develop strategy, crisis management, relationship management and monitoring of progress. The sensitivity of her approach to these tasks and focus on supporting local capacity development were also praised.

Similarly, the Program Officer deserves recognition for his efforts in negotiation and administration of such a significant number of agreements and relationships. LoAs are detailed and contain substantial information that sets their activity up well. However, the achievement of this level of quality in LoAs is complex and time consuming, and seems to deny the Program the degree of performance monitoring that it needs.

Given the workload and staffing constraints described above, Program management becomes by necessity overly focused on 'front end' activities of strategic planning, relationship building and contract negotiation. This situation leaves insufficient time available to day to day monitoring of Program performance, and the effectiveness of individual activities in progressing the Program towards its goal. This is especially the case

in relation to activities occurring at provincial level, given that both project sites require two days travel to access. Additional staffing in the form of an experienced M&E person would allow the Program not just an enhanced M&E capacity, but also a far greater capacity to respond to the day to day implementation challenges faced by partners. Such an investment would therefore perform a capacity building function in its own right, in that it would support provincially based staff of implementing partners to better focus their activities towards achievement of the Program goal.

## **2.10 PROGRAM MONITORING, EVALUATION and LEARNING (MEL)**

Part IV of the OA EI Program design outlines the Program’s MEL strategy, which is built around twelve indicators, each of which were researched during the Program Baseline Study. As with many aspects of the Program, the MEL framework and indicators are affected by the changed operating context of the Program, given that very little official mining is occurring in the country.

The Program design openly states that “because data collection is costly, OA’s strategic choice is to take good advantage of data collected by partners and allies to reflect upon its Program’s achievement.”<sup>17</sup> However, LoAs with Partner organisations do not provide partners with guidance that is relevant to assessment of Program performance against the indicators that it set for itself at design stage. Furthermore, the current MEL system is not structured to assess the performance of the Program’s own staff who are absolutely central to Program performance.

While there has not been any holistic progress reporting undertaken by Program staff, the Program has initiated a process of ‘Annual Impact Reflection’ (AIR), which draws together partners and grantees to discuss progress and challenges, and help set future strategy. Undertaken in a fairly free form manner, the AIR process gathers an important range of perspectives and raw data, and is valuable in direction setting. However, it is not a monitoring process per se, since it does not systematically enquire with regards to the specific achievements of specific grants in progressing the Program towards its goal. Generally speaking, the current Program approach to monitoring lacks coherence, and fails to adequately track the effectiveness of Partner implementation.

This is in large part related to the Program not having sufficient human resources to cover off on such a multi-layered and complex strategy. This leads to a ‘tick a box’ approach to delivery of LoA outputs, rather than consideration of overall progress towards the Program goal. This situation subverts thinking about the bigger picture, since performance is assessed against LoAs that are often dated, given the changing context that the Program operates within. Greater responsiveness and flexibility is needed

The Program’s twelve indicators are also unwieldy presenting data gathering challenges, and because they assume a more developed EI sector than is currently the case. Given the OA EI Program goal of securing livelihoods of vulnerable communities in NE Cambodia, and the fact that ELCs generally pose a far greater threat to livelihoods in the NE than EI, it is proposed that OA consider replacing (or complementing) their Program indicators with those used by Trocaire. Trocaire’s work is focused on NE Cambodia, they

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<sup>17</sup> Extractive Industries Program Strategic Paper 2009-2023, East Asia Regional Office, Oxfam America, p.29

partner with each of DPA, HA, and NTFP, and their indicators are more generic allowing broader consideration of different threats faced by indigenous communities.

Their broad Program aim to achieve three main results:

1. Indigenous communities are empowered and supported to address land security and land tenure issues
2. Indigenous communities in Ratanakiri have improved land security and tenure
3. Duty bearers and policy makers are held to account on indigenous land rights issues through effective lobbying and advocacy at policy level

**Table Nine: Comparison of indicators being used by Oxfam and Trocaire’s “Governance and Human Rights Indicators”**

Trocaire Indicators	Oxfam indicators (possible relationship to Trocaire Indicators)
TIND1: Number of communities taking collective action to protect their land rights	OX1. % of valid complaints/claims coming from villages that are acted upon by government and/or companies (TIND 6 and 15)
TIND2: Level of knowledge among targeted villages on land law and FPIC principles	OX 2. % of indigenous population that understands basic information that active citizens need to know about mining (TIND 2 and 11)
TIND3: Quality of community leadership skills among targeted women, youth and village leaders	OX 3. Ratio of formal actions filed – legally correctly – by indigenous people to # of known violations or actionable issues
TIND4: Number of women in decision making roles on land issues	OX 4. Affected population consultation quality
TIND5: Level of collaboration and solidarity in Community	OX 5. % of government revenue from EI reinvested in affected areas
TIND6: Evidence of government authorities and businesses respecting communal land titles and interim protection measures	OX 6. HDI disaggregated to Provincial Level
TIND7: Number of communities at different stages in land titling process	OX 7. Quality of community and CSO inclusion in government decision/ policy making (TIND 3)
TIND8: Evidence of partners using community led approaches and downward accountability tools	OX 8. Open budget Index
TIND9: Evidence of positive change in partners' work as a result of analyzing issues from a gender equity perspective	OX 9. Indigenous people’s satisfaction with compensation (TIND 6)
TIND10: Number of communal land titles processed at a national level	OX 10. CSO/indigenous people satisfaction and quality rating (TIND 14)
TIND11: Evidence of partners lobbying for FPIC to be integrated into national legislation	OX 11. # of conflicts ...requiring external intervention/ mediation (TIND 6 and 12)
TIND12: Level of collaboration between local networks, community networks and national networks	OX12. Women’s influence over and fair share of benefits from strategic village resources (TIND 4 & 9)

TIND13: Quality and number of Partners advocacy submissions/ press releases/ reports	
TIND14: Evidence of increased dialogue between CSOs and national/international policy makers	
TIND15: Knowledge, attitude and behavior of local Authorities	

Trocaire’s results are closely aligned to those of Oxfam. It is therefore recommended that key international agencies currently operational in the NE come together to take stock of approaches, in order to harmonise data gathering and performance management.

It is also a recommendation of this evaluation that the Program appoint a full time Monitoring and Evaluation officer (or invest in the M&E capacity of the current and an additional Program Officer). This would allow the Program greater capacity to liaise with and support partners, with special emphasis on activities occurring in provincial areas. Such an approach would allow for a more holistic MEL framework that incorporates PEM, and possibly also the indicators set by Trocaire.

## 2.11 UNINTENDED CONSEQUENCES

The changed EI context that the OA EI Program now operates in has been well documented above. Alongside less than expected EI in the NE of Cambodia has been a rapid expansion of (both foreign and domestic) private sector investment in agro-industry – notably rubber plantations. This investment is having a devastating impact on the livelihoods of many communities in NE Cambodia, especially those bordering Viet Nam. The impact of rubber planting is so significant that it brings into question the ongoing validity of the OA EI Program goal given the Program’s ambition of ensuring indigenous communities in NE Cambodia the right to a sustainable livelihood, since it is quite feasible that even if the OA Program was to succeed in facilitating best practice governance of Cambodia’s EI sector that ‘sustainable livelihoods’ could still not be practiced, based on the impact of ELC expansion.

Given the various dynamics described above, it is possible that Program grants are forcing communities to place undue emphasis on EI, when by far the greatest threat to their livelihoods is further expansion of ELCs. As explained by the Program Manager of HA:

- HA operates in 94 villages in Rattanakiri
- Of these 94, nine exist with some threat of EI
- Seven of the nine face a serious threat from EI
- Yet these seven all also face serious threat from rubber expansion
- 94 of 94 villages face loss of land to ELCs <sup>18</sup>

While it is clear that OA Program staff have worked to adapt the Program to this changed context, there are signs at provincial level that different livelihood issues are being considered in isolation of each other. In Rattanakiri, for example, there are networks related to fisheries, land titling, model farming and mining. Each has a different focal

<sup>18</sup> Interview with Mr Mong Vichet, Program Manager, Highlander Association – 17 June 2013

point, and each work to different strategies – often in response to their donors’ direction. This can also be seen in the detail of the OA grants, which focus specifically on EI issues and outcomes, at the expense of more holistic thinking around empowerment which might equip communities to manage multiple threats. While Program staff certainly encourage empowerment, harmonized approaches and integrated thinking, this is often lost at local level where staff are often overly concerned at being grant compliant - often best assured through singular focus on your donor’s issue of interest – in this case, EI.



*This small spring is the only safe water supply in Malik Village, Andoung Meas, Rattanakiri – home to 210 households. The OA EI Program supports DPA work in the community to raise awareness of EI issues. While there is no doubt the village is threatened by EI (a dangerous mine has been operational upstream for ten years), literal interpretation of the Letter of Agreement between OA and DPA has led to the issue of water security not being attended to. Such examples highlight the need for more intensive, qualitative monitoring of Program investments.*

## **2.12 ONGOING RELEVANCE OF THEORY OF CHANGE**

Extractive industries remain an issue of importance to countries of the Lower Mekong, both in terms of the potential resources they can bring to a country, and the social and environmental threats that they pose. These threats are enhanced in locations where local communities have had little experience or engagement of government, as is the case in the ‘development triangle’ of NE Cambodia, Southern Laos and Central Viet Nam..

The OA EI Program ToC is based on an assumption that remote, indigenous communities will take charge of their natural environment if they have access to information, support services, and become ‘active citizens’. By becoming ‘active’, it is anticipated that vulnerable communities will demand levels of accountability from both government and the private EI sector that ensure their right to a sustainable livelihood. It is further

assumed that “government will pursue fair development policy by developing legal and regulatory frameworks that address the issue of fair compensations and benefit-sharing to affected on-site communities as a responsible action to their constituents’. This active citizenship approach will be consolidated by the Program through efforts to develop ‘good EI policy’ and by building a constituency of support across the breadth of Cambodian society for such policies and legislation.

This ToC requires review for various reasons. Firstly, it assumes a responsiveness within government to citizen led pressure that is not yet evident. Land access for indigenous communities has worsened over the period to date of Program implementation. However, this is primarily due to rapid expansion of rubber concessions and other ELCs, and little to do with EI. In many areas, there are multiple claimants to individual pieces of land, owing to the phenomenon of overlapping concessions issued by different authorities, and also to the absence of an overarching land use authority. Civil society efforts to clarify and assert the rule of law in relation to EI have mostly been unsuccessful, in large part because key laws are either not yet finalized, or are not publicly accessible.

A major challenge for the ToC as it was originally conceived is that the Program lacks a suite of tangible EI activities to work with and off, meaning that there are:

- Only limited opportunities to leverage off the corporate ‘good governance’ policies of larger ‘western’ extractives companies
- No actual revenue flows to bring a spotlight to the urgency of mechanisms for ‘resource revenue transparency’ (ie. Cambodia to ‘catch the fish’)
- Many smaller Asian mining companies that are close to invisible and FAR more difficult to constructively engage than larger ‘western’ companies
- No actual mining projects in production meaning that there is little actual ‘impact’ to build advocacy measures around

Furthermore, the rate of expansion of rubber plantations has understandably become the primary focus of civil society in the NE. This has affected civil society momentum for improved EI governance, since it is seen as an issue of less urgency.

However, the initial EI problem analysis remains valid, since:

- Mining companies are confident that major operations will commence soon
- Oil and gas companies are looking to commence production in 2016
- Revenues will flow from both the oil/gas and mining sectors
- A legislative framework for sound governance of EI remains an acute priority
- Greater transparency remains an urgent need right across government
- Indigenous people are losing access to land at an even more rapid rate than first anticipated, albeit primarily related to rubber plantations
- Strong civil society networks are needed to build national ownership and ensure ‘civil society space’

Given the ToC focus on constructive engagement of government, a core challenge that appears to have been underestimated in the original PSP is the acute political sensitivity of the issues of EI in countries such as Cambodia. While this might seem like stating the obvious, it is vital that this sensitivity is acknowledged since it is the key contributor to the culture of secrecy that surrounds EI governance and decision-making. It also contributes to ‘ownership’ and ‘direction setting’ around such issues commonly being co-opted by

extremely powerful people who sit at the peak of Cambodia's governance structure. Given the hierarchical nature of Cambodian government, this context often leaves local government actors (at commune, district and even province) powerless to affect change. In other circumstances, these local government actors sit in the middle of efforts to resist transparency and good governance, since they personally benefit from local EI.

This context explains the Program's difficult relations with senior levels of government, notably MIME, who perceive the Program as being anti-mining. While Oxfam would not agree with this assessment, it is the conclusion of this review that this is how Government perceive the OA EI Program. Such impressions are compounded by some elements within civil society who clearly do oppose mining.

Political sensitivities also contribute to considerable reluctance amongst much of civil society to get involved in what is often referred to as the 'politics of revenue'. Given secretive government decision-making processes and an often reluctant civil society, it is difficult for local communities to assert their rights, as envisaged in the ToC.

One entry point for changing this dynamic would be to more clearly state Program support for 'good mining' and its potential contribution to poverty alleviation in Cambodia. "Good mining' could also protect communities from the rubber expansion that is so dramatically impacting the livelihoods of indigenous communities, since in many cases it is clearly the lesser of two evils.

While it is possible that Program efforts can over time gain traction through these various approaches, it needs to be stated clearly that it is quite possible that the land use rights of indigenous communities will have been so severely eroded through loss of land to industries such as rubber, that the Program goal of ensuring indigenous peoples' right to a sustainable livelihood will no longer be achievable.

### 3. CONCLUSIONS AND RECOMMENDATIONS

An important conclusion of this evaluation is that the OA EI Program is ambitious, multi-dimensional and occurring in a highly complex and sensitive environment. While this is an obvious statement, it is important to state it up front, since these facts are critical to understanding Program performance, future directions and the need for additional human resources.

Despite being early in its implementation period, the Program has enjoyed considerable success in raising awareness of the interconnected issues of EI amongst key target groups, while also playing a pivotal role in the establishment of important civil society mechanisms that aim to educate, monitor, engage and build truly national ownership of the debate surrounding Cambodia's extractive resources.

However, the multi-faceted implementation approach, the diversity of direct and indirect partners, and OA's commitment to building national capacity and ownership from community to national levels have all contributed to several challenges being faced by the Program. A significantly changed operating context has been central to many of these challenges. An overly optimistic Theory of Change (ToC) which over-estimated government willingness to engage and listen to civil society, and underestimated the sensitivity of the issues of EI have also proved challenging.

Another major achievement of the Program has been the network of relevant partners that it has built relationships with, and the high esteem that those partners hold for OA. Many of these organisations are similarly challenged regarding how best to secure 'sustainable livelihoods' in NE Cambodia.

**Recommendation One:** *The OA EI Program should convene an 'Empowering Communities in NE Cambodia' summit of strategically identified civil society representatives to take stock of the current context of ELCs, land titling and EI in the NE. The 'summit' would aim to take stock of current threats and the different approaches of participating organizations and existing indigenous peoples' networks, as well as work towards establishment of mechanisms for sustained dialogue amongst organisations and networks in relation to empowering vulnerable communities to secure their lands and assert their right to a sustainable livelihood – irrespective of what the threat is. Such an approach should aim to achieve civil society programming that is more community driven and responsive, with a view of identifying methods that support communities to resist any and every threat to 'sustainable livelihoods'. Within this 'multi-threat response' approach, OA would take a lead role for setting strategy around 'EI threats' – which despite the stalled state of the EI sector, still pose a serious potential threat to communities.*

**Recommendation Two:** *Based on the outcomes of the above mentioned 'summit', OA should undertake a thorough review of the OA EI Program ToC, to consider ways that it can be adjusted to better reflect the realities of the current operating context. Such*

*a process would lead to a nuanced adjustment of the ToC, rather than a dramatic overhaul, since EI remains a threat that civil society needs to be prepared to confront.*

**Recommendation Three:** *The current Program MEL should be rewritten given that measurement of many of its indicators is unachievable or unrealistic given staffing and resources. As much as is possible, Oxfam should align its revised MEL with Trocaire’s evaluation framework, which brings focus to community empowerment and resilience in relation to land tenure and the right to practice sustainable livelihoods.*

The above measures should result in sharpening of the Program focus and approach, through greater focus on new issues such as the Prime Minister’s Directive 01. Given that Provincial partners are prone to following Letters of Agreement in the finest detail, it will be important that these agreements be amended to better respond to the Program’s updated understanding of the development context of NE Cambodia.

**Recommendation Four:** *Agreements with partners should be renegotiated to ensure they adequately reflect current development issues and dynamics, such as Directive 01 and the acute threat posed by rubber.*

While the Program has made great effort to respect and work with elders and traditional leaders of indigenous communities, there remains room to better engage and utilize these people as key Program partners, paying full respect to their experience and skills. While many elders are comfortable working in Phnom Penh based civil society circles, there are as many that choose not to and prefer to remain close to their communities – often because their health, workload or financial status does not allow them to travel further. Even at provincial level, ‘civil society networks’ are overly dominated by NGO staff, which can often have the effect of restricting the voice of elders. Networks such as IPNN and ICSO carry important information on such issues.

**Recommendation Five:** *The Program should ensure that investments with Program partners are effective in engaging the full cross-section of ‘community elders’, and not just those willing to work in NGO circles. It is important that all Program partners have sufficient skills to engage and operate within indigenous structures.*

While the Program has already made a major contribution to the development of ‘civil society infrastructure’ for action on EI issues through financial and strategic support to the development of CRRT and EISEI, both of these networks are very much concentrated in Phnom Penh. While this is appropriate for CRRT, EISEI is in urgent need of strengthened provincially based capacity and resources. While Provincial Mining Working Groups exist in key EI provinces, they appear to lack the time, resources, strategy, confidence and capacity to fulfill the mandate that EISEI has set for itself at provincial level. As observed through the Oxfam ‘Cross Learning Study’, the *“EISEI network has been able to facilitate information sharing across provinces and across NGOs, but has fallen short of using such information to synthesize a pattern and trend across individual cases at the local level and collectively analyze policy issues that underlie such a pattern and a trend.”*<sup>19</sup>

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<sup>19</sup> Oxfam America ‘Cross Learning Study’ – undertaken in collaboration with DPA, HA and NTFP

From discussions with the sector, a strong level of goodwill exists towards the concept of EISEI, however it is widely felt that the Network would be energized if it was to 'break free' of DPA, and be forced to exist as a true member organization. This is not meant as disrespect to DPA, who are acknowledged as stepping in to support EISEI when others wouldn't or couldn't. It is more related to acknowledgement that EISEI members need to become more involved and take greater responsibility for the Network. The recent resignation of the EISEI Coordinator offers an opportunity to take stock of where EISEI sits today, and where and how it needs to move in the future.

**Recommendation Six:** *The EISEI Network's structure, resourcing and mandate requires review and realignment given that it currently has nowhere near the resources necessary to fulfil its strategic plan. This has resulted in an insufficiently evolved provincial capacity, contributing to an over reliance on the Phnom Penh based EISEI secretariat to engage EI companies and government around sensitive issues. EISEI's future is in mainstreaming knowledge and capacity amongst civil society organisations at provincial level (especially in EI 'hot spots' such as the NE provinces of Rattanakiri and Mondulokiri). EISEI's remodeling should facilitate more opportunities for high quality training to occur in the NE provinces than is currently the case, while maintaining its advocacy and information sharing focus through Phnom Penh based fora, given the need to influence nationally.*

While working to very different strategies and targeting very different audiences, CRRT and EISEI exist along the same continuum of good governance of EI. Currently there is only limited active communication between the two networks. Clearly articulating the inter-connectedness and complementarity of the two networks to each other's mandate is important in terms of strengthening the credibility of each. Consideration of their inter-connectedness will also help further clarify needs and approaches across the EI sector, as well as identifying synergies and gaps.

**Recommendation Seven:** *Part of EISEI's remodeling should be the relocation of the Secretariat to 'neutral ground' in order to relieve pressure from DPA. It is also important to bring pressure on its steering committee and whole membership to more actively support the network. This will be best achieved by a joint effort of its two key donors – OA and NPA.*

*Given the current disparity in resourcing of CRRT (well funded) and EISEI (poorly funded), consideration should be given to CRRT providing EISEI with office space. Such a move would allow for more regular communication between the two networks, as well as allow the EISEI Secretariat a neutral space, appropriate to a network of 56 members. Such an approach would strengthen members' feelings of ownership of the Network, as well as begin to raise awareness of the potential for mining to also add considerable revenue to government coffers. To be clear, this is not proposing any merger between the two networks. It is more a practical measure that responds to various issues, and makes good use of precious resources.*

CRRT has recently emerged from a rigorous period of review and reflection, which emphasized that CRRT is a coalition, not an NGO, and that as a coalition it needs to work collectively and strategically to maximise the whole of its membership's skills, capacity and efforts. There is also recognition of the need for CRRT to broaden its messaging to

encourage a nervous civil society to become more involved in the 'politics of revenue', thus building the organization a stronger voice. The OA Program should support CRRT to encourage broader based participation from civil society, as a symbol of national commitment to resource revenue transparency,

**Recommendation Eight:** *Currently, CRRT is perceived as belonging to the 'EI sector', despite the fact that resource revenue transparency and sound revenue management has the potential to grow the national budget, and build resource allocations to government sectors such as health and education. CRRT should look at developing a membership category of 'Organisational Associates', aimed at encouraging civil society organisations to 'sign on' to the philosophy of CRRT's mandate on the basis that resource revenue transparency is an issue of national, multi-sectoral significance.*

The Program's awareness raising approach around resource issues deserves praise for its innovation and breadth, and the diverse communities of support that it has mobilised. In particular, 'youth' have been a demographic target of the Program. Numerically, this has been a great success with several thousand youth signing on as Associates to CRRT. However, despite the commitment of youth to sign on to CRRT's mandate, they lack depth of understanding and strategies for advocating for better practice in Ei.

**Recommendation Nine:** *Support development of a "Youth Communications Strategy" for the 'EI interested sector', that documents current efforts (CRRT and elsewhere), and lays out objectives and a strategy for further, deeper engagement of youth on matters of land rights and EI.*

Unfortunately, raised awareness and the mobilization of a constituency has not yet resulted in observable progress towards the development of a responsible legislative framework for management of extractive resources, nor responsible management of resources at local level. This in large part relates to an absence of political will, but also a lack of sophistication in the information gathering, advocacy and campaigns that Program partners have initiated at provincial level. Without this 'raw data', national level efforts lack punch.

Successful advocacy around issues of such acute sensitivity as EI and revenue transparency is extraordinarily difficult, and therefore requires the highest possible quality of advocacy. Advocacy efforts at national level have been sophisticated and multi-faceted, yet to date, unsuccessful. At provincial level, it is difficult to observe much 'strategy' at all in the way that civil society organisations engage government or EI companies.

**Recommendation Ten:** *The Program should recruit an advocacy/ communications specialist to initiate a 'Review' of the different approaches to advocacy undertaken at different levels; their effectiveness; and to make recommendations to key bodies such as CRRT and EISEI regarding how to undertake more effective advocacy. 'Advocacy training' at provincial level is urgently needed, and could form part of this 'review'.*

Implicit in good advocacy, is the establishment of clear lines of communication. While the Program enjoys a strong relationship with civil society Program partners, it has only limited lines of communication into government at this point in time. This is the key

contributing factor to the highly uncertain status of several key pieces of EI related legislation.

Most notably, the Program's relationship with MIME is currently close to non-existent. While Program staff have tried to tackle this issue from a variety of angles, it is still not an acceptable situation for an EI focused program to not have a relationship with the Ministry most responsible for EI. A relationship needs to be urgently re-established. One aspect of this poor relationship appears to be a perception within MIME that the Oxfam is anti-mining. While this is true of bad mining practice, program implementation needs to be more granular and reflect the different characteristics of the current EI sector. This will help build a more coherent case with government, as well as garner support and respect from the private sector.

Within Cambodia, there are many government ministries and departments very familiar with the culture of civil society. MIME and CNPA are not in this group. Engagement requires strategic management and an appreciation of their lack of understanding of civil society. (Anecdotally, it is reported that clumsy engagement of MIME by a junior staff member of another Oxfam was central in breaking down relations with MIME.) By good fortune, a new MIME Minister has recently been appointed, providing a unique and timely opportunity for the Program to initiate a fresh start.

**Recommendation Eleven:** *The OA Regional Director should personally seek an audience with the new MIME Minister seeking the opportunity to inform him of the Program; introduce the 'new' Regional Program Coordinator; and also to present ideas for cooperation. As part of this meeting, efforts should be made to highlight that Oxfam is not anti-extractive industries, per se – just committed to best practice. Part of this approach should include emphasising that better practice will quite possibly encourage more investment and better mining companies to return to the country.*

*One possible area to help launch renewed cooperation would be some basic technical training for Provincial MIME staff in water quality testing, since this would provide them with a necessary skill to undertake monitoring of environmental impact. Such an 'investment' could also facilitate links between civil society and government at provincial levels, and also be supportive of the multi-stakeholder platform approach.*

Another entry point for rebuilding relations with MIME is through the private EI sector, where representatives report easy and constructive relationships – especially at the levels of middle to senior management. 'Responsible EI companies' (which tend to gather through CAMEC) share the ambition of civil society for a clearer legal framework for the sector, albeit for different reasons. Some of the better, more responsible EI companies see benefit in a high benchmark being set with regards to FPIC, and social and environmental responsibility, since this will improve the image of the sector, and also weed out less scrupulous operators. A more professional and responsible sector, operating to clear government set guidelines, will also encourage investors that are currently uncertain about investing in Cambodia. Given these perspectives, some leading figures in the EI business community see civil society efforts to encourage better regulation and monitoring of the informal sector as being allied to their interests.

It is also the perspective of private sector representatives that there are many in MIME

who share these perspectives, and recognize that Cambodia's best chance of developing a robust mining sector is by encouraging the return of larger, more reputable companies, and eliminating the poor practice seen amongst many of the regional smaller operators.

In trying to facilitate improved engagement of the private sector, it is important that the OA Program accept that a significant 'cultural gap' exists between the private sector and civil society, notably the private sector's loathing (!) of the dreaded 'all day workshop'.

**Recommendation Twelve:** *The Program should work to establish a 'private sector advisory panel', with which it can periodically meet to share information, problem solve, and discuss strategy. Such a mechanism would be of mutual benefit to all parties, given the imperative for listed companies to ensure social and environmental responsibility, and also the responsible private sector's desire to close down shoddy operators, given they are giving the Cambodian mining sector a bad name. The Program should strategically identify and establish relationships with potential members, based on them having a demonstrated commitment to FPIC, corporate social responsibility, and sound environmental practice. Such a panel could also feasibly help build bridges between the Program and MIME.*

In a similar vein, better, more responsible mining companies are as keen as OA Program staff to eliminate poor performance from the sector. Poor practice from these smaller, unofficial companies to any environmental or social responsibility is undermining development and investment in the sector, and also tarnishing the name of the more responsible EI sector. Smaller companies also undermine the ability of the 'responsible EI sector' to compete, given they operate to far lower standards.

Difficult relationships with both the government and private sectors have made the concept of the multi-stakeholder platform problematic to bring to fruition. Isolated examples exist, often with some success, but the concept is still very much civil society driven, with only limited understanding of it amongst government and business. MSPs can only succeed in an environment of mutual respect between companies, government and civil society. Improved engagement of the private sector, as described above, would be an important step towards re-energising the MSP concept.

Given that it is widely agreed that no companies have moved beyond exploration, it would be strategic to develop skills amongst provincial EI working groups to identify the difference between a company in exploration and one in production – given that anyone in production is breaking the law. This capacity is currently close to non-existent amongst civil society – especially at provincial level.

**Recommendation Thirteen:** *The Program should support EISEI to develop an achievable strategy for better understanding the detail of the current )and future) mining law, and better identifying and monitoring companies that are exploiting their exploration licences. This needs to occur by developing capacity at provincial level to identify such situations. This knowledge will allow for more targeted advocacy work, and also build nuance into the sector that separates out good from bad performance, allowing alliances to be developed with good operators.*

Program staff have shown initiative and creativity in engaging media and in the use of information technologies. The recent election demonstrated a call for change, emanating in large part of urban and middle classes. While deeply complex, central to the change sought is a change in governance approach to one of greater transparency and accountability. While the majority of Cambodia's media remains subservient to the ruling Cambodian People's Party, the Program has demonstrated a capacity to raise sensitive issues within that context. Oxfam's Regional Communications Officer is an important asset in guiding communications approaches for the Program.

**Recommendation Fourteen:** *While a longer term media engagement strategy is very important for the Program, effective engagement of media also requires flexibility and responsiveness to opportunities as they arise. It is recommended that the Regional Communications Officer be given a more formalized role in the Program, allowing for a more planned and coordinated role that brings true communications expertise to the Program.*

Amidst all of the above, the Program has worked to be active within the region. This has included efforts to promote EITI within the Cambodian government, through facilitation of the participation of key government staff in regional EITI related meetings. In a meeting with CHPA, it was stated that the government would prefer to embed the principles of EITI in national legislation, rather than formally sign on to EITI. It is hard not to be cynical about such a strategy. While EITI take up would be an enormous achievement for the Program, it appears to not be likely in the short to medium term.

**Recommendation Fifteen:** *The Program should continue to maintain its links to the EITI interested community in SE Asia, through attendance at meetings. In relation to engaging government on EITI, a watching brief should be maintained, especially in light of there being a new MIME Minister.*

All of the above requires time, patience and strategy. Since its inception, the Program has been understaffed, relying primarily on a Regional Coordinator supported by a Program Officer. Staff filling these roles have done an outstanding job in keeping the Program abreast of all that is going on in the EI (and related) sectors, especially given the sheer number of relationships needing to be maintained. However, it is an observation of this evaluation that the Program has suffered from an inadequate monitoring system especially in terms of monitoring of Program activities at provincial level.

This is significant since high quality provincial level work is vital to the Program's success, since it is deep in the provinces that mines are established and livelihoods sustained – or not. Improved management of EI by provinces should also be a key Program performance indicator, since most national level activities have this as an objective.

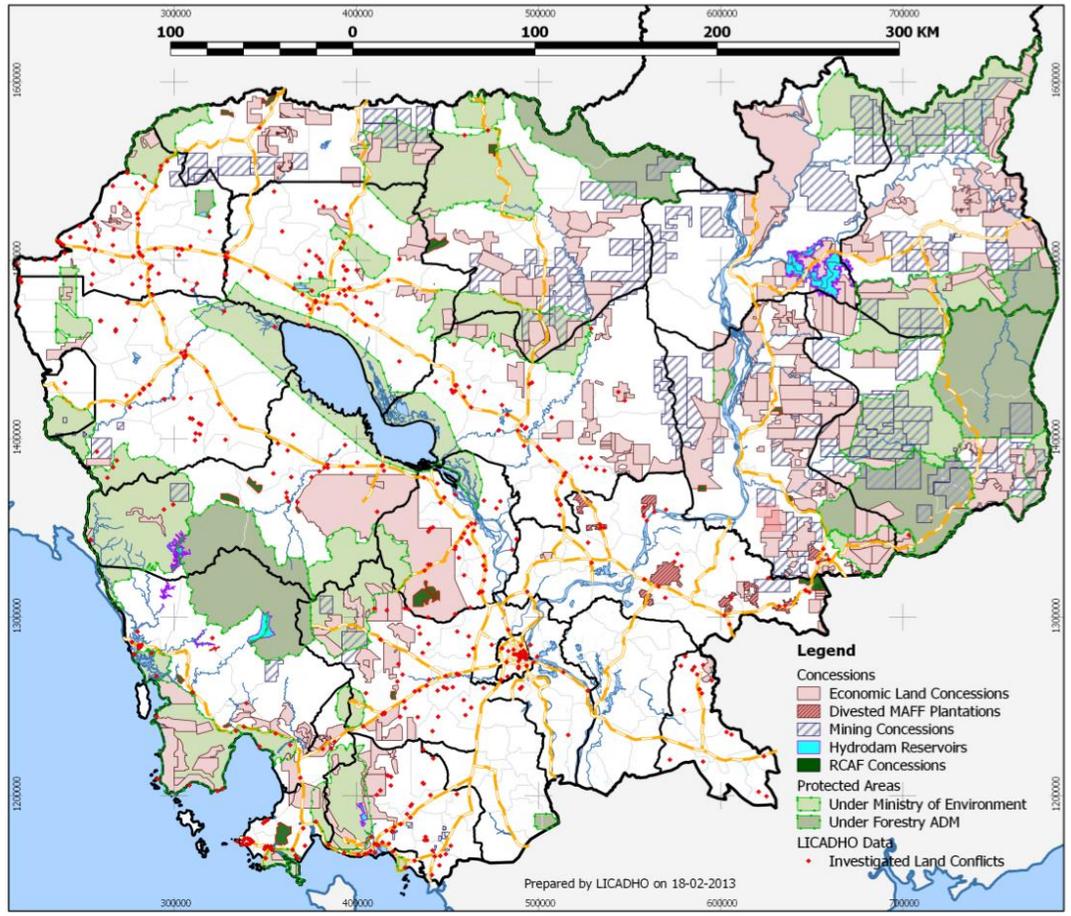
Given that the Program Theory of Change revolves around citizen led advocacy and action at local level, it is vital that the Program has adequate capacity to monitor rapidly changing provincial contexts. To be effective and responsive, this monitoring must also initiate qualitative assessment of Partner implementation. Improved monitoring will also help ensure Partners necessary field level support in navigating the many sensitivities of EI issues. Program expansion into Viet Nam and Laos will further stretch monitoring capacity.

**Recommendation Sixteen:** *The Program should employ a full time ‘Monitoring, Evaluation and Learning Officer’, supported by OA’s Regional Monitoring, Evaluation and Learning Coordinator, to allow the Program to better monitor day to day grant implementation, and also to support Partners (especially at provincial level) to better evaluate their own performance. This will both help build local capacity for management of EI issues, as well as allow greater responsiveness to the ever changing development context of NE Cambodia, and the region.*



ANNEX 1

Table 1: Economic Land Concessions, Mining Concessions and protected area overlays – Cambodia 2013



Economic Land Concessions (ELCs) (\*):  
2,291,798 hectares  
Mining Concessions:  
1,900,311 hectares

Cambodia's Ground Area:  
17,650,913 hectares  
Cambodia's Arable Area:  
3,607,847 (20.44%)

ELCs / Arable (\*\*):  
63.52%

ELCs + Mining / Ground:  
23.75%

(\* ) Includes Union Development Group, Try Pheap and LYP SEZs, and Divested MAFF Plantations  
(\*\* ) This is a size comparison, not actual overlap

## ANNEX 3

### Detailed description of Program Goal, Strategic Change Objectives and Outcome Statements laid out by phase

<p><b>Program Goal:</b> Vulnerable communities in northeastern Cambodia affected by mineral mining and national hydrocarbon exploitation will exercise their right to sustainable livelihood. This right will be ensured and respected by government bodies and companies involved in extractive industries, allowing them access to information, redress/recourse, and decision making so that benefits of EI are shared equitably and contribute to poverty reduction efforts in the region.</p>		
<p><b>SCO 1: Communities will have access to information and knowledge of potential benefits and impacts of EI on their way of life. In addition, they are able to influence decisions at local and national levels through an organized advocacy structure.</b></p>	<p><b>SCO 2: Key government agencies consult with communities through the creation and amendment of laws. They also commit to the inclusion and enforcement of international best practices in EI legislations in order to ensure transparent, responsible, and accountable management of the industry.</b></p>	<p><b>SCO 3: Companies uphold international best practices and seek community approval for their operations by respecting people’s rights to free, prior, and informed consent and show support to revenue transparency by disclosing payment to host governments.</b></p>
<p><b>Years 11-15:</b> Affected communities are able to use legal mechanisms to protect their lives/livelihoods</p>	<p><b>Years 11-15:</b> Affected communities are able to use legal mechanisms to protect their lives/livelihoods</p>	<p><b>Years 11-15:</b> Companies will respect the rights of the affected communities support country-based initiatives for EI standard practices and certification</p>
<p><b>Years 6-10:</b> Affected communities have the capacity to use information to advocate for their own interests (information includes information they gather and information that is disclosed or made available by governments and companies) through an effective advocacy structure organized from a grassroots to national level</p> <p>Affected communities have access to legal support and mechanism Participatory consultation among wider stakeholders in civil society will be organized in an effective manner to ensure that recommendations submitted to the governments on EI development plans are of high quality.</p>	<p><b>Years 6-10:</b> Cambodian legal and regulatory framework related to EI will be reformed, and monitored to ensure the security of social and environmental resources as well as wise revenue management</p>	<p><b>Years 6-10:</b> Medium and large scale companies in Cambodia will share information on contract terms and payments with CSOs Companies will provide fair compensation to the disruption of their livelihoods and adopt benefit sharing policies</p>

<b>Years 1-5:</b> Communities that are [physically and economically] affected by the industries are aware of the issues and able to raise their concerns and interests with local and national authorities or representatives	<b>Years 1-5:</b> Governments will consult with CSO on an EI legal framework	<b>Years 1-5:</b> Medium and large scale companies in Cambodia will consult communities on EI development plans
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## ANNEX 4 INTERVIEWEES, MEETINGS AND FOCUS GROUPS

Name	Position	Organisation
<b><i>Oxfam Staff</i></b>		
Brian Lund	Regional Director, East Asia Regional Office (EARO)	Oxfam America
Solinn Lim	Deputy Regional Director (EARO)	Oxfam America
Sophoan Phean	Project Manager, People Protecting their Ecosystem in the Lower Mekong	Oxfam America
Thira Ouk	Program Officer – Extractive Industries	Oxfam America
Seang Soleak	Regional Communications Officer (EARO)	Oxfam America
<b><i>Cambodian NGOs – Phnom Penh based</i></b>		
Mem Sambath	Executive Director	Development and Partnership in Action
Dara Rith	Extractive Industries Officer	Development and Partnership in Action
Thy Try	Coordinator	Extractive Industries Social and Environmental Network
Chhay Sarath	Executive Director (former)	Cambodians for Resource Revenue Transparency
Kim Natascha	Executive Director (current)	Cambodians for Resource Revenue Transparency
Mark Grimsditch	Researcher	Climate and Finance Policy Centre
Meas Nee	Executive Director	Village Focus International
Graeme Brown	Manager	South East Asia Development Programme
Pheap Sochea	President	Cambodian Indigenous Youth Association
Tang Sun Hao	Country Director	Norwegian People’s Aid
Sok Pitour	Development Program Coordinator	Norwegian People’s Aid
Yolanda Rodriguez	Programme Manager	Trocaire Cambodia
Frances Perez	Regional Representative	CAFOD SE Asia
Long Serey	Executive Director	Non Timber Forest Products (NGO)
Sao Vansey	National Coordinator	Indigenous Community Support Organisation
Chheang Sokha	Executive Director	Youth Resource Development Program
Chan Ramy	Extractive Industries and Climate Change Coordinator	Youth Resource Development Program
Chhith Sam Ath	Executive Director	NGO Forum Cambodia
Neb Sinthay	Director	Advocacy and Policy Initiative
Ngo Sothath	Programme Manager	Cambodian Economic Association
Yeng Virak	Executive Director	Cambodian Legal Education Centre

<b><i>Cambodian NGOs – Provincial</i></b>		
Dam Chanthy	Executive Director	Highlanders Association of Cambodia
Mong Vichet	Programmes Manager	Highlanders Association of Cambodia
Sopheak	Deputy Provincial Manager - Rattanakiri	Development and Partnership in Action
Nhek Thodollar	Advocacy Assistant	Development and Partnership in Action
Mr Ponn	Program Officer	NTPP
<b><i>Cambodian Government</i></b>		
Danh Serey	Deputy Director, Department of Environmental Impact Assessment	Ministry of Environment
Diep Serei Viseth	Deputy Director General	Cambodian National Petroleum Authority
		Television Kampuchea
So Savannarith	Chief Water Sanitation	Monduliri Provincial Department of Industry, Mines and Energy
Chey Sorphea	Deputy Director	Television Kampuchea
<b><i>United Nations agencies</i></b>		
Khorn Dinravy	Policy and Research Coordinator	UNDP
Chhoeun Kongkea	Extractive Industries Officer	UNDP
Julien Chevillard	Trust Fund Administrator; Cambodian Climate Change Alliance	UNDP
<b><i>Private Sector</i></b>		
Richard Stanger	President	Cambodian Association for Mining and Exploration Companies
Mike Weeks	Chief Executive Officer	Angkor Gold Corp
Delayne Weeks	Vice President Social Responsibility	Angkor Gold Corp
<b><i>Focus Groups</i></b>		
Youth	Three non-randomly selected FGDS were undertaken in Phnom Penh with youth. One was organized through YRDP. Two occurred at Royal University of Phnom Penh.	
Krolas Village; O Chum District Rattankiri	Mine Action Focal Point and Community leaders	
Malik Village; Andoung Meas District Rattanakiri	Mine Action Focal Point and Community leaders	

Pheak Village: Andoung Meas District Rattanakiri	Mine Action Focal Point and Community leaders
Ka Ty Village; Kaosema District Mondulkiri	Meant to be a meeting with Mine Action Focal Point and Community leaders. But ended up being meeting with just Mine Action Focal Point, since road to community was no passable, so Focal Point came to visit us!
Ban Lung outskirts	Artisinal miners
Provincial EI Working Group Rattankiri	Membership of PEIWG
Provincial EI Working Group Mondulkiri	Membership of PEIWG

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