



COMMUNE COUNCILS & CIVIL SOCIETY

Promoting Decentralization through Partnerships



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ACRONYMS

| | |
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| ACED | Association Cooperation for Economic Development |
| ADI | Analyzing Development Issues |
| B&D | Buddhism and Democracy |
| BFD | Buddhism for Development |
| BFDK | Buddhism for Development Kampong Thom |
| CA | Commune Administration |
| CAU | Contract Administration Unit |
| CBO | Community Based Organization |
| CBRD | Capacity building for Rural Development |
| CCC | Cooperation Committee for Cambodia |
| CCSP | Commune Council Support Project |
| CDRI | Cambodia Development Resource Institute |
| CIDSE | Coopération Internationale pour le Développement et la Solidarité |
| CNGO | Cambodian Non-Governmental Organization |
| CODEC | Cooperation Development for Cambodia |
| COWS | Cambodian Organization for Women Support |
| CPMHRV | Committee for the Prevention and Management of Human Rights Violations |
| CPP | Cambodia People's Party |
| CS | Commune Sangkat |
| CSP | Commune/Sangkat Planning Process |
| DED | German Development Service |
| DFT | District Facilitation Team |
| DIW | District Integration Workshop |
| DOLA | Department of Local Administration |
| EXCOM | Executive Committee |
| GTZ | German Technical Cooperation |
| HRV | Human Rights Volunteers |
| IFAD | International Fund Agriculture Development |
| JICA | Japanese International Cooperation Agency |
| KAWP | Krom Aphiwat Phum |
| KID | Khmer Institute for Democracy |
| LAU | Local Administration Unit |
| LPP | Local Planning Process |
| MODE | Minority Organization for the Development of the Economy |
| NCSC | National Committee to Support Communes |
| NEC | National Election Committee |
| PACOCO | Pagoda Coordination Committee |
| PBC | Planning Budget Committees |
| PDAFF | Provincial Department for Agriculture, Forestry and Fisheries |
| | Provincial Department for Rural Development |
| PDV | Peace and Development Volunteers |
| PFT | Provincial Facilitation Team |
| PLG | Partnership for Local Governance |
| POLA | Provincial Office of Local Administration |
| PRA | Participatory Rural Appraisal |
| PSC | Project Sub-Committees |
| RDA | Rural Development Association |
| RSA | Royal School of Administration |
| SIDA | Swedish International Development Agency |
| SST | Sor Sor Trong |
| TSS | Technical Support Services |
| VBNK | Vicheasthan Bandosbondal Neakropkrong Kangea Aphivath |
| VDC | Village Development Committee |
| WGPD | Working Group for Partnerships in Decentralization |
| WVI | World Vision International |
| ZOA | Refugee Care Netherlands |

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EXECUTIVE SUMMARY

In February 2002, Cambodia took a major step towards political decentralization by organizing the election of 1,621 commune councils. These councils represent the beginning of the Royal Government's decentralization reform. Subsequent efforts to ensure that the councilors are able to discharge their duties have been a major undertaking. Civil society organizations play an important role in building democratic local governance by fostering dynamic interaction, building capacity and promoting good governance practices.

Eighteen months into their first term of office, the commune councils are active in a number of ways. In addition to fulfilling their administrative tasks, they engage in dispute resolution, plan and implement development projects, provide some agency functions for the central and provincial governments, and conduct advocacy. Development activities consist mainly of small scale infrastructure and public goods projects, most notably involving roads and irrigation. Mediation activities address local disputes, such as repayment of individual loans and the location of land markers. Advocacy issues tend to be more complex, involving the application of pressure on government officials or problems that cross commune boundaries which require inter-commune collaboration.

On a much more limited scale, commune councils are delving into policy formulation through the enactment of commune orders, known as *decca*. The most common policies enacted include those required to access commune funds (planning and budgeting, procurement, and monitoring and evaluation committees). Others relate to sectoral issues such as fisheries or community forestry and are usually drafted with the assistance of an agency that specializes in that sector. A few commune councils have initiated their own *decca*, and these appear to relate to fairness and inclusion – whether to compensate villagers for property damage or to ensure that the council is being responsive to all villagers.

In addressing these issues, commune councils face several challenges. The most basic constraint is councilors' lack of capacity. Although councilors are required by law to be literate, many of them are not at a level that is functional. Their limited access to financial resources reduces their ability to travel and maintain communication with their constituents and other communes. Management styles inherited from previous administrations block efforts for transparency and accountability. Public participation is solicited only when required, for example to access the commune's development funds. Councilors' lack of initiative is widespread and conveys an attitude of dependency and reliance on external support.

By delivering trainings on practical topics, partnership programs around the country have been addressing commune councils' needs. Building the capacity of councilors to facilitate meetings is one important method already in use. As they increase their skills, councilors feel increasingly able to reach out to their constituents for feedback as well as to make contact with other government actors and development agencies. Exchange visits between councils that allow councilors to learn about each others' challenges and successes have been another important approach, along with the organizing of inter-commune meetings, particularly those centered on a specific issue.

The road towards good governance may be a long one for commune councils, but the seeds of change have been planted. Considering the scope of Cambodia's decentralization challenges, resources to assist communes are minimal. Partner agencies can promote the interests of civil society by ensuring that councils represent the voice of people at the local level and have strong links with their constituencies. Through strong partnerships between civil society and commune councils there is great potential for a stronger representative government at the local level that addresses the needs of the people.



INTRODUCTION

This publication aims to provide an overview of the current work of commune councils in Cambodia and concrete examples of how development agencies are helping to build council capacity and awareness. It begins with an overview of commune councils in order to understand the current status of commune councils in Cambodia. It then uses this as a base to examine the relationships between commune councils and civil society at the local level. This includes important council activities, such as development initiatives and mediation, followed by a review of governance principles, such as political pluralism and impartiality, accountability and transparency. As one of the main challenges to decentralization lies with council leadership and initiative, a special section on management and leadership qualities is included, and skills and strategies used by the councils are highlighted. The publication also contains a summary of current partnership strategies for supporting the communes. The final section presents a short analysis of civil society/ commune council partnerships along with recommendations and a conclusion.

In 2002, a number of development organizations in Cambodia formed a **Working Group for Partnerships in Decentralization (WGPD)**, to promote decentralization through partnerships between commune councils and civil society. In order to arrive at an understanding of the progress made and the work done by the commune councils, the WGPD decided to assess 11 communes which have received partnership assistance from member WGPD organizations. The findings in this publication are based on research conducted in these 11 communes.

The 11 communes included in the study were:

1. Trapeang Sap Commune, Bati District, Takeo
2. Sre Khnong Commune, Chumkiri District, Kampot
3. Andong Por Commune, Romeas Hak, District, Svay Rieng
4. Tabong Krapeu Commune, Stung Sen District, K. Thom
5. Chamna Leu Commune, Stung District, K. Thom
6. Rum Cheik Commune, Banteay Srey District, Seam Reap
7. Toul Pongro Commune, Malai District, Banteay Meanchey
8. Chroy Sdao Commune, Thmar Kol District, Battambang
9. O'Tapong Commune, Bakan District, Pursat
10. Koh Chum Commune, Sampeov Meas District, Pursat
11. Toeun Commune, Kon Mon District, Ratanakiri

This publication adopts the following definition of partnership: *"a relationship between a commune council and its members and one or more other parties established in order to realize stated common goals."*

In this publication, partnership specifically refers to relations between commune councils and civil society.

Sangkat councils refer to urban commune councils, however in this publication the term commune council represents both commune councils and sangkat councils.

This publication is not a book that should be read cover to cover. Instead, it should be viewed as a reference book, where readers can refer to particular sections that are of special interest to them in order to access information on specific topics.

A District Facilitation Team (DFT) is made up of provincial and district level government staff supporting commune councils on issues such as LPP, *decca* development and technical guidelines for the bidding process as outlined in Prakas 292.

COMMUNE COUNCILS: AN OVERVIEW

On February 3, 2002, Cambodia elected its first decentralized government bodies, the commune councils. There are 1,621 communes in Cambodia, with a total of 11,261 elected councilors. Under the Law on the Administration and Management of Communes, a commune council is a body elected to represent the citizens in its commune and to serve their general interests. The commune councils are elected by eligible commune citizens and are directly responsible to them. The Ministry of Interior plays an oversight role, although this responsibility has been largely delegated to the provincial/municipal governors by *Prakas* (proclamation). Depending on their geographic and demographic profiles, the commune councils consist of between 5 and 11 councilors. Typically, if there are between 3000 and 5000 people in a commune, there are 5 councilors; for 5001 to 7000 people, there are 7 councilors; and populations between 7001 and 9000 people have 9 councilors. If there are more than 9000 people in a commune, there are 11 commune councilors. The commune council has a 5-year mandate, which expires when a new council takes office. The next elections are expected to take place in 2007.

PROVINCES, COMMUNES & COUNCILORS

| Province | No communes | No councilors |
|--------------------|--------------|---------------|
| Banteay Meanchey | 64 | 504 |
| Battambang | 96 | 744 |
| Kampong Cham | 173 | 1335 |
| Kampong Chhnang | 69 | 415 |
| Kampong Speu | 87 | 605 |
| Kampong Thom | 81 | 575 |
| Kampot | 92 | 542 |
| Kandal | 147 | 1061 |
| Koh Kong | 33 | 187 |
| Kratie | 46 | 280 |
| Mondolkiri | 21 | 105 |
| Phnom Penh | 76 | 652 |
| Preah Vihear | 49 | 317 |
| Prey Veng | 116 | 886 |
| Pursat | 49 | 339 |
| Ratanakiri | 49 | 251 |
| Siem Reap | 100 | 668 |
| Sihanoukville | 22 | 144 |
| Stung Treng | 34 | 176 |
| Svay Rieng | 80 | 516 |
| Takeo | 100 | 734 |
| Otdar Meanchey | 24 | 150 |
| Kep | 5 | 31 |
| Pailin | 8 | 44 |
| GRAND TOTAL | 1,621 | 11,261 |

Source: CS Fund Finance Position December 2003

ELECTION PROCESS

According to the Law on the Election of Commune/Sangkat Councils, commune council elections must be general, universal, free, fair and just, equal, direct, and carried out by secret ballot. Before commune elections can take place, the National Election Committee (NEC) must prepare budgets, time frames, work programs, mechanisms, regulations and strategies for the administration of the elections, and appoint and train the agencies and personnel that will administer the elections under its guidance.

Commune council elections are conducted using a proportional system of representation where seats are allocated based on the proportion of votes received by each of the political parties contesting the election. All commune council members are selected from political parties' candidate lists. The number of commune councilors in each commune is determined by sub-decree. The commune council seats are allocated according to the results of the elections.

Elections are conducted in communes that have more than one political party's candidate list approved for registration. All candidates are selected from a political party's candidate list in a sequence starting at the top of the list.

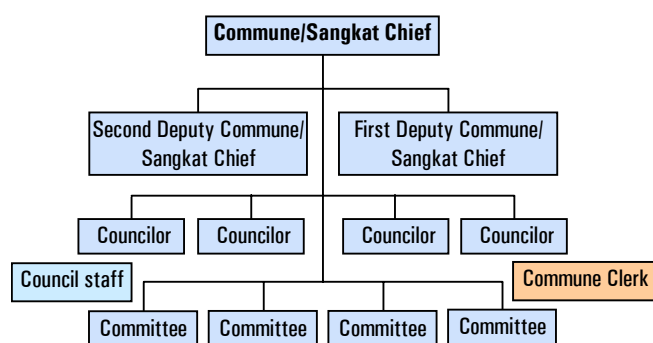
Only voters who are registered on an approved list of voters may vote in commune elections. A voter may only register and vote in the commune in which s/he resides.

COMMUNE COUNCIL STRUCTURE

A commune council governs the commune administration. Every commune council has a commune chief who also acts as presiding commune councilor. The commune chief has two assistants, a first deputy chief and a second deputy chief who come from among the elected councilors. The chief may also appoint advisory committees.

In order to carry out their duties, the commune councils have their own financial resources and staff to support them. Each council has a clerk appointed by the Ministry of Interior (MOI) who is employed within the MOI administrative framework. The clerk is responsible to the commune council and has no supervisory or disciplinary functions over councilors. The clerk's roles are to act as a secretary to the commune council and to inform the commune council about legal and procedural requirements. The clerk is also responsible to the MOI. The clerk must be neutral and impartial, as well as act equally towards all citizens, political groups, councilors and members of committees.

COMMUNE COUNCIL STRUCTURE



Committees are composed of councilors and may also include citizens (or other representatives, such as NGO staff) as members. Committees play an advisory role to a council. For instance, if a health issue arises, the chief may decide to appoint a committee to look into the issue and make recommendations. The chief may include a doctor or a nurse as a committee member, or may include a representative from an organization which focuses on health issues.

A commune council may also decide to employ staff outside of the council framework to assist with its affairs

ROLES AND DUTIES OF THE COMMUNE COUNCIL

Commune councils have two types of roles, one in local commune affairs, and the second as an agent of the central government pursuant of tasks delegated by central government authorities.

In terms of local commune affairs, Commune councils have duties to promote and support good governance by managing and using existing resources in a sustainable manner to meet the basic needs of the commune, serving the common interests of the citizens, and respecting national interests in conformity with the State's general policy. Specific duties include:

- Maintenance of security and public order: this may include taking measures to reduce crime and violence, introducing rules affecting public markets and cooperating with police.
- Arranging for necessary public services and being responsible for the good process of those services; for instance, water sanitation, road construction and repair, health services, education and waste management.

Commune Council Profile

GENDER

Female councilors comprise 983, or 8.73% of the total number of councilors. Of these, 34 hold the position of commune chief. Female councilors balance their household and childcare responsibilities with their important responsibilities on the councils.

POLITICAL AFFILIATION

The **CPP** remains the dominant political party with 7,703, or 68.4% of commune council seats. 1,598 hold the position of commune chief, 789 are first deputy chiefs, 154 are second deputy chiefs and 5,162 are regular councilors.

FUNCINPEC has the second most councilors with 2,211, or 19.6% of commune council seats. Ten of these councilors hold the position of commune chief, 547 are first deputy chiefs, 852 are second deputy chiefs and 802 are regular councilors.

The **Sam Rainsy Party** won the third most votes in the commune council elections with 1,346 councilors elected, or approximately 12% of the seats. Thirteen of these hold the position of commune chief, 285 are first deputy chiefs, 615 are second deputy chiefs and 433 are regular councilors.

The **Khmer Democratic Party** has one councilor on a commune council.

- Encouraging the promotion of the comfort and welfare of citizens; for example, establishing a local park or playground.
- Promoting social and economic development and upgrading the living standards of citizens; for example, seeking investors for development projects in the commune.
- Protecting and conserving the environment, natural resources and national culture and heritage; this may include implementing programs to protect local wildlife and flora, and local natural resources.
- Reconciling the views of citizens to achieve mutual understanding and tolerance; for example, assisting in resolving disputes within the commune.
- Performing general affairs to meet the needs of citizens.

ISSUES OUTSIDE THE AUTHORITY OF THE COMMUNE COUNCILS

Commune councils have no authority in the following matters:

- Forestry
- Post and telecommunications
- National defence
- National security
- Monetary policy
- Foreign policy
- Fiscal policy
- Other areas as stipulated by law

COMMUNE COUNCIL DECISION-MAKING

The following issues must be approved by an absolute majority vote of all commune councilors:

- Approval of a commune development plan;
- Approval of a commune budget;
- Imposition of local fiscal taxes and other service charges;
- Approval of by-laws and commune orders (*deccas*);
- Any other matters prescribed by the Minister of Interior.

DECCAS

Commune councils have the power to approve *deccas* (orders) so long as these do not conflict with any international treaties recognized by Cambodia, the Constitution, national laws or other legal instruments. Most *deccas* enacted by commune councils are based on forms provided by the Ministry of Interior. The most common relate to the creation of sub-committees required by the local planning process (LPP) policy as part of the commune planning process, including the Planning and Budgeting Committee (PBC), procurement committee, and supporting committee.

COMMUNE COUNCIL RESOURCES

The MOI requests that each commune council establish the following two committees in order to receive funding:

- Planning and Budgeting Committee
- Procurement Committee

The commune councils receive most of their resources from a Commune Fund which is held at the National Treasury. In order to receive resources, the councils must collect local contributions from citizens. In addition, some councils receive resources from NGOs. The communes receive resources from the Commune Fund in two components; one for administration expenses, and one for local development expenditures. These resources are paid

out three times per year and are deposited into each council's account at a Provincial Treasury. The local development component is calculated in three parts. One part is equal for all councils; one is proportional to a commune's population; and the last is calculated according to the commune's poverty index. The administrative component is also not an equal payment to all communes. The amount allocated to each council varies according to the number of elected Commune councilors. By the end of 2003, only 50% of the yearly budget had been paid out by the government, and councils have also been complaining that they do not receive their funds on time.

REPORTING REQUIREMENTS

Every month, each council submits a report to its Provincial Offices of Local Administration (POLA). The commune councils must also submit a comprehensive annual report, which details progress in terms of objectives, achievements, problems encountered, and recommendations for improvement. The annual report must also contain a summary of revenue and expenditures, and give details of objectives and plans for the forthcoming year. One copy of the report is kept as a public document in the commune council office, while another is sent to the MOI, via the provincial/municipal governor and POLA. Anyone may review the annual report at the commune council office or obtain a copy at the cost of reproduction. The MOI, any citizen, or civil society or other organization may make comments on the report and the commune council must consider incorporating those comments.



MEETING REQUIREMENTS

The commune councils must meet at least once each month. A meeting should be attended by more than half of the total number of commune councilors. In general, at the district level, weekly meetings are organized by district authorities for commune councils. These are regularly attended by a number of partner agencies, which are typically civil society organizations working together with commune councils. However, some communes council members feel that weekly district meetings are too frequent, particularly given the time and resources necessary for them to travel to the meetings.

THE BIDDING AND CONTRACT PROCESS

All of the infrastructure projects implemented by the commune council must be put out to public tender. This process is managed at the district level. POLA and Ex.Com have produced a pre-qualified list of registered contractors

at the provincial level, which is updated every year. Commune councils must select contractors for their projects from this list.

The bidding process is as follows:

1. Development of technical proposal with support of provincial Technical Support Staff (TSS).
2. Public announcement of the project two weeks prior to a bidding meeting.
3. Collection of bidding support documents and application form from the commune office by interested contractors.
4. Submission of offers and applications to the commune council by contractors.
5. Public announcement of the bidding meeting.
6. At the bidding meeting the commune council presents its commune plan and explains the bidding procedure and the location of the project. Sealed offers are returned to the contractors for revision, then resealed and returned to the PBC.
7. The chairperson of the PBC opens the bids and lists all the bidders and their offers on a chart. The PBC then withdraws to discuss the offers for its commune.
8. The bidding result is presented to the selected contractor and the infrastructure contract is negotiated.

The aim of this process is to increase the power of communes, so that the councilors are in the position to transparently and cost effectively access a market for services, without having to rely on other levels of government to provide these services. The role of the TSS includes providing councils with technical design capacity and estimating the cost of infrastructure projects as well as acting as a certifier of the quality of projects carried out by communes.

Commune council payments for construction work are based on the particular contract with the contractor, but are generally as follows:

- The contractor is paid 50% of the total amount when the construction work is 60% completed.
- The contractor is paid another 30% when the construction work is approximately 100% completed.
- The contractor is paid an additional 15% when completion of the construction work is confirmed.
- The contractor is paid the final 5% after a 3-month monitoring period to ensure the quality.

MONITORING AND EVALUATION OF PROJECTS

Every commune council must nominate 2 people - a commune councilor and a citizen - as point persons who monitor, follow up and evaluate commune development projects. The responsibilities of the point persons are to:

- Facilitate and coordinate all activities related to monitoring and evaluation of commune activities.
- Regularly monitor project implementation.
- Mobilize citizens in the commune to participate in the monitoring and evaluation of commune activities.
- Collaborate with relevant departments, agencies and civil society organizations to provide training on project monitoring and evaluation for councilors and the PBC.
- Participate in meetings with technical officials on the project implementation process.
- Report to the commune council and PBC on project progress and problems encountered during project implementation.
- Follow up, monitor and evaluate other matters as required by the commune council.



A partnership meeting hosted by a female commune councilor

While the councilors have learned much since entering office, the overall capacity of Cambodia's Commune Councils remains very limited. There are significant differences in capacity between councils, and also differences within them. This presents challenges for both partner agencies and the Royal Government in their capacity building efforts.

CAPACITY BUILDING ACHIEVEMENTS

Since the 2002 elections, the Royal Government has devoted considerable effort to building the capacity of commune councils. Nation-wide training courses have introduced councilors to their roles and responsibilities, planning, budgeting, general management and financial management. To ensure that a transfer of knowledge takes place in these training courses, the same training is often conducted a commune more than once. While the commune clerk handles much of the administrative business of the councils, there are indications that councilors are starting to increase their capacity in the training areas, albeit at a slow rate.

Capacity building efforts appear to have made the most progress in relation to the planning process. While some communes still require significant input from the district facilitation teams, there are notable differences in planning and facilitation capacity. Many of the councils are becoming comfortable with the planning process and are gaining competence.

With assistance from partner agencies, councils are learning and practicing other types of skills. These include conducting participatory rural appraisals, managing community revolving funds, preparing and running meetings and presenting requests and presentations to outside agencies. Another important skill councilors feel increasingly confident with is their ability to prepare clear objectives before attending a meeting with government officials and present clear justifications for a request.

Organizations working directly with commune councils are beginning to assess commune council performance.

Example of commune assessment

Communes work by the following criteria:

- Timely submission of administrative reports;
- Regularity of council meetings;
- Whether decisions are made by the group in a meeting;
- How much time councilors spend at work, because not all attend work regularly;
- Solidarity within the council.

These assessment tools should be enhanced by a comprehensive standardized performance assessment/self-assessment tool that is prepared with the input of the commune councils, tailored to the situation of each commune and made available to councilors, government agencies and development actors alike.

Replication of capacity achievements between neighboring communes is not likely to occur unless some kind of sharing of experience is organized during an inter-commune event. One reason for this is that councilors lack resources for travel and the distances between communes can be large. It is important to note, however, that many councilors do not perceive that they have anything to gain from exchange. In addition, councilors are often not sure that they have the right to organize independent meetings with other councilors outside their own commune without government sanction. Yet councilors generally view exposure to models through study tours to be the most effective capacity building measures. Another preferred method among councilors is coaching, where partner staff visit councilors on a regular basis and help to deepen their understanding of topics covered in workshops.



CAPACITY BUILDING CHALLENGES

Councilors commonly request repeated training in the same areas. Already partner agencies have begun to complement DOLA/POLA training with additional training on the same topics. The fact that councilors request repeat training indicates that they are aware of having limited capacity in certain areas. This creates frustration for government capacity building staff, NGO staff and the councilors themselves. Partner agencies are clearly challenged by the skill level of some of the councils and some wonder whether it is worth working with low capacity councils, suggesting that it would be preferable to wait until after the next national election. One main challenge continues to be that many councilors are not functionally literate although it is required by law. The high capacity building needs of the councils combined with the limited resources of partner agencies suggest that in the future agencies should select partner communes based on merit and indications of potential. This selection process would reinforce councils that are willing to promote a more democratic process at the local level.

"Some councilors do not understand this work, so they lack confidence to act, for example to explain a project to the people in order to mobilize support."

Commune Council Chief

FUTURE CONSIDERATIONS

The following skills have been suggested by commune councils and development actors as being the most useful capacity building investments for councilors:

- Administration, finance and management (follow-up training);
- Responsibilities of commune councils and local governance;
- Facilitation, agenda preparation, preparation of questions before meetings;
- Communication and networking with the public, NGOs, departments, other agencies;
- Soliciting, analyzing and responding to public feedback;
- Analyzing problems and preparing strategic responses;
- Legal preparation (note: the Royal Government is preparing training in this area);
- Delegation of responsibilities and general management;
- Balancing political interests;
- Project management;
- Advocacy that represents the needs of their constituency to higher levels of government;
- Development of *deccas*;
- Village chief elections;
- Public disclosure of accounts;
- Information gathering from constituencies that will improve commune council plans;
- Monitoring and evaluation of commune projects.

In order to best coordinate capacity building exercises for commune councils, it would be beneficial to carry out an assessment and coordination of organizations' capacity building services for the development of commune councils.

COMMUNE COUNCIL ACTIVITIES

Before examining partnerships between commune councils and civil society, it is essential to identify the councils' current activities.

DEVELOPMENT ACTIVITIES

GENERAL

By far the most important activities undertaken by the commune councils, as seen by councilors and villagers alike, are the development projects funded through the Royal Government's Commune/Sangkat Fund.

After the commune elections, the Royal Government began a massive effort to provide training to councilors about their administrative, planning, financial and project management duties. The councilors have also received training on the commune development planning process.

Each year councils prepare commune development plans using LPP. The 11-step planning process emphasizes public input in the formulation of lists of prioritized village problems or needs that are then integrated at the commune level. This presents a radical departure from the pre-council era in which plans were prepared at the district level and handed down to the commune authorities. In addition to the planning process, commune councils are encouraged to establish a number of committees to oversee the process, namely a Planning and Budgeting Committee (PBC), Procurement Committee and [project implementation] Monitoring Committee.

This current bottom-up approach provides an opportunity in Cambodia's decentralization process for ownership by commune councils and citizens over the development process at the local level. The majority of communes actively participate in the planning process. With few exceptions, all communes have established the three required committees. A recent study, *PAT Empowerment Study – Final Report* by R. Biddulph (PLG), of public participation in the planning process concludes that there is public awareness that the commune has a development fund, and public participation in project selection is occurring. Although many PBC members are not aware of key meetings, such as bidding meetings, public participation in the planning process is widespread.

TYPES OF PROJECTS

The most common projects implemented by the councils are infrastructure related, notably road and irrigation projects, including installation of culverts and water gates, as well as school construction projects. Some commune plans do include non-infrastructure activities that can be supported by technical assistance from the various line departments, such as agriculture technology or environmental protection. However, at this point it is difficult to ascertain whether the non-infrastructure activities are being implemented by the line departments in collaboration with the councils, or whether those priorities remain unattended.



DISTRIBUTION OF PROJECTS WITHIN COMMUNES

Although it is too early to draw any conclusions about the distribution of projects among the villages within the council's jurisdiction, as a general rule road projects start at the main road and work their way through the villages. Given that commune funds

are generally small (US \$5,000 to US \$12,000), it takes a number of project cycles (i.e. years) for all of the roads in a commune to be redone. In some cases project site selection has been less than participatory and there are reports of village projects being selected for political reasons.

PROJECT QUALITY & MAINTENANCE

Commune councils and VDCs are responsible for ensuring quality and maintenance of projects, and are concerned with the quality provided by private contractors. Occasionally commune chiefs sign the final approval of a project and make payments to contractors despite their dissatisfaction with the work, because they are unclear about the procedures regarding project approval, and sometimes receive pressure from technical support unit of corresponding sector line ministries at the local level.

Although councilors are generally satisfied with the work undertaken by contractors, many feel that they could implement the projects themselves at a lower cost. Some also see the current Seila policy requiring communes to use only registered contractors as a limitation to their options. However, the registration process exists with an aim to protect the communes from poor work by ensuring that the contractors have the required technical skills and equipment to do the job. The long-term goal is to increase

the capacity of the commune councils to be able to set the criteria for the bidders and to be in charge of their own process. Since the technical units of the government decide which contractors the commune councils should choose among, there is a risk of corruption due to the relationships that exist between the contractors and the government unit. Increasing the decision-making ability of the commune councils to choose contractors would lower this risk if it is coupled with clear standards for choosing contractors and accounting for construction.

Contractors are generally surprised at how many people participate in monitoring their projects and how villagers help them out. In general, contractors believe that their project budgets are low, and their profits from the contracts moderate. Despite this, many indicate that they will continue to seek other contracts from the communes. There are reports of contractors who have advanced or borrowed money for projects and have not been paid by the communes due to delays in fund transfers, although such instances are not widespread.

A large number of the communes that have implemented road projects in the last two years have passed ordinances (*decca*) to establish road or infrastructure committees. A recent SIDA/PLG study concluded that there is a lack of clarity as to whether responsibility for maintaining the roads falls to the villages or the commune council. However, it is still too early to draw conclusions regarding maintenance.

According to Commune Implementation Guidelines recently adopted by the National Committee to Support Communes (NCSC), an unspecified portion of the commune development funds can be used for project maintenance. To address this issue, the funds available for project maintenance will need to be clarified in the future with the communes. Some communes have introduced regular road maintenance organized and paid for by the commune.

Development activities are generally much appreciated by the public and the majority of villagers contribute with labor or money to projects in their villages. People see a clear connection between their contribution and the road in front of their house – inculcating the potential for a future culture of accountability through taxation and proper project management.

CHALLENGES

Although skill levels vary considerably, the communes are in the process of mastering the local planning process. While the process is complex, it is logical and clear. Once councilors and PBC members grasp the concepts, they become active participants and appear to be comfortable with the process.

The main challenge looming large over the commune activities is the current delay in transfer of funds to the communes. At the time of this writing many communes have received only 50% of the funds that are due to them this year. At present the councils are heavily dependent on those funds and in their absence are likely to become paralyzed. Additionally, the participatory aspect of the process has raised public expectations and councilors will find themselves in a very uncomfortable situation if the projects planned for 2004 do not materialize. Current discussions between donor countries and the Royal Government are underway to resolve this issue. The failure of central funds to reach the provinces on time is endemic in Cambodia as is also the case in the health and education sectors.

PARTNERSHIP INPUTS

Development agencies provide important assistance to the councils in developing their facilitation and problem identification skills. Partners assist councils by helping them identify potential sources of support, both governmental and developmental. These partnerships demonstrate how NGOs' direct involvement with commune councils can improve the government's decentralization process. For example, communes with very limited skills still rely on the facilitation assistance of DFTs and PFTs, while in other communes that have received considerable support from NGOs the councilors are in full control of the process and the DFT/PFTs are present merely as observers of the process.

At the policy level, a few NGOs work actively to use their experience with the councils to affect commune

regulations and procedures to improve the planning process. Currently part of the 11-step planning process includes separate male and female discussion groups, and one NGO has successfully lobbied provincial officials to include an additional discussion group made up of the poorest residents of a village. The NGO believes that the current structure, in which the villagers divide into two



Local planning meeting,
Siem Reap

gender specific groups to discuss village plans, does not ensure that views of the poorest residents who may be hesitant to speak in those groups, are adequately heard. With POLA approval, the NGO target communes have started to include a third group for the poor. The NGO has also initiated a dialogue with other government officials on a mechanism for NGOs and smaller development agencies to contribute directly to the commune development fund through the Treasury Department. A discussion is underway as to the type of accounting system that would ensure transparency.

FUTURE CONSIDERATIONS

Residents in many communes in Cambodia are active in the planning process and have implemented development projects. Partner agencies contribute to this process by building council planning capacity. They also have an important role to play in understanding and questioning the policies of the commune regulations and procedures. Partners have valuable field experience, which when shared with government officials can result in improvements to the decentralization reforms. In addition to the participation and funding issues described above, agencies can use their observations to benefit the councils by inquiring, for example, about project maintenance policies and non-infrastructure projects. In order for this to occur, partner agencies need to encourage their field staff to share ideas with commune councils to help the councilors understand that there is room for dialogue, improvement and that policies can be changed.

The responsibility for developing capacity of commune councils clearly resides with the Royal Government. Partner inputs tend to be human resource intensive and therefore expensive given the large number of communes. It will be a challenge to ensure that the improved skills and competence levels of councilors are sustained in the turnover of the next elections.

At present, councilors believe that the advance of development projects is limited to the Commune Fund and central level fiscal transfers – with very few exceptions. The process of regulating revenue generation as defined by the government has been slow but is currently under consideration and is expected to increase total revenues available to the communes. In the future, commune councils need to develop a wider perspective on commune development that extends beyond the commune fund. Partner agencies can contribute to this by encouraging councils to keep non-infrastructure and non-Commune Fund activities on their agendas and encouraging them to seek innovative solutions to local problems. Communes do have

the potential to raise revenues from their own sources, although they only have the power to tax in accordance with the law and such a law does not yet exist.

MEDIATION

NATURE OF DISPUTES

One of the most prevalent and perhaps least acknowledged activities of the commune councils is dispute resolution. A large majority of councils see mediation as the primary ongoing activity outside of administrative duties. Village chiefs, VDC representatives and individuals call regularly on councilors to use their influence and authority to help them solve local problems. Cases usually involve land, domestic violence, inheritance disputes and loan repayments. Occasionally disputes arise when cattle damage another villagers' rice field or personal property. VDCs and CBOs also call upon councilors to assist in solving problems within their projects, usually regarding repayment, for example in rice bank programs.¹ Land disputes tend to revolve around the boundary limits of rice fields when the absence of dikes makes it difficult to identify markers. However, these cases are often not on a large scale and the majority of land disputes are resolved at the village or commune level. The disputes that cannot be resolved at the commune or village levels are referred to the district level.

One of the most prevalent and perhaps least acknowledged activities of the commune councils is dispute resolution

CHALLENGES TO DISPUTE RESOLUTION

Commune councilors are well placed to respond to dispute resolution: it calls upon their position of influence in the community and problem solving skills, and such mediations do not require additional material resources. As mediation has been identified by councilors as the activity on which they spend the most of their time outside of their administrative tasks, it is important to review some of the problems faced by commune councilors as mediators.

Often in lending projects when one beneficiary does not repay a loan because of hardship, other participants assume that they are relieved of their own obligation and refuse to repay their loans.

To adequately fulfill their function as mediators, councilors need to be aware of problems in the villages when they arise. In order to have access to this grassroots information, they must visit the villages on a regular basis or receive information from a village network. Commune councilors generally visit the villages infrequently, sometimes less than once a month. One of the reasons is that councilors tend to be busy with

"Sometimes people apply their thumbprint to an agreement, but later they say that the thumbprint is not theirs. What can we do?"

Councilor in Thmar Phouk

administrative duties, or attending meetings or training courses. Some communes include numerous villages and

travel is difficult and costly. Unless there is a village network to provide information, the councilors are not likely to hear about most disputes because individuals outside the village where the commune office is located are hesitant to approach councilors at the commune office to report a complaint. Likewise, it is important that commune councils visit villages on a regular basis to collect their own information.

Partiality by councilors represents another obstacle to successful mediation. Frustration arises when councilors from one political party refuse to intervene on behalf of a villager from a different party. Less frequent but also prevalent are reports that commune administrators have reaped personal benefit from the mediation process. Lastly, an obstacle to dispute resolution is adherence to agreements concluded during the mediation process. One councilor has commented, *"sometimes people apply their thumbprint to an agreement, but later they say that the thumbprint is not theirs. What can we do?"*

INSTITUTIONAL APPROACHES TO ADDRESSING CHALLENGES

At their own initiative and in collaboration with NGOs, a small number of councils are beginning to address these challenges using various approaches. These include:

- **Increased communication with VDCs and villagers.** This serves to bring the councilors closer to their citizens and increases councilors' awareness of the problems in the villages, allowing them to respond to conflicts more efficiently. This in turn has the potential to increase the citizens' trust in the commune council.
- **Delegation of mediation responsibilities to assigned individuals or institutions.** This increases the efficiency of mediation within communes, resulting in faster resolution of conflicts.
- **Creation of a structure within the council to institutionalize dispute resolution activities** so that they are viewed as consistent, dependable and fair. This structure increases people's confidence in their councils to assist in solving their disputes in an appropriate manner.

- **Creation of *deccas* and policies** to help avoid arbitrary decisions, and reduce any perception of unfairness and increase general trust and predictability while being in accordance with the law and their rights to enact *deccas* (Commune Administration Law, Articles 48-51).

According to VDCs and CBOs, councils are increasing communication with these civil society institutions. This in turn increases the flow of information from the grassroots level to the commune authorities. As a result of increased interaction at meetings, etc. councils and village organizations are beginning to understand the value of collaboration. Increased communication means that councilors learn more about what is happening in the

Commune councils in Banteay Meanchey and Oddor Meanchey, in collaboration with Buddhism for Development (BFD), have established a **sub-committee within the commune council structure to address human rights violations and disputes**. The sub-committee is made up of one councilor and prominent members of the community, such as a monk, religious layperson, teacher or learned villager. Each committee usually has five to six members who meet monthly or more if needed. The sub-committee benefits from receiving information from a network of BFD Peace and Development Volunteers, which represent the backbone of BFD's program in these provinces.

PARTNERSHIP INPUTS AND FUTURE CONSIDERATIONS

Civil society organizations can assist councils by exposing them to the policies and actions initiated by other councils and by helping councilors create networks that will facilitate the flow of information between the commune and village levels. Partner agencies can also assist councils by educating them about the national land dispute resolution structure and laws or methodologies addressing dispute mediation so that they can provide better advice to villagers and also monitor the progress of cases. Partners can increase the likelihood of adhesion to agreements by encouraging councilors to announce any public decisions to the entire council as well as to the public. This strategy helps to increase pressure on individuals who have concluded a public agreement in the absence of other legal enforcement mechanisms.

In its most basic form, advocacy aims to change an existing situation affecting a disadvantaged group by building support among stakeholders for change and applying pressure on decision-makers to adopt the agreed-upon solution. Existing literature offers a range of definitions, but one of the clearest comes from the Advocacy Institute:

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

Successful advocacy campaigns use a combination of the following approaches:

1. **Work directly** with those in power to convince them to adopt public policies and practices that will benefit the disadvantaged group.
2. **Influence those in power** indirectly by persuading the people who influence them, such as colleagues, supervisors, donors, etc. to advocate on your behalf.
3. **Provide advocacy skills, training or support** to disadvantaged groups to help them pressure decision-makers to adopt better practices and policies.
4. **Mobilize the public** through the media and other outreach methods to create widespread awareness about the problem and use the resulting public pressure to encourage decision-makers to change their stance.

The primary goal of any advocacy campaign is to persuade the individual, group or institution with the capacity and authority to solve the problem that changing the policy will provide more benefits than continuing the current arrangement.

As commune councils master their administrative duties and planning responsibilities, they can begin to solve larger issues that require different skills such as advocacy and policy formulation. Councils are beginning to deal with a range of development and social problems and it is clear that councils receiving assistance from partner agencies are better able to develop strategies and advocate for change at higher levels.

Many communes experience similar problems. Often these problems are caused or aggravated by the behavior of police officers, district officials and sometimes even members of the council. One of the solutions to these

problems rests in collaborative advocacy. However, councils rarely meet to share experiences and work together despite weekly district meetings. Issues that cannot be appropriately addressed at the local level are dealt with at the regional, provincial or national levels.

COMMON ADVOCACY ISSUES

The advocacy issues summarized in this section show that commune councils are trying to address serious concerns. These include a wide range of issues from control of markets and roads, to rising violence among youth.

Dealing with Corruption

Some commune councilors have been very proactive in advocating against things happening in their communes, despite facing at times large power imbalances. Although they confront difficulties when challenging people in positions of authority, commune authorities have managed to remove people in high positions who act without the consent of the commune, or outside the realms of the law. Rather than confronting the actual person, which can feel threatening to commune authorities, councilors can address the issue at district and provincial meetings. With increased awareness and support from others, it is easier for commune authorities to remove a person who is carrying out his or her duties inappropriately. Often it requires a great deal of courage on behalf of the commune authorities to raise a sensitive issue like this, but with gain in support, actions to remove a person unfit for his or her position become more successful. There are reports of councilors getting corrupt police officers transferred out of their communes.

Market Sanitation

Control over local markets, particularly when located in the district town, is clearly a challenge for commune councils. Mismanagement of markets often has an adverse effect on health and sanitation. District officials have jurisdiction over local markets, but

currently, councils and NGOs lack the capacity to deal with problems that involve district authorities. The councils are not sure what their rights are and still fear reprisal for challenging higher authorities. However, increased lobbying can lead to positive changes as commune authorities increase their leverage with assistance from partner agencies.



Partner meeting, Pursat

Control over Roads

This is a theme that crosses commune boundaries. Police and/or military regularly set up night checkpoints to collect fees from smugglers. As with the markets, councilors have no idea how to address the issue and are characterized by villagers as being afraid. In cases when roads have been leased to private companies, the commune councils are at a loss as to how to get provincial authorities or a company to maintain the roads.

Rising Violence among Youths

Increased violence and drug use among youths are the only issues that do not relate to government officials (although in fact the children of officials are cited as causing trouble in some areas). Most villagers and councilors consider this problem to be of a small scale throughout Cambodia. Commune councils and partner organizations will need to join forces to address this as an emerging social issue rather than focusing on individual incidents. The successful efforts by women's organizations around the country to raise awareness about domestic violence demonstrate the potential impact of collaborative efforts on social issues such as this and can be a model used to confront youth violence.

Illegal Fishing Practices

Cambodia currently has the world's fourth largest freshwater fisheries industry. One of the most difficult and persistent challenges that communes face around large bodies of water is the problem of illegal fishing practices. The problem is serious because it affects the main source of protein supply for many families. It is also complex because it extends beyond commune boundaries. It also represents an uncomfortable challenge for councilors because the police and fisheries officials are often implicated in breaking the law.

EXAMPLES OF ADVOCACY ACTION AGAINST ILLEGAL FISHING UNDERTAKEN BY COMMUNE COUNCILS

- **Direct confrontation with limited partner support**
In some communes, the councils directly confront the police, meet with district and Department of Fisheries officials and disseminate information via village meetings. The overall results of this strategy have to date been poor.
- **Diverse use of advocacy strategies**
In some communes, the commune council chiefs are vocal in their complaints to district and provincial authorities about the conduct of fishery officials. The councils send strong messages discouraging illegal fishing practices to villagers and the media sometimes brings attention to the problem. The use of diverse strategies is generally successful, leading to improved behavior of officials and villagers.

- **Advocacy with partner support**

In other communes, councils and civil society are active in organizing meetings at all levels to deal with issues of corruption and illegal activities. However, this type of advocacy activity has often been met with many obstacles due to the high sensitivity at the local level to discuss bribes in public. Some of the meetings have been successful and resulted in for example illegal fishing equipment being confiscated and public commitments being made to discontinue illegal fishing practices.

- **Partnership with advocacy strategies**

Lastly, some commune councils' flagging efforts to deal with the problem are energized when NGOs engage and collect information at the village level. Partner organizations can help the councils raise issues at a Provincial Development Forum. A public forum can be organized with participants representing a wide range of stakeholders, including fish traders and producers of illegal fishing equipment as well as councilors and police. This strategy has also led to equipment being burnt and villagers being asked to commit to discontinuing the practice.

In all four fishery advocacy examples, the involvement of police officers and/or Department of Fishery officials was one of the main causes of the problem. In two of the cases it was indicated that the commune council chiefs were also involved, albeit not necessarily directly - one was seen as unable to control his relatives who practiced illegal fishing. While some councils directly confronted the officials, others were reluctant to do so. Appealing to district authorities was an important part of their strategy, but calling on provincial authorities was beyond the capacity of the councils, unless the council was particularly strong, located near the provincial capital, or benefited from the support of an NGO. When NGOs were actively involved in finding a solution, the councils were more likely to raise awareness among a wide range of stakeholders. An important strategy has been the mobilization of neighboring communes to take action. Inclusion of neighboring communes in public forums has resulted in commitments by the councils to address the problem in their communes.

Councilors generally consider that illegal activity by police and fisheries officials aggravate problems by encouraging villagers to follow their illegal practices. In some cases, however, villagers are responsible for encouraging illegal fishing. It should be noted that rural poverty is not perceived by councils as contributing to an exacerbation of the problem, which could be due to the councils' powerlessness in providing solutions to poverty but may

also be due to their lack of capacity to accurately assess the situation.

PARTNERSHIP INPUTS

NGOs have an important role in helping commune councils collect information and document problems to educate the public and present arguments on the need for action to higher authorities. Their presence also provides the support that councils need to confront officials directly when they are involved and to facilitate access to higher authorities and provincial department officials.

NGOs assist councils to organize public meetings and forums that contribute toward raising awareness and building public support for an issue. They provide logistical/material support and assist councilors to develop facilitation skills. Outside resources are particularly important for councils with few financial resources and limited ability to travel to meetings without additional financial support. Additionally, the presence of NGOs builds the confidence of the councilors, thereby enhancing their interest in developing alliances.

FUTURE CONSIDERATIONS

Commune Rights. Partner agencies can assist commune councils to understand their rights and limitations. Councilors are not always sure what rights they have to solve certain issues and without clarity are apt to be less pro-active. This caution extends to such relatively minor issues as data collection, documentation of cases to justify action and stakeholder identification. Some councilors think that they do not have the right to contact councilors from a neighboring commune. If councilors invite adjacent communes to their public forum, they think that they do not have the right to invite councilors from nearby communes in a different province. Additionally, councilors are not sure about their right to communicate with other communes although communication between communes is essential when a problem crosses commune boundaries – as in many natural resources cases – and an advocacy strategy needs to be developed.

Advocacy Skills. Commune councils' ability to solve problems would be strengthened from developing a range of advocacy skills within the councils. This could begin with the most basic skill, the gathering and utilization of information. It is important to document both failed and successful advocacy efforts and disseminate this information to commune councils around the country. Skill building should address such sectors as the media and

formulating local level policies. For example, media involvement can contribute to the resolution of a case. An in-depth understanding of how commune councils can work with the media would benefit local and national advocacy campaigns.

The key to any advocacy strategy is the need to establish objectives and measure results. For example, much effort has gone into public education on fisheries and advocacy to reduce illegal fishing practices. However, there is no evidence that councils are prepared to identify whether their efforts are effective or not. As part of the process of establishing realistic objectives, partner agencies can help communes to analyze the cause of problems and the objectives needed to solve the problems. At present, councilors do not understand the role of poverty as the motivation for fisheries violations. If poverty is the main cause of violations, public education alone is not likely to reduce illegal fishing. Villagers will still be intent on meeting the immediate needs of their families and other solutions will need to be applied in addition to public education.



Illegal fishing equipment being burnt in Chroy Sdao, Battambang

Advocacy Strategies. Understanding how to develop advocacy campaigns would provide commune councils with the ability to plan for sustained action. Several councils withdrew from moving forward when their initial effort failed. Knowledge of how to build a campaign would reduce the inefficiency of short-term approaches often attributed to single action initiatives. Successful strategies used to date include organizing public forums to raise awareness of problems among a range of stakeholders. Problems that cross commune boundaries can only be addressed through inter-commune forums. Developing links with the media is an important strategy for raising awareness on commonly shared issues among wider audiences. A television strategy would be particularly effective

given the high number of people who watch television in the country.

Partner agencies have the technical resources to assist councils in dealing with two particularly challenging aspects of advocacy: applying pressure for change and designing diverse strategies. Partners can also provide councils with the confidence they need to remain tenacious in their advocacy efforts. The current country problems suggest that advocacy is an area with significant potential for rich interaction between commune councils and civil society.

The Commune Administration Law (Articles 48-51) grants commune councils legislative powers to enact commune orders, commonly referred to as *deccas*. Commune councils are free to formulate commune policy as long as it coincides with the Constitution and national legal instruments. A review of *deccas* passed by councils during the first 18 months of office is useful because it provides an indication of the potential of commune councils to formulate policy and highlights areas where councils could use additional assistance.

Most of the *deccas* enacted by communes are those based on formats provided by the Ministry of Interior. The most common relate to the creation of subcommittees required by LPP policy: Planning and Budgeting, Procurement, and Monitoring and Evaluation Committees). While all of the communes that have implemented projects using the commune development funds are required in principle to have those committees, Table I indicates that a number of communes have either not passed the required *decca* or the councilors failed to mention them during the interviews.

When communes have repaired roads using the commune development funds, some councils have passed a *decca* to establish a road maintenance committee with the assistance of POLA and the Provincial Department of Rural Development. Another common *decca* enacted in response to a POLA directive designates two commune representatives to act as a liaison between POLA and the

communes. These representatives are charged with monitoring commune council activity for POLA and LAU.

Table I shows how eleven councils have enacted a number of *deccas* relating to protecting and ensuring management in specific sectors. These include community forestry, natural resources, fisheries, land use, and disaster management. These have been drafted with assistance from a line department or an NGO.

A number of communes have begun to draft *deccas* at their own initiative. For example, communes with numerous villages have passed a *decca* to ensure that each village has a councilor assigned to it for communication, councils have delegated responsibility for dispute mediation to an individual in order to ease the workload of the councilors while remaining responsive to villagers, a council has drafted a *decca* to specify compensation of property damage caused by unattended cattle, and another has established a [Sub-] Committee for the Prevention and Management of Human Rights Violations (CPMHRV) through a *decca* to resolve low-level disputes. The last one represents one of the more innovative and strategic policy efforts by councilors as it provides councils with access to grassroots information through a network of community volunteers and is counterbalanced by a local NGO's human rights watchdog network. With these nascent efforts, the individual characteristics of a commune and its councilors as well as the council's ability to respond to local conditions are beginning to emerge.

Table I: Enactment of *deccas* by the target commune councils

| | POLICY - DECCA | Format from | Trapeang Sap | Sre Khong | Andong Por | Tbong Krapeu | Chamma Leu | Rumcheik | Toul Pongro | Chroy Sdao | O'Tapong | Koh Chum | Toeun |
|---|---|----------------|--------------|-----------|------------|--------------|------------|----------|-------------|------------|----------|----------|-------|
| | | | ✓ | ✓ | ✓ | ✓ | ✓ | ✓ | ✓ | ✓ | ✓ | ✓ | ✓ |
| Required by Ministry of Interior | Planning Budgeting Committee (PBC) | DOLA/POLA | ✓ | ✓ | ✓ | ✓ | ✓ | ✓ | ✓ | ✓ | ✓ | ✓ | ✓ |
| | Procurement Committee | DOLA/POLA | | | ✓ | ✓ | ✓ | ✓ | ✓ | ✓ | ✓ | ✓ | ✓ |
| | Monitoring & Evaluation | DOLA/POLA | | | ✓ | ✓ | ✓ | | | ✓ | ✓ | ✓ | ✓ |
| | Road Maintenance Committee | POLA/PDRD | | ✓ | ✓ | ✓* | ✓ | ✓ | | ✓ | ✓ | ✓ | ✓ |
| | Assignment of Point Person (2) - extension | DOLA/POLA | | | ✓ | ✓ | ✓ | ✓ | ✓ | ✓ | ✓ | ✓ | ✓ |
| Initiated by commune councils and partners, not required by MOI | Natural Resource Management | GTZ | | | | ✓ | | | | | | | |
| | Disaster Management Committee | POLA/DCDM | | | | | | ✓ | | | ✓ | | |
| | Forest protection - bans cutting | | | ✓ | | | | ✓ | | | | | ✓ |
| | Banning electrical fishing | | | ✓ | | | | | | | ✓ | | |
| | Economic compensation for crop damage by cattle | self-initiated | | ✓ | | | | | | | | | |
| | Assigning councilor responsibility for village | self-initiated | | | | ✓ | | | | | | | |
| | Delegation of responsibility on 'judicial' issues | self-initiated | | | | | | | | | ✓ | | |
| | Land use management committee | CIDSE | | | | | | | | | | | ✓ |
| | Point person for women's affairs | | | | | | ✓+ | | | | | | |
| | * self-initiated + not active | | | | | | | | | | | | |

CHALLENGES

Formulation and enactment of policy requires a complex set of skills and in-depth knowledge of the legislative process. Currently councilors do not have access to capacity building to assist them in this role. In spite of the described policy initiatives, councils feel unsure as to the extent of their legislative powers and as a result, information about *deccas* enacted by the council is shared with caution.

Once a *decca* is passed, councils are active in educating the public about it – usually through village meetings. Enforcement, however, is far from guaranteed. In one example, one commune faced a problem with road side vendors' goods encroaching on the national road. The commune council invited the vendors to a meeting. Those who attended questioned the authority of the commune council to take action. The commune council was unable to identify the source of any authority, not considering showing the vendors the Law on Administration and Management of Communes or issuing a *decca* to address the problem. However, the passing of a *decca* is not guaranteed to be beneficial for the villagers, and is not necessarily proof of the level of activity by the commune councils. *Deccas* need to balance the issues of human rights, economic growth and equity in order to be positive for communes, if they are not, they can pose a threat to the democratic freedom of the villagers in the commune.

PARTNER INPUTS & FUTURE CONSIDERATIONS

Partner inputs in the area of policy formulation tend to focus on specific sectors in which the partner agency has a special interest or area of expertise. Many partners in rural areas focus on community development issues, and these usually relate to natural resource management: the environment, fisheries and forestry. Councils are willing to take on these topics because they address concrete issues and are directly related to village livelihoods and the protection of future resources. The councils' self-initiated *deccas* tend to focus on fairness and inclusion – whether to compensate villagers for damages done to property or to make sure that the council is being responsive to all villagers. Although current partner assistance in the area of policy may build capacity indirectly, general efforts to develop a council's skills related to legislation are virtually non-existent.

Policy formulation and the enactment of democratic legislation are indicative of a council's ability to respond to the local context. For this reason, tracking the passing of a *decca* by the commune councils and assessing its fairness will be a good indicator of how proactive the commune councils are in responding to community needs. Basic education in Cambodian law and the drafting of legislation as well as information regarding legislation passed by other commune councils are among the strategies

that will help build commune council capacity to enact *deccas*. The commune administrative training program is currently adding a section on writing *deccas* that could be complemented by partnership activities. However, given the limited skills of many of the councils, this particular intervention may be suitable only for the most advanced councils and those that have a pressing need for particular legislation. Regardless, all partner inputs related to policy need to take the possibility of enforcement into consideration from the start and not consider the enactment of a *decca* as the final step.

Example of an Illegal Fishing Decca in O'Tapong, with five main points:

- Specification of what is considered illegal equipment;
- Identification of protected areas;
- Emphasis that solving the issue necessitates collaboration between relevant authorities and villagers;
- Specification of the council's authority to give fines and that fines collected will be put in the commune fund;
- Specification of what evidence will be taken into consideration, e.g. an oxcart that carries illegal equipment.

PUBLIC SERVICES

Responsibility for public services is delegated to the commune councils under Article 43 of the Commune Administration Law, which states that the councils have a duty to “manage public services as necessary” and “perform general affairs in response to the needs of the citizens.” Currently the central government assumes responsibility for public services such as health and education. Commune councils have a responsibility to ensure that their constituents have adequate access to such services and to seek to establish local services that the national government is not in a position to provide.

Commune councils have been in office for a relatively short time and they have many problems to address with limited resources. It is not surprising, therefore, that councils have yet to begin to address the issue of public services. Most councilors are not yet able to conceptualize a role for themselves in the provision of public services. But exceptions exist, and it is to these exceptions that partner

agencies can turn in order to visualize how councils can provide or support public services in the future.

ROAD MAINTENANCE & WASTE COLLECTION

In the Tbong Krapeu, the commune council established a road maintenance committee that collects fees and employs two people to maintain the road on a daily basis.

After the main road leading through **Tbong Krapeu Commune** was repaired, it was clear that without proper maintenance, the road would not last in good condition for more than a year or two. A decision was made to enact a *decca* to establish a road maintenance committee in Panha Chi Village made up of and selected by beneficiaries at a village meeting. The committee was responsible for raising funds to maintain the road. In early 2003 the committee members were elected, and decided to charge trucks that transport sand from the river and travel on the commune road a fee of 1,000 Riel (US \$0.25) per trip. The council used the funds to purchase a wheelbarrow. The council also pays two cleaners from Panha Chi Village 25,000 Riel (US \$6.25) each per month to maintain the road, and in particular to collect oxen manure. The cleaners work on the road every day. Any remaining funds are used for materials for maintaining the road.



One of the road cleaners in Tbong Krapeu Commune

The example suggests that it is possible for communes to begin providing public services without external assistance. In other cases, outside agencies are collaborating with councils to provide start up assistance.

COLLABORATION WITH GOVERNMENT AGENCIES

Commune councils are also beginning to interact with government agencies regarding public services. In some communes, the councils have taken the initiative to apply pressure on schools to keep poorer children in school who cannot afford informal school fees. Similarly, councils are applying pressure on health centers to discontinue charging for treatments that have been declared free of charge according to national policy. The pressure in these cases was applied in the form of meetings with teachers, the school director and health center directors to ask that they change their practices.

In addition to lobbying for improved services, commune councils complement national services and work in collaboration with government line departments. One example is a local tourist attraction, where the Department of Environment has visited the commune council to discuss garbage disposal and organized a study tour for councilors to visit another popular tourist area to learn about maintaining a tourist area. With assistance from the Department of Environment, the council has selected a location for garbage disposal, however as the commune has no means for transporting the refuse, the site is not yet being used. The case demonstrates how commune councils can form partnerships with national government services that complement these services.

COLLABORATION WITH PRIVATE SECTOR

Public utilities are commonly provided by private sector enterprises in Cambodia, particularly in rural areas. At this time, many communes do not have public services such as electricity, water and waste disposal. In the future, however, commune residents may be able to gain access to public services because of collaborative efforts between the commune councils and the private sector. The example of Kosan describes how 200 families in Trapeang Sap commune gained access to clean piped water when a local consulting firm, an NGO, the commune council and the Ministry of Rural Development came together.

Kosan is a local consulting firm that provides technical assistance and financial support to the Ministry of Rural Development to support private sector water supply programs. Kosan and the Provincial Departments of Rural Development collaborate to design water treatment towers and pipeline systems. In Trapeang Sap Commune of Takeo, the project provided a US \$20,000 grant to a private contractor to build a water treatment tower. The project now provides piped water to 200 families. Users pay a connection fee of no more than US \$15 and water fees of US \$0.5 per m³ for clean water. Although the commune council is considered a granting authority on this project, it does not participate very actively because the water treatment plant is one among other activities within a larger project. Nevertheless, the example highlights the type of cooperation that can occur between private sector, national government agencies, development agencies and the commune councils.

CHALLENGES

At this time councils still have difficulty visualizing a role for themselves in the provision of public services. One obstacle is that they are not sure what their role should be. For example there is no clear assignment of responsibility either to the commune councils or a relevant ministry with regard to garbage collection at the commune level. Similarly there is no source of technical assistance as to how communes might go about developing a project with the private sector to provide electricity or water resources to a commune. Other obstacles limiting a council's vision of public services include lack of resources, lack of exposure to working models and insufficient access to government departments.

Sooner or later, commune councils will need to focus on the provision of public services in order to promote the welfare of their constituents. In some cases, omission to do so can threaten the safety of villagers. Commune councilors are concerned, for example, about the increase in accidents resulting from cars driving through commune towns at high speeds. Sometimes, cars drive on the left side of the road because it is in disrepair. The commune councilors are upset but have no notion of how to proceed as they are not sure whether they have the right to put in a speed bump and additional caution signs, or whether they need permission from provincial authorities.

PARTNER INPUTS

Partner agencies can assist the councils by clarifying responsibilities for particular services. If a service does not fall within the scope of implementation of the council, partners provide councilors with opportunities to meet with those who are responsible, such as education and health officials, to present their case and inquire about follow-up. Partner agencies can help by exposing councilors to models and examples of public service projects that are achievable given their resource constraints. Finally, partners can assist commune councils to initiate public services by providing them with initial materials, all the while ensuring that the council has a plan for the maintenance and sustainability of the project.

This chapter examines the extent to which councilors apply the principles of good governance when executing their duties. In order to ensure a common understanding of governance practices, definitions have been adapted from Kato et al in *ADB: Cambodia – Enhancing Governance for Sustainable Development* (2000), which describe the principles of good governance as follows:

- **Participation:** people are involved in policy and development processes.
- **Accountability:** public officials are answerable for government behavior.
- **Transparency:** information on public sector decision-making, policies, actions, and performance is made available to people.

In addition to the above principles, this chapter provides a brief overview of public expectations of commune councils and a discussion of the effect of political influences in the communes.

PARTICIPATION

For the purpose of this publication, participation is understood to be attendance of civil society representatives and/or the general public at meetings where they can hear about the activities of the commune council, voice their opinions and request explanations. Participation also includes involvement in decision making such as public input into the selection, design and implementation of commune development projects.

MONTHLY MEETINGS

According to the Commune Administration Law, commune councils are required to hold regular monthly meetings with all councilors. The law intends for these meetings to be open to the public, although councilors have the right to hold additional closed meetings at their discretion. It seems, however, that meetings have been less than regular, particularly since the national elections. In some instances meetings are being held only every other month.

With regard to participation in meetings, in some communes, the village chiefs attend the meetings, while in others VDC representatives attend. Attendance tends to be dependent on whether the village representatives receive some form of notification or invitation to attend the meeting. Once commune councils send a notification to a village representative for a meeting, the representatives will

only attend future meetings if an invitation is received. While the attendance of village representatives (VDCs or village chiefs) at council meetings is not regular, it is suggested that before the commune elections people generally did not attend commune meetings, not even the village chiefs, unless there was a pressing reason. Currently there are very few commune councils holding monthly public meetings with villagers.

PUBLIC PARTICIPATION IN LOCAL PLANNING PROCESS (LPP)

An examination of participation in the LPP is available in a report entitled *PAT Empowerment Study – Final Report* (Nov. 2003). The report concludes that the public is becoming aware of the existence of a commune development fund and that many villagers have participated in the process of selecting projects.

There is one item of note regarding partnerships and public participation in the LPP. In one province, an NGO has opened discussion with representatives of the Seila program to establish special discussion groups representing the poor in the village portion of the LPP to ensure their voices are included.

REPORTING & DISSEMINATION OF INFORMATION

Commune councils usually indicate that village chiefs receive copies of council monthly meeting minutes and that the information in these is disseminated at village meetings. However, many villagers still do not receive or have not heard of reports from the council meetings.

Many communes have information boards to post information of interest to residents. Some that do not currently have boards may get some soon through the PLG

communications pilot project. Although the level of literacy is low, a surprisingly large number of people often stop and look at information boards even if they cannot read because they seem to be hungry for information. This emphasizes the importance for information to be presented in a form that is available to villagers who are

illiterate or neo-literates. The majority of councilors have yet to understand that posting information can be a way to make a connection with commune residents and raise the profile of the councilors.

COMMUNE COUNCILS AND VILLAGE ORGANIZATIONS

The only regularly active VDCs are those supported in some way by development agencies, and they have ongoing projects and meetings with participants or members of

“... People stop to look at documents even if they cannot read...”
Commune Councilors
in Chamna Leu &
Trapeang Sap

the community. VDCs that do not have this external support, whether they are organized by the Provincial Department of Rural Development (PDRD) or another agency, are generally not active, although they may be activated to monitor projects, such as those funded by the commune development fund. In some areas the PDRD VDCs are active in road repair, however, in many areas they are not yet active.

When VDCs are active and have good relations with the commune councils, the two groups tend to meet on a regular basis, on average about twice a month, and more frequently if they are located in the same area. Many members of councils and VDC representatives have developed professional relationships which have facilitated communication and built trust between them. Usually, the VDC representatives have to approach the councilors, as the councilors generally do not take the lead in visiting village representatives. However, when VDCs and village chiefs request that councilors attend village meetings, the councilors do usually attend. In addition to partnering with VDC, it is important for commune councils to work closely with village based organizations that can provide valuable human and in-kind resources for development activities.

ACCOUNTABILITY

Accountability, defined as councilors being answerable to their communities, has yet to become an established practice within the councils. In principle villagers are free to press their representatives for justification of their decisions and actions. In reality, however, they are unlikely to approach councilors unless their input is actively solicited and formal mechanisms are established that encourage them to do so. Such mechanisms are particularly important given the emphasis on status and the deference paid by villagers to those of status in Cambodian culture.

Development agencies are well-placed to promote accountability of councilors and are already doing so through the organization of village forums. In certain areas, NGOs organize annual village summary meetings and invite the councilors to attend and answer questions from the public. These local-level forums, which emphasize public interaction, are a solid first step for promoting the accountability of councilors. They provide members of the community with opportunities to obtain information and request justifications for actions taken or not taken by the councilors.



Interestingly, partner agencies are introducing councilors to concepts of accountability by helping them practice pressuring higher level officials to be accountable for their actions. The advocacy cases in this publication indicate that it is a challenge for councilors to advocate for change in behavior, but the growing body of examples show that more efforts are being made in that direction. Through formal and informal meetings and public forums, councilors are learning to approach officials and question them. In this sense councilors are beginning to practice the very behavior that proponents of decentralization hope villagers will one day practice with their councilors.

TRANSPARENCY

Since the establishment of the councils, councilors have been learning about financial management as part of the training they receive from the national government. Proper financial management is required for councils to access the commune development funds. However, these requirements do not extend to all the funds, in particular public contributions. Numerous stories circulate of commune chiefs and clerks colluding to divert a part of the public contributions intended for commune development projects for their own use. As there is no mechanism to verify the amount of contributions, it is virtually impossible to determine how much truth there is in these rumors.

In addition to the commune development funds and the required community contributions, communes have other sources of income. These include administrative fees from the registrations of births, deaths and marriages, occasional market fees, road use fees, garbage collection fees, contributions from private individuals, and additional funds collected from the public for road repair and other activities. Occasionally NGOs transfer responsibility for village credit programs to the councils, and these may be another source of income for the commune.

Development agencies occasionally provide grants to commune councils to implement projects. Because of their extensive experience, partner agencies have sufficient financial management skills to elicit proper financial reporting from the councils. For the most part, the agencies have been satisfied with the financial reporting of council grants, although cases exist in which commune council chiefs have been caught mismanaging grant funds. In these

cases, it is important that partner agencies take action to correct the situation, either by canceling future activities or working closely with commune councils to solve issues so that trust can be re-established.

PUBLIC EXPECTATIONS

The public is generally satisfied with the quality and selection of commune projects. However, the majority have experienced little or no improvement in their standard of living since the councils were established. In fact this declaration is difficult to assess: On the one hand, many communities have experienced severe food shortages in the past two years. On the other hand, the roofs of the most modest thatched houses in a large number of villages are being upgraded and the number of televisions per household continues to increase.



Village announcement board

Nevertheless, commune councilors are aware of the discontent of villagers and frustrated by their inability to respond due to lack of resources and limited skill capacity. It is not clear how rising unmet public expectations may impact the performance of the councilors. However, it is important that councilors and their constituents understand the causes of poverty and the extent to which councilors can realistically address poverty issues.

POLITICAL INFLUENCES

Not surprisingly, politics do enter into play at the commune council level. The first indication is reports of bias in the distribution of emergency assistance when commune councilors are involved: apparently people who belong to the party that holds the majority in the council are the first to receive assistance, and they receive assistance more frequently than non-party members. There are also frequent reports from villagers that a commune councilor affiliated with Party A is unlikely to assist a villager who belongs to Party B in solving a problem. This is not only an issue relating to Cambodia but is repeated globally.

In view of the fact that council performance is heavily dependent on the skills of the elected officials, the process by which the candidates are selected deserves particular scrutiny, and yet the topic is rarely raised in discussions regarding the councils. It is

Many villagers are frustrated over councilors from one political party refusing to intervene on behalf of a villager from a different party.

important to point out that a candidate selection process compromises the decentralization process if candidates placed high on party lists lack the necessary leadership and management skills and are not fully committed to advancing the interests of their constituents.

Political parties do make an effort to identify popular candidates. But in many cases those elected to office do not have the requisite skills. Some villagers and councilors alike are frustrated when faced with the reality that they are burdened with an unqualified council chief. Specific information on the candidate selection process is difficult to access. In some communes, members of the ruling party hold informal elections at the commune level to finalize the candidate list. This is not the case in all communes and often party members at the village level have no idea how the candidate list is prepared. In some cases even the candidates who were elected cannot explain how they were

selected. The minority parties do not have the privilege of holding informal elections to make the party list more democratic because it is reported that party members would be too afraid to attend. Selection of candidates is done by party officials who canvas communities looking for popular individuals who would be good candidates. While the leading party in Cambodia has many party agents present at the local level, making it easy to identify good candidates, for smaller or non-ruling parties it is harder to identify good candidates at the village level. Over time all parties will make it a priority to select good local candidates.

FUTURE CONSIDERATIONS

Commune councils have much progress to make in the area of governance practices. Partner agencies are particularly well suited to advance the goals of participation, accountability and transparency in the interest of Cambodian society. All three governance aspects need to be constantly encouraged and incorporated as requirements whenever development agencies enter into partnerships with commune councils.

At this time, there are no requirements for the councils to report commune revenues to their constituents and there are no public or institutional pressures advocating for improved transparency. In the future it is important for councilors to learn that lack

of transparency adversely affects trust between councils and partner agencies and that it is in the interest of councilors to introduce full public disclosure of all commune revenues. In the short term it is clear that partner agencies can influence council governance practices. In the long term, however, the goal is for these practices to be institutionalized and for the citizenry to hold the councils accountable.

With regard to public expectations, it is important for partners to help councilors understand the causes of poverty and of other problems that occur in the communes. Partners can also help strengthen councils by helping councilors educate the public about their roles and responsibilities. In this manner, partners can help councilors design appropriate responses and avoid the frustration that builds when unrealistic expectations are not met.

Political influences indicate that the interest of grassroots decentralization will best be served if the selection process of commune council candidates is opened up to party members so that members can participate in selecting the most qualified and committed candidates.

LEADERSHIP & MANAGEMENT

Commune council activities and the quality of governance practices are influenced by the leadership qualities of the council members. In their first term of office the councils are constrained by the fact that the majority of the council chiefs are former commune chiefs, and hence are accustomed to the management practices of a centralized governing style.

CHALLENGES

The main challenge of the leadership carryover is that councilors are unprepared for the transition from an autocratic to a consultative management style. Council chiefs often fail to make information public, keeping reports at home and not sharing them with other councilors, particularly those representing opposition parties.

Although councils generally claim to reach decisions through a majority vote, it is evident that the more socially acceptable practice of reaching consensus is usually the norm. The members of a council discuss an issue until they reach consensus. The vote is taken only when everyone knows that the decision will be unanimous. Only in councils that have higher levels of political tension is the decision-making process different in that when the discussion reaches consensus, for example when the commune chief first asks his councilors to raise their hands for agreement or disagreement, he keeps his own hand down. If the number of people that agrees is the same as the number of people that disagrees, he decides with his own vote.

Delegation of responsibilities is an ongoing source of tension in most councils. The problem arises when the commune council chief does not delegate responsibilities to the first and second deputies in accordance with the guidelines set out in the Commune Administration Law. One of the reasons for this is that some deputies have limited skills and are not able to discharge the duties associated with their office. However, political pressure has an important effect: commune council chiefs are discouraged by their parties from delegating tasks which reflect positively on the executor involved. Examples of such tasks include facilitating key meetings, receiving important guests, and implementing activities in the villages that improve and increase community support.

Examples of good delegation and leadership qualities do exist. One commune council chief, for example, acknowledges that most of the councilors have very limited skills, but instead of dismissing them as ineffective, they are encouraged to keep trying to learn. At the village level, the commune council is intent on helping village chiefs build up their own leadership skills and increase their knowledge of development issues. For this reason, the commune council chief encourages the village chiefs to handle the preparation of village plans on his/her own, rather than at a meeting led by commune councilors.

Finally, courage and confidence are other qualities that define the leadership of the council. Councilors who are timid are less active in pursuing the interests of their communities. To illustrate, one council has a signed commitment from the Department of Health to construct a health center. For over a year the Department has not acted on its commitment and the councilors have not visited the Department office to inquire why and demand that the District takes action.

PARTNER INPUTS & FUTURE CONSIDERATIONS

Development actors who work with commune councils agree that change in the management styles and attitudes of councilors will be slow in coming. Nevertheless, there are some activities that partners can do to promote that change. Civil society organizations and other relevant agencies can assist commune councils by being knowledgeable of the official guidelines regarding the assignment of responsibilities in order to encourage council chiefs to follow those guidelines. They can also help councilors build their capacity to perform duties so that council chiefs feel confident in delegating tasks to them.

Political pressure is a more difficult issue for civil society to deal with. Evidence suggests that tension due to party politics is reduced as an institution matures. Already councilors from various parties report that tension among councilors due to political polarization has decreased since the establishment of the councils. Civil society organizations can help councils to resist pressure by introducing concepts related to democracy, human rights, and especially the application of decentralization practices at the national, sub-national and local levels.



Partners can help foster good management practices by rewarding initiative building decision making capacity and remaining vigilant when councilors make judgment errors. A few partner agencies have already experienced difficulties with councilors and found that by expressing clear expectations of behavior it is possible to effect change in behavior. It is important for partner agencies to spend time in the communes to interact with a range of councilors and stakeholders in order to obtain multiple perspectives on situations.

Attitudinal change within the councils is often slow. Commune council chiefs retain their tendency to stay in control and to practice top-down management. In a number of councils the commune council chiefs are suspected of colluding with the clerks to misappropriate funds. Other councilors that are aware of the problem are often too intimidated to discuss it with outsiders. In some cases councilors from the same party as the commune chief have wished to quit because of lack of transparency. These problems occur for the most part in areas where the former commune chief was elected commune council chief. In the areas where the commune council chief is a newcomer, progress is much more rapid.

Benefits of partnerships and interaction

“A neighboring Commune [Rom Chrey] has a lot of interaction with villagers. If people lack water resources, the commune council chief knows how to network with organizations to see if any can assist in solving the problem. The commune council chief does not know how to educate the public, so he looks for an agency that can do it. He considers that any work in the commune is of importance to him. He allows his staff to try to help solve any problems encountered by the organizations. The quality of the council does not depend solely on the characteristics and skills of the commune chief, but on a group of 3-4 councilors who take turns getting involved.”

RDA Staff

PARTNERSHIP STRATEGIES

There is a wide range of distinctive approaches that organizations are taking to their work with commune councils, spanning from village and commune council education to more complex activities such as lobbying. At the same time, the majority of partnership programs are not fully mature: organizations are working from unstructured rather than prepared strategies. The purpose of this publication is to provide an overview of the range of current partnership activities so that program managers can design more comprehensive programs.

VILLAGE LEVEL ACTIVITIES

A number of partnership activities take place at the village level. The most fundamental is basic public education on the role and responsibilities of the commune council. Evidence from a number of evaluations and studies suggest that villagers are still vague about the role of the commune council and often are not even familiar with the term despite voting for commune councils, although there is increased awareness that commune authorities are involved in development projects that are being implemented in the communes. Programs focus on increasing public participation in the monthly council meetings through the creation of village networks to encourage villagers to attend the meetings or simply by providing resources for individuals to travel to the meetings. Such programs are still extremely limited in number. However, as recent studies emphasize the need for increased public participation to develop accountability, more attention is expected to be given to public education in the future.

Partner agencies support the councils by assisting them in the preparation of village plans as part of the local planning process. This continues to represent an important aspect of partner activities. Partners also support the councils by involving them in their own village activities. In some cases development agencies hold annual summary meetings of their activities in each village and include council participation as part of the meetings. These activities increase communication between villagers and

their representatives and provide opportunities for villagers to hold the councilors responsible. A small number of partners provide councils with annual reports of their activities.

In addition to opening up communication with villagers and submitting reports to commune councils, some agencies provide councils with direct grants for village activities. Grants are provided for a range of activities, from construction of a commune office to organizing literacy classes. Literacy classes are provided with assistance from the Provincial Department of Education, Youth and Sport/office of non-formal education, which trains teachers in literacy education. Such activities can be accomplished at a low cost and they provide councilors

with an opportunity to practice managing projects. At the same time, there is a need for close monitoring of grants to reduce the risk of mismanagement of funds. Agencies also have differing perspectives as to whether the management of development projects should become a regular council activity.

Partner agencies help to strengthen councils by promoting engagement between VDCs and the councilors. In one case a development agency is helping to organize an association of VDCs that meet at the commune level. When problems occur in the villages they can be brought

to the attention of the council through the association of VDCs. Partner agencies also encourage VDC representatives to attend the monthly council meetings, although irregular VDC attendance at those meetings suggests that the importance of this activity has not been adequately understood.

COMMUNE LEVEL ACTIVITIES

The most common partnership activities involve direct capacity building of councilors through workshops and coaching meetings. Nearly all organizations interviewed indicated that they invite councilors to attend any training courses that are held in their area. Topics include repetition of the Royal Government's training modules, covering



Police watch as equipment used for illegal fishing is destroyed in O'Tapong Pursat

topics such as administration, responsibilities of councilors, report writing, financial management, as well as important skills such as meeting facilitation and participatory rural appraisal. Occasionally partners provide training opportunities in more creative topics such as managing community funds, leadership, and conflict transformation. Follow-up to training activities varies widely between organizations, with some agencies providing intensive and regular follow-up, and others offering no indication that they conduct systematic follow up.

Coaching activities, in which partner staff visit the council office on a regular basis, are considered an important feature of any support program. Partner personnel agree that it is only during regular visits, in which an effort is made to talk to councilors individually and gain their trust, so that they can learn about the real situation in the commune. Staying overnight in the commune with different members of the council and of the community is cited as an important method for understanding commune dynamics.

Through the provision of grants, agencies help councils to develop their project management skills. Importantly, these grants provide leverage for partners to require a degree of transparency that the public is not yet in a position to command. For example, one NGO has worked with a council that was less than forthright about the use of grant funds. The NGO maintained relations with the council but suspended activity for two months until the councilors approached the agency with a changed attitude. It is in these cases, in which the partner agency maintains communication but clearly defines expectations of transparency, that the prospects for behavioral change are at their highest.

Some partner agencies make it a point to attend the monthly council meetings in order to ensure their regularity and encourage other members of the community to attend. Some agencies have attended all the meetings since the councils were elected in 2002, but these are few in number. Poor attendance by anyone except the councilors at the monthly meetings suggests that agencies have yet to understand the important governance aspect of having a civil society presence at council meetings.

Partnership agencies assist councilors to organize public forums. These vary between general public meetings attended by various officials and those organized around an issue. General meetings allow members of the public to ask councilors and officials questions about their responsibilities and about their current activities, promoting mechanisms for accountability. Forums organized around issues such as fisheries, help to raise awareness of problems

and build momentum for higher level political support to solve problems.

A number of agencies are focusing particularly on the role of women as constituents and councilors. One strategy is to provide public education to women on topics related to commune councils. The purpose is to build their technical skills and confidence so that they can one day consider becoming candidates for the council. Another strategy is to provide special training to women councilors in advocacy, governance and the role of the councilors, again with the aim of increasing their confidence so that they may take a more active role in the councils.

A partner agency has collaborated with commune councils to develop an official sub-committee to each council for the management and resolution of small-scale disputes. Although this represents a more complex level of assistance, the case highlights the types of activity that partners can support at the council level.

Development agencies are also beginning to develop assessment tools for commune performance. In a few cases partners are conducting baseline surveys to establish comparison data on performance. In other cases agencies are conducting interviews in the communes and comparing responses by councilors and villagers to see how their opinions coincide or differ.

Among the various strategies that partner agencies use to support commune councils, the following have been identified as **BEST PRACTICES**:

- Advocating for **public disclosure** of commune revenues
- Promoting creation of a **committee to access information** from community volunteer networks
- Organizing visits to **courts and government departments**; exchange visits
- Promoting **inter-commune meetings**

INTER-COMMUNE & DISTRICT ACTIVITIES

Efforts are increasing to bring councilors from different communes together to exchange experiences. In some cases the exchange is done on a limited basis, for example during study tours to a different province. Councilors cite these experiences as being particularly useful to them since they provide a chance to observe model projects in action and to have in-depth discussions with other councilors on particular challenges.

Councilors from neighboring communes are occasionally brought together in larger groups, for example during the public forums organized around specific issues. More recently partner agencies have organized meetings of all the commune councils from one district and there appears to be some interest in continuing this kind of activity. Some agencies point out that associative efforts are more likely to succeed if they are built around specific issues directly affecting villagers. For those issues that go across commune boundaries, these boundaries should not limit intra-commune links and should be addressed at the regional levels affected by the issue.

PROVINCIAL LEVEL

Partner agencies have been particularly helpful to councils by helping them access higher officials by providing them with opportunities to attend provincial forums. These are the types of opportunities that councilors have not been able to create for themselves. They have the double benefit of increasing communication with officials while building the confidence of councilors.

Another activity that serves the same purpose is the organizing of field trips by partners so that councilors can meet with officials from specific departments and ask them questions. Agencies have organized field trips to meet the Director of Health in one province and to observe how court cases are processed at the provincial level. This type of exposure greatly enhances a councilor's ability to understand government processes and relay that understanding to villagers so as to improve access.

In one province, a partner agency has included close collaboration with the POLA administrative unit responsible for disseminating new laws and providing some of the training to the councils. The aim of collaboration is to increase POLA contact with the councils so that the POLA officer has a better understanding of the limitations of the councilors and of the challenges they encounter.

At the policy level, partner agencies support the commune councils by lobbying the Royal Government on a number of issues, such as improving the policies of the Seila program, simplifying the paperwork required of the councils and a mechanism by which partner agencies can fund councils through the Government's Commune Development Fund.

BUILDING NGO CAPACITY

A number of agencies work indirectly to build the capacity of councils by supporting and improving the capacity of local NGOs to work with the councils. This includes grant-making agencies that now require their partners to work directly with commune councils as part of their partnership criteria. This strategy may be particularly effective as some small to medium local NGOs (with a permanent presence at the district level) appear to have developed excellent working relations with the councils.

Finally, a number of organizations build capacity of councils and NGOs through the provision of workshops and training courses on topics related to local governance and decentralization. Distribution of newsletters and sharing of training curricula are yet other activities that partners are implementing as part of their support of commune councils.



RECOMMENDATIONS

The following can be considered the most important considerations for partnering organizations that intend to pursue a strategy of working with commune councils:

1. **Strategic Selection of Commune Councils.**

Currently partner agencies tend to select the councils they work with by default, because they are already working with CBOs or VDCs in that commune. Partners often encounter frustrating situations when councilors are not committed to good governance or when no amount of training appears to increase the capacity of the council. In the future, partner agencies need to target commune councils strategically by identifying those that demonstrate the most potential to ensure that scarce resources are allocated to the councils that can make most effective use of them. Partner relationships and continued funding of council activities should be contingent upon good performance that is assessed by the partnering organizations on a regular basis.



2. **Participatory Development of Standard Council Assessment Tool.**

In order to target assistance to councils strategically, partners need to be able to assess council performance, both initially and throughout the life of a project. A number of agencies are already in the process of developing assessment tools. The interests of civil society will best be served if partner agencies come together to develop a standard assessment tool. Such a tool can be shared with smaller organizations, particularly local NGOs that do not have the capacity to develop one on their own. A standardized tool will also facilitate comparison of council performance. It is imperative that councils be included as an integral part of the development of the tool. In this way, councilors can have ownership of the criteria by which they wish to be assessed and ensure that partner expectations are realistic. Ideally, the tool could be used as a self-assessment tool by the councils as well as for external assessments.

3. **Documentation and dissemination of lessons learned to partner agencies and other commune councils.**

The findings of this publication suggest that although the councils have been in office but a short time, both councils and partner agencies are already beginning to build up a significant body of experience. However, the focus on action and capacity building has resulted in a deficiency of documentation. It is essential that partner agencies include documentation of

experiences, preparation of case studies and dissemination of lessons learned in their future plans. An important aspect will be the identification of model processes and activities that can be adopted by other councils. For example, information on advocacy activities, particularly on how communes join forces to pressure higher officials for change, will be key to inspiring other communes to become pro-

active, particularly those communes that do not benefit from the support of outside agencies.

4. **Targeting the commune council and not just the commune administration.**

An often overlooked aspect in partnerships is the importance of including all councilors in partnership activities and not limiting participation to the three council officers that make up the council administration. It is the presence of the regular members that adds to the depth of the decentralization model because it ensures that the council represents a range of perspectives. Currently many partnership efforts tend to focus on the commune administrators (commune council chief, first deputy and second deputy). In the future, partners should select participants for meetings and workshops to represent an even mix of officers and regular members of the council. This will help to avoid consolidating the power of the commune administration, include more women in the process and ensure that the capacity of the council is developed more evenly.

5. **Provide similar support to all villages for commune level activities.** Partner agencies that provide support to village associations need to be aware that uneven support to villages, particularly for commune level meetings, can create tension for the councilors. When partners support commune activities in which representatives from all villages attend, they should provide support (transportation, meals) for all participants, even if they are not working in all the villages. Currently some organizations follow this practice, but others do not, creating a strain for councilors when villagers complain they are being treated unfairly.
6. **Identify strategic entry points to government commune support programs.** As a number of agencies are showing, targeted collaboration with the Royal Government's decentralization efforts can strengthen the capacity of the councils while reducing duplication of efforts and inefficient resources. For example, partners can attend training-of-trainer workshops and other capacity building activities provided by the district and provincial facilitators and then in turn train the councilors themselves. They can signal to the facilitators which councils need additional assistance. They can become more active in the planning process and particularly in the district integration workshops, where the communes consolidate their plans with all development agencies working in their area. Partners can forge ties with the Provincial Office of Local Administration to raise awareness of commune issues and capacity and target administrators of the Seila program to suggest improvements for the local planning process.
7. **Provide councils with opportunities to access high officials.** Perhaps one of the most important contributions that partners can make to the capacity building of councilors is creating opportunities for councilors to access higher officials from the provincial governments and various line departments. Whether through field visits to provincial offices or through the organizing of public forums at the commune, interaction with higher officials allows councilors to practice the kind of accountability that a strong civil society will one day require of them. Exposure of this kind builds confidence in addition to allowing councilors to obtain answers that they can relay to their constituents.
8. **Increase public education on the roles and responsibilities of councilors.** Participation, accountability and transparency will only become engrained when voters require these qualities from their representatives. Currently villagers are ignorant of the role of the councils and the majority is not familiar with the term 'commune council,' even though they voted in the 2002 commune elections. Partner agencies can apply some leverage to improve governance practices within the councils but significant efforts are needed, including large scale media campaigns, to transfer that responsibility to the voters, including large-scale media campaigns and methods that can be used by voters to make their elected officials more accountable.
9. **Advocate for public disclosure of revenues.** An important part of good governance is public disclosure of revenues and expenses. Partner agencies are well positioned to begin to inculcate a culture of full public disclosure of commune revenues, including administrative fees and public contributions. The absence of transparency threatens to undermine public credibility in the institution of the councils and discourage direct external assistance to the councils. Partner agencies have a responsibility to encourage councils that agree to full public disclosure so that others may follow their lead.
10. **Promote fair distribution of council activities and resources.** The inclusion of the poor and other disadvantaged groups and women as beneficiaries of council activities and projects is part of good governance. It is also important to ensure that such activities are non-partisan and all commune council constituents are treated equally regardless of political or religious affiliation. Failure to distribute commune council activities and resources equitably threatens to deepen the divide in communes rather than eliminating them.
11. **Increase capacity of commune councils to create best practice *deccas*.** Commune councils need training in order to ensure that the *deccas* drafted by commune councils are suitable and benefit communes. In addition to the *deccas* that are compulsory, commune councils need further training on how to draft democratically sound *deccas* that apply and are beneficial to commune council constituents.

12. **Provide space for inter-commune interaction.** Commune councils need to continue to learn more from each other. Increased communication and interaction between communes will lead to enhanced power among commune councils, and an increase in best practices as exchanges allow commune councils to learn from each others' successes. It will also provide communes with models of good governance.
13. **Institute public forums between commune councils and civil society.** Public forums between commune councils and civil society on the national, provincial and local levels are an important component of good governance that provide information and increase the accountability and transparency of the commune councils for the benefit of the public.
14. **Develop commune council service marketing plans.** Public information on services provided by commune councils is important to increasing the villagers' access to those services. Commune council constituents need to be aware of what they can expect from their local leaders and therefore it is important that commune councils are trained in how to most efficiently disseminate this information in their communes. These marketing strategies include both how to use the media as a means of announcing commune council services, and how to most efficiently use traditional networking tools.
15. **Develop and promote a process for holding monthly meetings that encourages more broad-based commune attendance.** Citizens should have an opportunity to be lead by commune councils through regular public meetings. In order to ensure that citizens know about the meetings that take place, a strategy needs to be established in each commune for organizing the monthly commune council meetings. This includes timely dissemination of comprehensive information that details upcoming meetings. It is also important that these meetings apply to all citizens in the commune, regardless of status, and that illiterate citizens understand there is a meeting.
16. **Publications developed that address commune council challenges.** An important aspect of facilitating the democratization process in Cambodia is the dissemination of information to all stake holders and other interested groups. Publications should be produced that target commune councils and are appropriately formulated for their use in order to provide an education for commune council staff.



Activities during a commune council meeting in Chroy Sdao, Battambang

CONCLUSION

This publication reveals that councils are more active and performing a wider range of activities than is generally assumed. While the overall capacity of the councils remains limited, councilors are acquiring basic administrative skills and they are participating in general development and problem solving activities to improve the welfare of the communities they represent. More importantly, they are developing a tangible sense of ownership and responsibility for commune activities and a sense of control over what happens in their areas.

At the same time, current governance practices indicate that there is plenty of room for improvement. At this stage, councils are likely to incorporate governance principles such as participation, transparency, and accountability only to the extent that they are required to do so. Until those practices become intrinsic to the governance structures, it is important that such requirements are maintained and that every opportunity be used to reinforce good practices. At the same time, it is important to keep in mind the various pressures and limitations that councils face and to remain aware of the enormity of the transformations from the previous administrative system.

Interaction between commune councils and civil society organizations can be characterized in various ways. Partners can provide much needed financial and technical resources to a council while building the capacity and confidence of its councilors. Partners create opportunities for councilors to access higher officials and department officials whom they might otherwise meet only once a year at the District Integration Workshop. Conversely, councils often help solve problems on NGO development projects at the grassroots level. They lend authority to NGO activities by attending meetings

organized by development agencies, VDCs, and CBOs. Together, commune councils and development agencies collaborate to address complex problems such as fisheries, land and forestry violations.

To some extent, councilors are target recipients for partner support and risk being overwhelmed by development agencies that are increasingly placing them at the center of their strategies and potentially expecting them to implement NGO programs in the future. Similarly, a number of sectors, such as education and health, have expressed an intention for commune councils to play an increasingly important role in their strategies. There is a danger of partner agencies harboring unrealistic expectations of the commune councils. At the same time, councils present a challenge to development agencies when the councils' interests are not aligned with good governance practices.



Partnerships with commune councils will clearly continue to become a more important part of partner agencies' good governance strategies for Cambodia. The presence of partner agencies in a commune almost certainly helps the councils improve their governance practices. The ultimate goal in the partnership is to improve local governance in Cambodia by increasing the accountability of the councils to their constituents and not to outside development agencies. By practicing a deliberate strategy of educating commune council constituents and

encouraging them to participate in public affairs, effective governance practices will take root in Cambodia at the commune level thus providing a better chance to improve the livelihoods of the Cambodian people through further widening the democratic space.

PARTNER PROFILES

The advancement of good governance in commune councils around the country would not be at the stage it is were it not for partner organizations. Numerous civil society organizations are working with commune councils to make them more efficient democratic leaders in their communes. This section does not provide a complete list of all the organizations that work with commune councilors in Cambodia, rather it is an illustrative list of organizations, which provides examples of what activities organizations have done and can do in commune council work.

AMARA

Amara's *Empowerment of Women in Politics* is in 30 communes in Battambang and Banteay Meanchey. As part of the program, female councilors learn about law, human rights and gender issues. After the training, Amara invites the participants to disseminate information learned from the training amongst people in their villages. The goal of the program is to give women politicians the technical skills and confidence to lobby for change and actively voice the needs of women and children in their community.

Amara also monitors community meetings and establishes women's programs that address issues of domestic violence, civil registration and health. One of Amara's main goals is to get more women elected in commune and village councils.

ASSOCIATION COOPERATION FOR ECONOMIC DEVELOPMENT (ACED)

ACED was founded in 1996 and is currently working in 8 villages of Bavel Commune. ACED is a CIDSE partner. Among current and planned activities with commune council, ACED include:

- Training Needs Assessment with the commune council
- Regular attendance at the monthly council meetings.
- Organizing public forums.
- Regular attendance at the weekly district meeting attended by commune councils.
- Submission of a copy of ACED's activity reports every three months to the council.
- Annual 'end of year meeting' in each of its villages to review the achievements of the past year, attended by village chiefs, VDCs and commune councilors.

ACED began cooperating with the commune authorities before the councils were elected. The organization invited the commune chief to all workshops organized by ACED.

During the preparation of the annual plan in May, ACED staff conducted PRAs with villagers, VDC representatives, and village chief in each village to identify problems and establish priorities. It was then that it became obvious that most villagers did not understand the meaning of decentralization, how they help poor people in the village, and the rules that guide council activities. During the setting of the plan with the village, it was decided that the best way to solve the lack of knowledge about commune councils by villagers was to set up a public forum in which councilors would explain their role and villagers could ask questions.

BUDDHISM AND DEMOCRACY (B&D)

Buddhism & Democracy recently completed a baseline survey of five commune councils located in five different districts. In preparation for the survey, B&D invited a number of local NGOs working with commune councils in Battambang to provide feedback on the assessment tool. The survey covered three main topics: public participation, local governance and capacity and knowledge of commune councils.

Findings showed that commune councils with no NGO support experience difficulty mobilizing public participation and raising contributions. Most villagers are not aware of the commune council's work and do not understand decentralization concepts. Often they are not even familiar with the phrase 'commune council.' Communes that benefit from NGO support are more effective at implementing their plans.

All the councilors reported that they do not understand their roles and responsibilities. The work styles and level of performance are generally comparable to the pre-commune election period. Meetings are held irregularly. Most council chiefs are newly-elected and generally listen to the first or second deputies who are from the CPP party. In general, the deputies are party leaders who were former commune chiefs. Commune councilors lack initiative and are not knowledgeable about decentralization. They tend to wait for orders from the district and/or party leaders. They feel that they have no authority and no decision-making powers and must obtain permission from higher levels.

BUDDHISM FOR DEVELOPMENT (BFD)

Buddhism for Development (BFD) is currently collaborating with 39 commune councils in the provinces of Battambang, Banteay Meanchey and Odar Meanchey. It is involved with commune council training, capacity building and advisory programs, women's empowerment and has established an elaborate and effective human rights monitoring system.

In Sangker District of Battambang, BFD collaborates closely with the Provincial Office of Local Administration (POLA) to ensure that there is mutual accountability and that the ten councils in the district hold regular meetings and submit required reports in a timely fashion. The POLA office regularly accompanies BFD staff on monitoring visits. These visits are supplemented by additional coaching visits in which BFD staff help the councilors understand new proclamations that have been issued.

In Banteay Meanchey and Odar Meanchey, BFD is helping the councils establish new committees within the commune council structure through the creation of a *Subcommittee for the Prevention and Management of Human Rights Violations* (CPMHRV). The subcommittees are made up of one councilor and prominent members of the community, such as monks, laypeople, teachers and capable villagers. A committee usually has five to six members who meet monthly and when cases arise. The CPMHRV subcommittees benefit from receiving information from a network of BFD's Peace and Development Volunteers (PDV).

Working in collaboration with the Department of Women's Affairs, the justice system, and human rights organizations, BFD has organized a separate network of village Human Rights Volunteers called Human Rights Watchdog who monitor the human rights situation and identify violations. Unlike the PDVs, the HRVs do not provide information to the council, as they undertake a watchdog role. The combined efforts of these two groups provides the foundation of a mutually-reinforcing, mutually-offsetting partnership that identifies and assesses human rights violations.

COMMUNE COUNCIL SUPPORT PROJECT (CCSP)

Since its inception in December of 2000, CCSP has provided training on decentralization for NGOs that implement commune council and local governance programs in 13 provincial "focal points." The training provides local NGOs with the skills to facilitate their own trainings of commune council members. It also builds the capacities of these NGOs to better understand the logistical challenges of the decentralization process.

CCSP has also taken on an important communicative role in the information network that is crucial to the decentralization process. CCSP serves as NGO liaison officer at DOLA that connects NGOs and civil society with the NCSC at the Ministry of Interior. It also publishes and distributes 2,000 copies bi-monthly of an 8-page decentralization bulletin to NGOs, government offices, commune councils, embassies and media organizations all over the country. The organization sponsors a monthly decentralization lecture series in Phnom Penh and maintains a library consisting of over 300 decentralization publications (international and Cambodian) that are available to the general public.

CONCERN PURSAT

CONCERN began working in Pursat, O'Tapong in 1993. From 1999 until the end of the present project cycle (March 2004), CONCERN is implementing a Capacity Building for Rural Development (CBRD) program to build the capacity of local development actors, including commune councilors, VDC and CBO representatives, village chiefs and community leaders.

CONCERN capacity building for commune councils in Pursat includes:

- Supplementary training on the Local Planning Process (LPP) of the Royal Government's Seila program.
- Assisting commune councils to conduct their own workshops on road maintenance.
- Commune forum on fisheries.
- Workshop on managing village community funds at the commune-level.
- Assisting the commune councils to publicize information about the status of the funds at the local level, by encouraging councils to have dissemination meetings at the village level.
- Various working meetings – coaching – with commune councilors to review topics such as how to make a simple presentation to visitors, basic bookkeeping, report writing, and proposal writing.
- Inter-provincial and intra-provincial exposure trips.
- Grants for commune council activities including:
 - Construction of commune council offices
 - Latrines for schools, commune offices, etc.
 - Road repair projects & culverts
 - Income generation: bicycles and oxen
- Developed *Group Progress Indicators* for commune council performance and conducted a baseline exercise.

CONCERN SIEM REAP

CONCERN is working with commune councils, VDCs and CBOs in three districts of Siem Reap. In 2001 it started to work directly with the Commune Development Committees (CDCs). CONCERN has three models of interaction with the councils:

- Model 1: VDCs and commune councils receive both project support and capacity building.
- Model 2: commune councils receive project support and capacity building.
- Model 3: commune councils only receive capacity building support.

CONCERN has also conducted a workshop with the Department of Treasury, PDRD and Seila representatives, and commune councilors. The aim of the workshop was to identify a financial mechanism by which to channel funds directly to the councils. After the workshop, CONCERN decided to select the 'System 3' accounting system which promotes the greatest financial transparency. The system requires that the individuals preparing disbursement requests, assuming responsibility for the funds, and authorizing the disbursements are three different people. The system would also require immediate recording of commune funds by the council upon receipt (currently councils are not recording income). The deputy chief would be responsible for the commune funds. Before a disbursement could take place, the PBC, commune council and community leaders would need to meet and agree on expenditures. The clerk would then prepare a request for disbursement. Finally, the request for disbursement would be approved by the commune chief. In the next steps, CONCERN, commune councilors, the Treasury Department and the Royal Government will set about testing whether this system can be successfully implemented.

COOPERATION INTERNATIONALE POUR LE DEVELOPPEMENT ET LA SOLIDARITE (CIDSE)

CIDSE is working in 7 communes in Chum Kiri District and 24 villages. CIDSE's basic approach is to organize VDCs and in the future it will organize CBOs in the villages. CIDSE's project implementation plan for Chum Kiri includes defining a strategy to work with all 7 commune councils. CIDSE supports the VDCs and the various project sub-committees (PSC) in organizing activities. Capacity building is done through meetings, workshops, training activities and exposure visits.

Since 2000, CIDSE has been facilitating the creation of VDC associations that meet at the commune level. There are three associations. The purpose of the meetings, which take place every three months, is to exchange experiences

and identify common problems. Also, when a VDC encounters a problem in a village that falls within the realm of responsibility of the commune council, they can go to the VDC association, which will then approach the commune council. Each VDC has 7 members, and about 50 participants attend each of the association's meeting. CIDSE staff accompanies commune councils to the villages to facilitate planning meetings. The NGO has also organized a number of **study tours** for commune councilors.

GERMAN TECHNICAL COOPERATION (GTZ) KAMPONG THOM

At the provincial level, GTZ supports the Provincial Rural Development Program. This support includes advisory and assistance to PDRD, PDAPP, LAU, TSS, Ex.Com, and POLA. In 2001 and 2002, GTZ supported activities related to training of commune councils in 8 districts, beginning with preparation of training of trainers and adaptation of national standards/curricula in preparation for the commune councils. In 2003 PLG began supporting 4 of the districts and GTZ focused support on the remaining 4 districts. In 2001 GTZ started assisting, mostly through capacity building and other human resources development measures, provincial partners in the implementation of an IFAD community-based rural development program (CBRD) in Kampot and Kampong Thom to support local participation, commune infrastructure, technical departments and PDRD.

GTZ has begun to identify the most active VDCs to extend their work to water user groups, road maintenance committees and the communes' PBCs. In each of the GTZ target communes, the District Rural Development Team has selected two community extension volunteers to provide supplementary information on decentralization to villagers at meetings. To achieve this, the District Rural Development team has provided the volunteers with training in conflict management, fund management, facilitation, and communication. These community extension workers are not to be confused with the extension workers selected by commune councils as part of a POLA/LAU informal structure.

Free Platform/Forum

GTZ has initiated a *Free Platform* or Forum (Vitikaserey) for commune councils from the same district to meet and share experiences. VBNK was in charge of conducting the forums.

The participants selected the following topics of concern as their priorities for the second session:

1. Financial Management issues;

2. Lack of sense of responsibility on behalf of the clerks to complete their roles;
3. Inactivity on side of the Village Chiefs; and
4. Issues regarding the collection of in-kind contributions.

GTZ Civil Society Component

GTZ in Kampong Thom is also supporting decentralization through assistance to four local NGOs to support commune councils. The organizations supported include BFDK, CODEC, COWS, and MODE. The BFDK, CODEC, and COWS' commune council support programs involve the creation of village networks to encourage villagers to attend the commune council meetings. MODE's civil society project is similar although it involves sending only one person from each village to the council meeting. (A more detailed description of MODE's activities is presented below.)

GTZ also provides capacity building to the Pagoda Coordination Committee (PACOCO), which represents 43 Pagodas of Stoung District. As with the CNGO support program, the main aim of this project is for Pagoda committees to encourage villagers to attend the commune council meetings.

As part of this project, GTZ/DED has organized a questionnaire for NGOs and PACOCO members to conduct a baseline survey at the start of their civil society activities. The survey targets both councilors and villagers to assess understanding of the function of the councils and their role in the development of the councils. Topics include participation, decision-making, planning, monitoring and evaluation. The survey aims to inform councilors and the public about the accountability and transparency of the council.

KHMER INSTITUTE FOR DEMOCRACY (KID)

Capacity building of commune councils is the focus of a KID project funded by the Konrad Adenauer Foundation. KID is currently working in 47 communes, selected by the organization's 9 long-term partners in the provinces of Kampong Speu, Prey Veng, Svay Rieng, Kratie, Kampong Cham, Kampong Thom, Battambang, Takeo and Kampot. Workshops target all council members and clerks and last 2 to 3 days. Courses include commune administration, planning, financial controls and budgeting, and supervision and management of the council. Curriculum is based on the Ministry of Interior's model. Decentralization policy and the importance of public participation are recurrent themes in all the courses.

The Institute has drafted a handbook on the structure, duty and responsibilities of the commune council and commune chief, council timeframe budget and internal and external control of commune council management as guideline book for the daily work of the commune councils.

KROM APHIWAT PHUM (KAWP)

Established in 1993, Krom Aphiwat Phum is implementing community development activities in 24 villages of 11 communes and 6 districts of Battambang Province.

KAWP staff meets with the councilor administrators once a week, both in groups and individually, and attends the monthly council meetings. Their goal is to help the councilors understand the implications of any new laws passed by the national government and to help them delegate responsibility whenever possible.

In order to raise awareness of the councils' responsibility for the comprehensive development of the commune, KAWP encourages the councils to prepare plans for non-infrastructure activities that do not fall within the national government's Local Planning Process. The NGO also assists the councils to organize workshops on their responsibilities and encourages the public to attend the monthly meetings and ask questions about commune plans and commune funds.

KUNATHOR

Kunathor, working in 8 communes of Thamar Kol (Battambang), has maintained relations with commune authorities since the organization was established in 1995. Kunathor has conducted management workshops and fundraising workshops for commune and village authorities, showing them how they can mobilize resources from the public. Kunathor has also organized national resource management workshops, using skills learned from CIDSE and Star Kampuchea. Kunathor's main intervention strategy is coaching – meeting with commune councilors at least once a week to help deepen their understanding of decentralization.

MINORITY ORGANIZATION FOR THE DEVELOPMENT OF THE ECONOMY (MODE)

Established in 1995, MODE is working in all 8 villages of Sandan Commune (Kampong Thom). MODE does not work directly with commune councils but educates villagers about the councils so that they can understand decentralization and the rules regarding village attendance at council meetings. MODE facilitated the election of one villager as a village representative and provides extra

training to this person on decentralization, the function of the council, and the Commune Administration Law. MODE provides support for the villager to attend the regular council meetings. The elected villager is not a VDC member, but cooperates with the VDC and other development committees, and has a responsibility to disseminate information about the council meeting to villagers and to provide any necessary information about village issues to the council at the regular meeting. MODE provides materials for training and a small amount of money for transportation to the meeting. MODE also provides a one-time compensation in the form of a bag or writing supplies.

PACT CAMBODIA

Pact arrived in Cambodia in 1991. Surrounding the time of the commune council elections in February 2002, Pact Cambodia worked with local and international NGOs to raise awareness and develop the skills of Cambodian NGOs on non-partisanship before, during and after the commune council elections. The program provided support to the Cambodian NGO Support Network to develop a standard curriculum to be used for non-partisanship workshops throughout Cambodia. The key objective of the non-partisanship training was to educate NGOs to understand the changes that resulted from the implementation of the laws on Commune Elections and Commune Administration. The workshops were attended by over 300 government and non-government organizations, including observers from the three main political parties and the Provincial Election Committee. The workshops helped Cambodian NGOs and political parties to better understand their roles and functions in the decentralization process. In particular, it increased the understanding among political parties and the Provincial Electoral Committees regarding the roles and responsibilities of the commune councils.

Pact Cambodia has provided support to the Commune Council Support Project (CCSP) to strengthen its education and information campaign on the future structure and role of the Commune Council. Pact Cambodia has also awarded the Cambodians for Development of Decentralization (CDD) project with a sub-grant to support activities related to promoting greater accountability by the commune councils toward those living in the commune, and particular to the needs of the most vulnerable.

In 2002, Pact Cambodia released an English language publication on Advocacy in Cambodia, which was followed by an Advocacy Handbook in Khmer and English. Pact Cambodia is an active member and organizer of the Working Group for Partnerships in Decentralization

(WGPD), as well as the Decentralization Forums. Between September and November 2003, Pact Cambodia undertook a research on the partnerships between commune councils and civil society and is currently producing several publications on the subject.

RURAL DEVELOPMENT ASSOCIATION (RDA)

From the time it was established in 1993 until the commune councils were elected, RDA staff discussed their plans with the commune chief. Since the election, RDA meets regularly with the councilors about twice a week. RDA does not conduct training workshops but provides additional coaching if the councilors need clarification after attending a training course.

RDA organizes a meeting with the commune council and village associations three times per year to share information on processes of development in the commune and highlight problems encountered by RDA in the villages, in order to increase council cooperation with police, village chiefs and health staff.

RDA has helped the council identify funding support for meetings and to network to secure funding for a dam around the village to protect it from floods. The council shares information with the NGO (e.g. commune plan, needs or problems in the commune) and RDA provides the council with information about their projects, how many people are helping and what activities they are doing. If the council lacks technical skills, the NGO can usually provide assistance, e.g. preparation of the commune plan, maintenance of documents and files. If the council has an urgent problem, the NGO will usually try to help.

SILAKA

Silaka is currently conducting capacity building in decentralization and conflict resolution in Svay Rieng and Kampong Thom. As part of the program, Silaka provides training of commune councilors, local community leaders, village chiefs and village development members on definitions of decentralization, the roles and responsibilities of local government and civil society, leadership and conflict transformation skills. The key to Silaka's action plan is thorough follow-up (with monitoring and evaluation of commune activities) after training is completed, followed by meetings and strengthening of local networks of concerned citizens practicing conflict resolution. The effect of the program can be observed in increased clarity of commune council members and participation of village members.

SOR SOR TRONG

Sor Sor Trong's program with local NGOs in the provinces consists of three central components:

- Organizational development, which includes establishing goals, creating personnel policy, seeking funding, accounting and management of finances.
- Project implementation skills development, which includes technical skills training workshops for NGOs, coaching and guidance, exposure visits in field (SST pays for attendance and travel), and funding and arranging attendance of a national decentralization seminar in Phnom Penh.
- Civil Society building, protection of property (fisheries/forestry/environment), and community participation in national and local reform (national conference participation).

As part of SST's strategy commune councils are included in training and programming for NGO partners in their regions (workshops, exposure visits, training). SST establishes collaborations between regional NGOs and councils and conducts workshops on local reform policy (mostly involving land protection issues).

VICHEASTHAN BANDOSBONDAL NEAKROPKRONG KANGAE APHIVATH (VBNK)

VBNK increasingly sees decentralization initiatives as involving a combination of training that focuses on skills and knowledge transfer, and are supplemented by 'forums' or 'open spaces' where people can share ideas and learn from each others experiences. The ultimate aim of these forums is to plant the seeds for attitudinal change that is required if decentralization is ever going to take hold in Cambodia. A multifaceted decentralization program (TOT for PRASAC) is currently in progress. This work involves recruiting 36 trainers from 6 provinces, training them in a variety of decentralization issues and then backstopping their implementation to 12 groups of 25 participants in provincial locations.

Other activities have included a ZOA sponsored consultancy to provide assistance to Poipet Commune Council in their participatory Development Planning Process. They have also designed and delivered a VBANK open-access Orientation to Decentralization and commune council course. VBANK has designed and co-delivered a Perspectives for Partnership Workshop for commune councils and civil society. All of the trainings that VBANK implements include in-depth follow-up to ensure that they have been effective and thorough.

WOMEN FOR PROSPERITY (WFP)

WFP provides training on women and good governance for women commune councilors from all provinces. WFP's Women Politicians' Network is in its second year and meets three times per year to maintain dialogues between regions. WFP ran 21 sessions during the last year to assess the needs of women politicians. It found that there was a major need for mobility and transportation and raised money to buy 300 bicycles for members, and WFP continues to raise funds.

WFP trains women commune councilors in advocacy, governance law and the roles and responsibilities of commune councils, and gives them the confidence to support their ideas in council meetings. WFP works to promote more women commune council candidates and supports and trains them to run effective campaigns.

WORLD VISION INTERNATIONAL KAMPONG THOM

WVI is working in 11 communes in 3 districts of Kampong Thom. WVI provides support to the commune councils while also working directly with VDCs. Support includes, among other things, materials for meetings between councils and village leaders.

WVI conducted a mid-term evaluation of their program in two Kampong Thom districts in May and June of 2003, including a survey of 23 villages in 4 communes in Phnom Ballang and 23 villages in 4 communes in Phnom Sambo district. Interviews were conducted with councilors and villagers to compare their opinions on local issues. While most villagers are not aware of the work done by the Commune Councilors, they are able to express whether commune conditions have improved or not since the Commune Council elections of 2002. A number of villagers were involved in the work of the councils. The Councilors felt empowered by the establishment of the elections because they had a greater voice in the planning process and they had better access to information about the budget.

CASE STUDIES

Commune councils have a difficult task trying to rid their communes of illegal practices. This section provides two examples of commune councils' involvement in the fishery sector, one of the most complex development issues in Cambodia. Illegal fishing is one of the most serious problems faced by communes located around water, and commune councils often feel powerless faced with the challenge of combating illegal fishing supported by police, military and fishery officials.

Many people take up illegal fishing to earn quick money. Some are poor and do it for subsistence; some wealthier individuals provide equipment for illegal fishing in exchange for a share of the catch. Illegal fishing has a serious impact on villagers who depend on fishing as a source of protein and income. Following rice cultivation, fishing is the second most important source of income for Cambodians. Fewer fish has forced some families to look for other income sources and there has been an increase in the number of families who leave the commune to sell their labor.

In September 2003 the Prime Minister issued a proclamation regarding fishing violations. Some local authorities who commit violations make it difficult for commune councils to manage the problem and councilors considered that having a declaration by the Prime Minister would help. However, the fisheries law still does not specify a prison term. Councilors think it would be helpful if prison terms were specified.

CASE STUDY 1

FISHERIES: O'TAPONG COMMUNE – PURSAT

Illegal fishing has been a problem in O'Tapong Commune (Pursat) since 2001. Illegal fishing usually occurs during the February to April dry season resulting in the release of fewer fish during the rainy season when the ponds overflow into the rice fields. In 2002 the villagers in O'Tapong started to put pressure on the commune council to combat this illegal practice, resulting in the creation of a *decca* on illegal fishing practices.

ILLEGAL FISHING IN O'TAPONG COMMUNE: CREATION OF A FISHERIES DECCA

PRE-JUNE 2002

Villagers provided information to the police about fishing violations prompting the police to confiscate and burn illegal equipment. Violations by commune residents

decreased; but many violators lived outside the commune illegal fishing continues. Other communes eventually chose to take action with short-lived success and external violators resumed illegal fishing despite the confiscation of their equipment. Commune residents voiced their complaints, wondering why they were forced to stop fishing illegally while others were allowed to continue.

JUNE 2002

The council drafted a commune order (*decca*) on illegal fishing practices and made it public in the villages, resulting in a temporary decrease in the number of illegal fishing cases. However, prior to the national elections, illegal fishing increased as authorities focused on preparing for the elections.

JULY 2002 TO EARLY 2003

An action plan to reduce illegal fishing was collaboratively developed by the police and the commune council. The plan was based upon the draft *decca* written by the commune council. First, a four-member committee with three commune council members and one vice chief of police was formed. The committee conducted a house-to-house survey and asked residents to deposit illegal equipment with the commune office and then to agree, in writing, to stop fishing illegally. Forty-one pieces of illegal equipment were voluntarily turned in. The committee canvassed houses once again and additional pieces of illegal equipment were brought to the commune office. Police confiscated even more from fishermen. Prior to this campaign hundreds of cases of illegal fishing had been reported. From late June, 2002 to the end of August, 2002 only 50 cases were reported.

Violations increased again in fall 2002 as commune councils became immersed in Local Planning Processes and asked police to assume temporary responsibility for illegal fishing. Police began to overlook violations for a fee and violations from outside of the commune escalated. There were an estimated 100 violations in the commune from January to March 2003, with heavy representation from the nearby communes of Meteuk and Svay Dounkeo. Few violators from outside communes were caught.

NOVEMBER 2002

In response to increasing complaints from villagers, the commune council again initiated activities to resolve the situation, but were unsuccessful. CONCERN Cambodia collected data on fisheries violations and met with the commune council to collectively discuss action plans. The council rekindled its commitment to resolve the issue of illegal fishing and began to actively monitor the situation.

MARCH 2003

An O'Tapong commune councilor raised the problem of fishing violations at the Provincial Development Forum, a bimonthly meeting of NGOs and district officials. This was the first meeting in which illegal fishing in O'Tapong commune was raised. The issue was discussed in response to the commune councilor's request for assistance in developing more effective problem solving strategies. No solutions were developed, but the issue had captured the attention of meeting participants.

MAY 2003

The discussion on illegal fishing activities in O'Tapong continued during the next Provincial Development Forum with the O'Tapong commune council once again describing:

- The illegal fishing situation
- The perpetrators of illegal fishing, including those who provided illegal fishing equipment
- An estimated number of illegal equipment
- Problems encountered by CCs in solving the problem

The meeting ends with nine points of recommendation. One of these recommendations identifies CONCERN Cambodia and Seila as resources for the support and facilitation of a commune forum in O'Tapong commune.

AUGUST 2003

CONCERN assisted the commune council in bringing together 66 stakeholders from the district near the Tonle Sap. Invited stakeholders for the public forum included fish traders, producers of illegal equipment, fishermen, village chiefs, commune councilors, councilors and police from five nearby affected communes, district military police, district police, district military, district Governor, NGOs, DAFF/Dept. of Fisheries, and the Department of Environment. This meeting also included Conservation International (CI) and Flora and Fauna International (FFI).

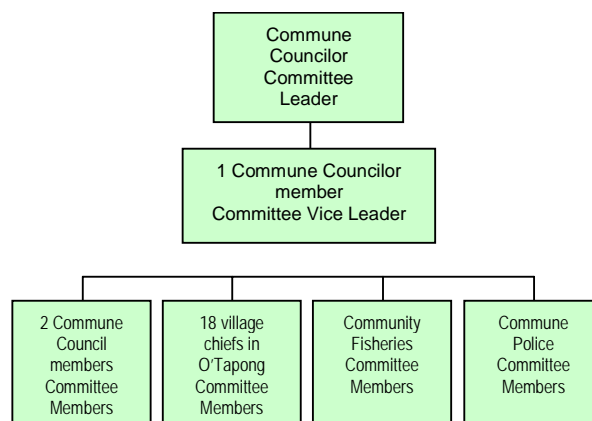
OCTOBER 2003

CONCERN reported on the public forum to the Provincial Development Forum and distributed forum minutes to all five councils. The illegal fisheries *decca* was finalized in October 2003.

FOLLOW UP

Commune councils signed the *decca* and widely disseminated it to relevant governmental organizations, villages, commune councils and participating communes who began to take action: O'Tapong established the "committee for controlling illegal fishing activities" with a membership of commune councilors, village chiefs, and police and community fisheries.

COMMITTEE FOR CONTROLLING ILLEGAL FISHING ACTIVITIES



Due to this action by O'Tapong the neighboring commune Boeung Bat Kandal confiscated illegal equipment and Meteuk apprehended violators. Meteuk commune hosted a forum and requested that illegal equipment be turned over; 40 pieces were given by fishermen. Sdok Klouk village elected a Community Fisheries Committee of 11 members to be guided by a to-be-developed Statute for Community Fisheries to:

- Patrol in the Community Fisheries area;
- Report any information concerning illegal fishing in its area to commune councils; and
- Follow the Community Fisheries statute.

LESSONS LEARNED

The O'Tapong commune council's efforts in dealing with the problem of illegal fishing gained support from a partner organization, which assisted the council in its strategy to eliminate illegal fishing in the commune. The result of the combined effort between the commune council and its partner organization was the burning of illegal fishing equipment and a commitment by villagers to discontinue the practice.

CASE STUDY 2

FISHERIES: CHROY SDAO – BATTAMBANG

Chroy Sdao Commune in Battambang has about 20 large and small public lakes which act as important breeding grounds for fish. Illegal fishing started back as early as 1993, after the national elections. By 2000, the supply of fish began to decrease. In 2002 the situation had become serious and nearly all the fish were gone. The situation was aggravated by floods and villagers lost their rice crops. Seventy percent of villagers have experienced food shortages in the past 3 years. The villagers have started to use electric shocking to catch and kill fish. “Before there would be only one or two cases of electric shock fishing per village, now there are a hundred per village.” Electric shock fishing is not only bad for the fisheries industry - last year a 39-year old man died of an electric shock while fishing illegally.

There used to be a law banning illegal fishing, which no one dared to disobey. If someone violated the law, the police would catch them. But the quality of police enforcement has decreased over the years and the police releases violators for a nominal fee. The current law specifies fines but no prison sentences for fishing violations. Equipment can be confiscated and sent to the district authorities and the violators are set free.

2002

Villagers began complaining about the decrease of fish in the rice fields. Councilors estimated that illegal fishing was done by about 10% of the population. Some families gave money to those who did the illegal fishing in exchange for a share of the fish. Complaints were increasing, although they were usually informal, not in meetings. RDA, the local NGO working in Chroy Sdao, reported that complaints at village meetings had been steadily increasing.

A group of 9 people were caught fishing in Chroy Sdao and paid a penalty of 270,000 Riel. Only 5% of this money was given to the commune, the remainder went to the district.

2003

The commune council organized a series of meetings to address illegal fishing

- A meeting between RDA and the commune council was called to discuss the problem. As a consequence, villagers became more aware of the fisheries law.
- A meeting with commune council, village chiefs, police chief and RDA staff was called to decide what action the police should take in the future and who should attend a public forum to ensure that a broad range of

perspectives were represented. The discussion became tense when police bribes for fishery violations were mentioned and the police chief acknowledged that some officers may be accepting bribes.

- A public meeting was called in Nikom Knong Village, where the problem was most severe. Over 200 villagers attended, as well as councilors, RDA staff, three police officers, the village chief, VDC representatives and laypeople. Villagers implied that they knew who was responsible for illegal fishing. There was no mention of police bribes – the topic is too sensitive for public discussion.
- Forty-five residents from Nikom Knong who were reported to have illegal fishing equipment were asked to voluntarily attend a meeting at the commune office/police station. During the meeting, 32 villagers applied their thumbprints to indicate their commitment to cease illegal fishing. Seven more agreed in principle to stop. Fifteen sets of illegal fishing equipment were confiscated and burned. Present at the meeting were: one councilor, two military officers, two district police officers and five commune police officers.

Villagers spoke openly about their concerns, commune council members confiscated illegal equipment and received agreements from villagers not to fish illegally, a community fishery committee was established, a *decca* was developed and disseminated by the commune council, and an action plan was developed.

The problem was not limited to Chroy Sdao - Boeung Pring and Ta Moeun Communes of Thmar Kol District and Mongol Borei District had similar problems. In cooperation with the relevant authorities RDA facilitated the villagers in three villages to participate in the planning process in order to maximize the impact of the *decca*.

NOVEMBER 2003

Planning was conducted village by village and brought to the district integration workshop. In the planning, the dissemination of the proclamation and other relevant orders is one of priorities in order to take action against the fishing violations. Regarding these priorities, 3 dissemination meetings were conducted in October 2003 with 349 villagers (including monks) and 85 sets of electric equipment and 19 pieces of illegal net were confiscated.

END OF 2003

RDA organized a dissemination meeting presided over by the district governor and participation of provincial and district police, commune authorities and villagers in Chroy Sdao village. The purpose of the meeting was to disseminate the Proclamation by the Prime Minister on

the omission of fishing violations and illegal equipment #02, issued in September 2003 and the functions of police regarding this article.

LESSONS LEARNED

In its effort to combat illegal fishing, the council in Chroy Sdao teamed up with a partner organization and organized meetings at all levels to advocate against illegal fishing practices. Because the subject was deemed too sensitive to address in a public meeting, private meetings with officials suspected of involvement in the illegal practice were held. The result was a commitment by the officials to decrease bribe taking. Additionally, illegal fishing equipment was confiscated, 32 villagers suspected of involvement came forward and publicly committed to discontinuing the practice, and an action plan was developed to guide future authorities.



Fishermen charged with illegal fishing provide their thumbprints to demonstrate their commitment to stop the practice.

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A paper on *The Social Fund, the Local Development Fund and Decentralization: the Case of Cambodia* can be viewed at http://www.uncdf.org/english/countries/cambodia/local_governance/technical_review_reports/UNCDF-Cambodia_casestudy.pdf

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An article on Cambodia's Long Road to Decentralization can be found at http://www.ijf-cij.org/folder_file_for_cambodia/2.htm

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The NGO Forum on Cambodia has made an NGO Statement on Commune Elections. It can be viewed at http://www.bigpond.com.kh/users/ngoforum/ngo_statement_2000/commune_election.htm

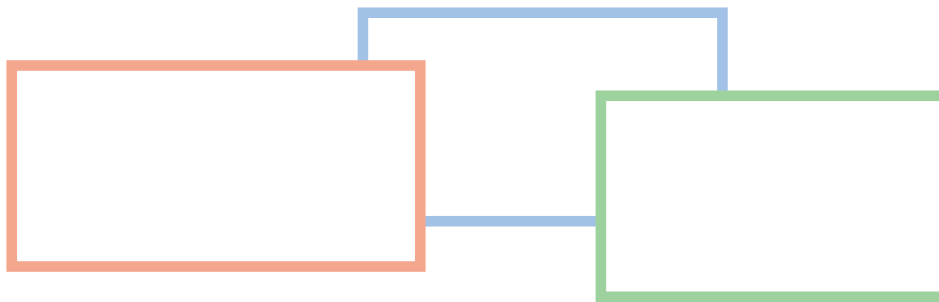
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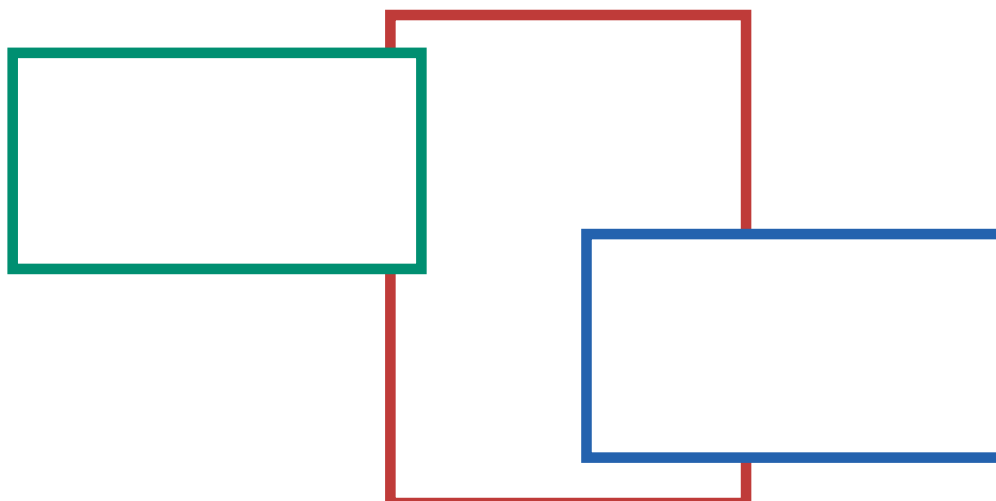
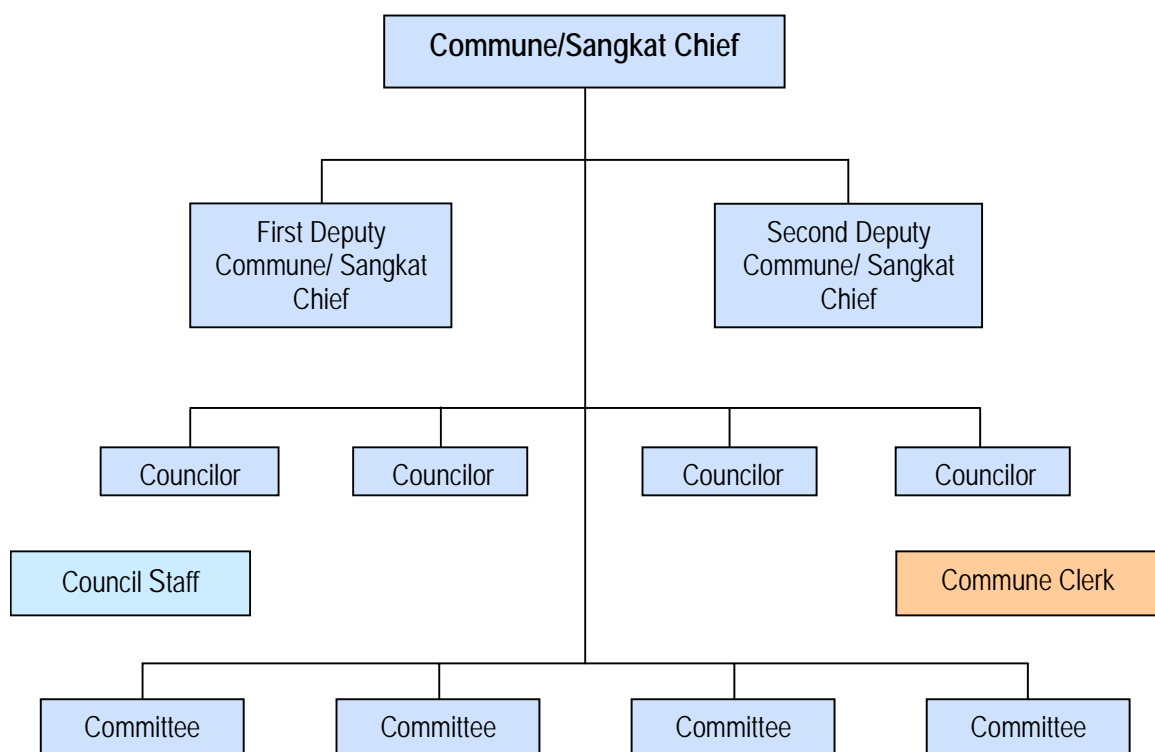
PROVINCES, COMMUNES & COUNCILORS

| Province | No Communes | No Councilors | No Women |
|--------------------|--------------|---------------|------------|
| Banteay Meanchey | 64 | 504 | 25 |
| Battambang | 96 | 744 | 107 |
| Kampong Cham | 173 | 1335 | 107 |
| Kampong Chhnang | 69 | 415 | 29 |
| Kampong Speu | 87 | 605 | 35 |
| Kampong Thom | 81 | 575 | 28 |
| Kampot | 92 | 542 | 24 |
| Kandal | 147 | 1061 | 80 |
| Koh Kong | 33 | 187 | 18 |
| Kratie | 46 | 280 | 18 |
| Mondolkiri | 21 | 105 | 15 |
| Phnom Penh | 76 | 652 | 115 |
| Preah Vihear | 49 | 317 | 36 |
| Prey Veng | 116 | 886 | 61 |
| Pursat | 49 | 339 | 43 |
| Ratanakiri | 49 | 251 | 27 |
| Siem Reap | 100 | 668 | 70 |
| Sihanoukville | 22 | 144 | 07 |
| Stung Treng | 34 | 176 | 13 |
| Svay Rieng | 80 | 516 | 74 |
| Takeo | 100 | 734 | 29 |
| Otdar Meanchey | 24 | 150 | 11 |
| Kep | 5 | 31 | 15 |
| Pailin | 8 | 44 | 06 |
| GRAND TOTAL | 1,621 | 11,261 | 983 |

Source: CS Fund Finance Position December 2003



COMMUNE COUNCIL STRUCTURE



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