CONCORD
EU Delegations Report 2017
Towards a more effective partnership with civil society
1. CIVIL SOCIETY SPACE AND ENVIRONMENT IN THE COUNTRY

In the last few years, civic space in Cambodia has become more repressive as respect for human rights. People face arbitrary restrictions on their right to freedom of expression, continuing impunity for those who carry out acts of violence against civil society actors, and violence and arbitrary detention of protestors and human rights defenders, as government grows intolerant of public demonstrations ahead of communal and national elections in 2017 and 2018. The right to association and civil society activities are protected by the Constitution, but subsidiary legislation can potentially be used for political reasons and to undermine civil society, such as it is the case of the Law on Associations and NGOs (LANGO) that defines broad and vague grounds for denial of registration and deregistration of organisations. Namely, there have been calls for NGOs to be suspended or shut down due to allegedly violating a clause of LANGO that requires all associations and NGOs to be politically neutral, as well as politically motivated investigations by the anti-corruption unit to national NGOs. In a joint statement first made before the UN Human Rights Council on 14th September 2016, 39 countries declared they were deeply concerned about escalating threats to “legitimate activities by opposition parties and human rights NGOs” in Cambodia, and the European Parliament also issued a strong resolution condemning abuses and repression in 9th June 2016.

NGOs are mostly viewed by public authorities as important partners in the delivery of basic social services (as established in the National Strategic Development Plan 2014-2018 that acknowledges NGOs’ role in development only in service delivering and providing emergency relief), and interaction is easier for CSOs that work in areas of public service delivery (e.g. education, health etc.). However, organisations that work on more sensitive issues such as land rights, women’s rights, human rights and advocacy face a restrictive environment. Although the government of Cambodia has a number of mechanisms to involve NGOs in national development strategy formulation and policy implementation and dialogue, in practice NGOs have limited influence on government strategy and policy, and report findings/recommendations put forward by CSOs are constantly rejected or considered flawed. CSO-government dialogue has nevertheless positive experiences in some areas: decentralisation dialogue with the National Committee for Sub National Democratic Development (NCDD); groups working on environmental code and other technical groups; dialogue within the judiciary reform; post-MDG framework. Other interactions are more complicated, namely the engagement with the Parliament and the participation in key policies, such as national budget, land rights or corruption. At local level, some governors are willing to build partnerships with civil society while others are very reluctant to engage.

The majority of CSOs depend on international partners, and only a minor percentage of funding to NGOs’ programmes and projects is concentrated on advocacy and human rights, which also reflects government’s and donor’s priorities. Upward accountability to donors is a major concern and CSOs claim that institutional capacities are developed to satisfy the increasing donor requirements. Recently, the graduation to lower-middle-income status (from 1st July 2016) raises concerns about a scale-back of foreign aid and preferential trade access over the coming years, requiring efforts to avoid the middle-income trap.

2. SUPPORTING AN ENABLING ENVIRONMENT FOR CSOs IN CAMBODIA

The work developed by the EUD in supporting an enabling environment for civil society is mostly not visible and this low profile or “silent diplomacy” is sometimes felt as unwillingness to be straightforward with public authorities, with CSOs asking the EUD to take a stronger stance in defending human rights and protect activists. These concerns are regularly mentioned by CSOs in their regular dialogue with the EUD, namely the need to take simple measures to show support for human rights defenders (such as visiting them on prison and assisting them throughout the trial), to ensure a more rapid response from the human rights defenders’ mechanism, hear the testimonies of communities, financing human rights organisations in a more flexible way etc. Being more outspoken and active – including through concerted statements from key EU representations in-country - on sensitive issues such as human rights violations, land grabbing, and impact on rural communities of the sugar exports would also be relevant. Furthermore, ensuring a support to elections that goes beyond observation (e.g. citizen awareness, voter education, registration) could be fundamental to support democracy and prevent possible incidents. With the situation deteriorating in the country, it is now more than ever that EUD and EU Member States support would be needed.

The EUD has tried to discuss and convey messages to the authorities regarding relevant issues to civil society, namely

---

1 According to the CIVICUS monitor, the status in Civic Space is classified as “repressed”. Cambodia is classified as “not free” on political rights and civil liberties by the Freedom of the Word Index (2016), and ranks 150th in the Transparency International index (out of 177 countries, in 2015). For a detailed analysis of civil society space in the country, see CIVICUS monitor (https://monitor.civicus.org/), ICNL Civic Freedom Monitor (www.icnl.org/research/monitor/cambodia.html), and Human Rights Watch Report 2017 (www.hrw.org/world-report/2017/country-chapters/cambodia)

2 A relevant example was the assassination of prominent political analyst and activist Dr. Kem Ley, in July 2016.

regarding the legal framework. In the last few years, the EUD engaged in consultations with public authorities on LANGO and insisted with the government and the national assembly on the need to hear civil society, including by giving examples of EU countries’ regulations to ensure a fair process of registration. This issue became very political at the higher levels of government and thus the impact of the EUD’s demarches was limited. Work is now being developed on the implementing guidelines for LANGO and the EUD has raised several issues that are of concern to CSOs, particularly to the Ministry of Interior.

Another important entry points are the mechanisms for a multi-stakeholder dialogue with the government, external partners, civil society and the private sector in the framework of high-level policy dialogue: the Cambodia Development Cooperation Forum – CDCF and the Government-Donor Coordinating Committee - GDCC, both including three representatives of the largest CSO umbrella platforms (usually CCC, NGO Forum and MEDiCAM), and 19 sector Technical Working Groups (TWG) with the participation of relevant sector-specific CSOs. In the TWG where European partners and EUD are most active (around half of the groups), a strong participation of CSO representatives is actively promoted. EU partners have also tried to coordinate their positions on several issues and have managed to speak with one voice in their dialogue with the government in specific sectors such as education, public financial management and decentralisation. The EUD is also leading discussions with the government for the establishment of a TWG on Land. Despite this, coordination before TWGs meetings is difficult for development partners and even more for civil society. Furthermore, the number of CSOs engaged in these dialogue mechanisms is still limited in many cases, and more dialogue and partnership mechanisms based on genuine negotiation and mutual agreement need to be promoted, particularly on more sensitive issues.

Besides these working groups, the EUD sometimes acts as a facilitator by promoting initiatives focused on improving a multi-stakeholder dialogue on relevant issues for civil society (e.g. to mark the Human Rights Day, a “Speakers’ Corner” event was organised, to provide the public, civil society and public official with an opportunity to interact on human rights issues).

Support to CSOs’ efforts and initiatives at local and communal level (where the space seems to be more open), particularly on participative democracy and cooperation between local authorities and CSOs seems to be very insufficient, and EU support to this is limited. The EUD is however implementing a more strategic use of funding, in order to support civil society enabling environment and capacities at local level (e.g. project for supporting capacities of community-based forest organisations through a NGO that works directly with CBOs on forest and natural resources’ management; project on building NGOs provincial networks for improving the capacity to advocate together).

3. DIALOGUE AND INSTRUMENTS FOR ENGAGING WITH CIVIL SOCIETY

In recent years, the dialogue with civil society has evolved in line with a change in approach on the role of CSOs in this dialogue: while an important part of the dialogue is still focused on funding opportunities and projects, the EUD’s approach has become more focused on policy dialogue, on enabling environment and challenges – and what can be done together to deal with those issues. The civil society in Cambodia is also becoming more professional and engaging in discussion about their governance structures, the results and representativeness, the role of external partners in supporting their agendas – and the EUD has been working on supporting these discussions, mainly through the most important networks/platforms.

In general, the structuring of dialogue with civil society in Cambodia is at a more advanced stage than in many other countries, although it is pursued mostly in an ad-hoc and responsive manner (e.g. when there are issues of common concern or urgent matters). As a result of the EU coordination and joint programming process, some of this dialogue is conducted by the European group (EUD and European partners active in Cambodia), and this has recently included:

- Consultations on joint programming: Elaboration of the European Strategy for Development Cooperation in Cambodia 2014-2018 (discussion on plans and priorities), monitoring report (2016 meeting on the outcomes of different sectors and policy impacts) and on the external evaluation of the strategy.
- Extensive consultations in the preparation for the European Country Roadmap in Cambodia, mainly including Cambodian CSOs whose inputs have been reflected in the final document.
- Joint meetings on pertaining issues to CSOs, such as the January 2016 meeting on enabling environment for civil society in the country, focusing on the legal frameworks, human rights defenders, elections, and international issues such as the Sustainable Development Goals and financing for development.

Among the principles of the Joint European Development Cooperation Strategy for Cambodia 2014-2018 4 is the space for a vibrant participation by civil society in national development policies and programmes. In this regard, one of the main objectives of the European group is to increase the support in backing networks, partnerships and synergies between CSOs, so that they can have access to larger amounts of funding, prepare more nation-wide projects, coordinate positions and thus make their voice stronger. Another objective is to establish a

---

4 It establishes 4 priorities: (1) Social development; (2) supporting sustainable and equitable economic growth; (3) Infrastructure; (4) governance and cross-cutting issues, including civil society development.
more structured consultation and dialogue mechanism with civil society (see next point on Roadmap).

Regarding the EUD dialogue with civil society, it entails a regular dialogue with major umbrella organisations and several ad-hoc consultations on calls for proposals and on specific programmes (e.g. consultations on the EU decentralisation programme (SNDD)). In general, the perception is that EU’s engagement with civil society has been reinforced in the last few years, mostly due to the commitment, will and openness to dialogue of EUD staff, despite the limited human and financial resources. However, most dialogue mechanisms focus on EU development cooperation programmes and don’t cover other EU policies, such as trade, which have a detrimental impact on human rights and which have not been sufficiently addressed or discussed. Some CSOs also feel that this dialogue does not work for them, particularly human rights organisations, which see their space shrinking and many human rights defenders at risk. Moreover, grassroots and community-based organisations are mostly out of these processes and their voices are not sufficiently heard.

The Roadmap

Before the EU Roadmap for Engagement with Civil Society was approved in Cambodia, there were also Guiding Principles for Effective Support to CS in Cambodia (2010), applied by EU development partners. European partners present in the country were actively involved in the elaboration of the roadmap and jointly organised an extensive consultation with CSOs (local and international). The document is very detailed regarding the context for civil society in the country, the European approach to tackle these challenges, the existing programmes (EUD and EU member states), lessons learned and plan of action with concrete indicators (dashboard regularly updated). Nevertheless, it is still unknown for many organisations and communication/information should therefore be reinforced, particularly on the follow-up and on what is expected from CSOs in the implementation and monitoring.

In Cambodia, the roadmap is mostly seen by the EU not as a mapping of existing initiatives but rather as a tool for commitment, with a list of priorities to which each EU partner contributes, in order to achieve the expected results. One of the main challenges is however to incorporate this tool into the joint programming exercise, in order to ensure real complementarity. European partners have diverse forms to operate, different discretionary power to define the civil society portfolio in-country (EU member states’ support is mostly controlled by headquarters) and joint instruments are very difficult to implement (e.g. pool funding). However, more can be done in terms of harmonising procedures (e.g. reporting) or using different instruments towards the same objective (e.g. one EU member state provides technical assistance to NGOs and EUD provides funding; EU member states and EUD may support different initiatives or needs of the same organisation; etc.). Systematic efforts should therefore be pursued to facilitate complementarity and coherence of EU (EUD + Member States) programmes and instruments of support to civil society, as established by the roadmap. As the roadmap process is very recent, it will also be interesting to see how it will connect with other donor’s initiatives and positively influence the situation of civil society in Cambodia.

The roadmap has also motivated a reflection of European partners on how effective the existing dialogue with CSOs is, which led to the objective of establishing a more structured dialogue and consultation mechanism with civil society. This mechanism includes two main key events: (i) An annual consultation meeting to review the progress of the joint strategy implementation and thematic issues that are particularly relevant to the enabling environment and active citizenship, and (ii) decentralised dialogue through a provincial meeting once a year, on a rotating basis (a different province each year - first scheduled for February 2017). The EUD will ensure the Secretariat and organisation of the dialogue mechanism, in consultation and coordination with European partners and representatives of civil society umbrella organisations.

The roadmap and interlinked dialogue processes with civil society also raise the issue of the necessary human and financial resources for implementation of this structured dialogue and initiatives. Regarding human resources, only 10% of the EUD’s CSOs Focal Points worldwide is dedicated to the roadmap. In the case of Cambodia, for instance, the support of a consultant (working as a facilitator and resource in several processes such as joint programming, aid effectiveness, the roadmap, the Gender Action Plan etc.) has been instrumental and very useful for dialogue, partly because it would be impossible to manage all these frameworks only with the available EUD in-house staff. A set-aside fund for structured dialogue, albeit small, would also be helpful to implement these ambitious mechanisms.

Funding

The main EU funding opportunities for CSOs in Cambodia are implemented through the European Instrument for Democracy

---

5 The Roadmap was approved in early 2015 and a revised version was adopted in January 2016 (after revision of indicators discussed at European Counsellors retreat). The defined priorities are adapted from EC Communication: (1) promote Human Rights and gender equality based approach in European development cooperation and strengthen an enabling environment for CSOs; (2) support local civil society efforts to enhance their internal governance, transparency and accountability; (3) structure European dialogue with CS and mainstream CS issues in European development cooperation.

6 This matches Priority 3 of the Cambodia Roadmap (“Structure European dialogue with civil society and mainstream civil society issues in European development cooperation”), and in particular indicator 3.1 on establishing a specific platform for European dialogue with CSOs.
and Human Rights (EIDHR) that finances civil society’s projects in this area, the Civil Society Organisations-Local Authorities (CSO-LA) thematic programme and the Multiannual Framework Programme – MIP (similar amounts of funding through the thematic lines sand MIP). The thematic programmes are mainly used to support CSOs’ projects on a number of areas not covered or not sufficiently covered by the EUD’s bilateral programmes, with a view to contributing to EU objectives in a particular sector (e.g. gender equality and access to justice from indigenous communities in 2016, reinforce civil society work on policy dialogue for education in 2015 etc.). However, taking into account the urgency of some human rights issues and the shrinking space for civil society, some CSOs consider that these thematic options should be better explained.

Although civil society considers these funding instruments to be very relevant, the general perception is that donor funding is decreasing, and EU funding is becoming more difficult and more competitive. Many concerns on the trends in the calls for proposals are common to most countries: limited funds and preference for big projects; heavy and time-demanding procedures and very complex and strict requirements versus the restricted possibility of getting a grant; excessive focus on formal procedures and lack of flexibility/adaptation to changing context; insufficient feedback on rejected proposals; and difficulty for smaller and grassroots organisations in accessing these funds. In order to build CSOs’ capacity in project management, the EUD in Cambodia uses all the available “support measures” under the thematic lines for financial management coaching, log frame reviews and other aspects of technical procedures. While this is an evident need for CSOs, a more comprehensive and strategic approach to capacity development would also be welcomed, beyond funding and beyond the inclusion of capacity building activities in EU funded projects implemented by civil society.

The EUD is increasingly recurring to other funding modalities such as direct award of grants and sub-granting. For instance, some direct grants within the thematic lines are foreseen to be awarded in 2017 to the umbrella organisation responsible of managing the GPP certification scheme, in order to foster and support this process. Some CSOs feel that the use of direct granting and its criteria should be better explained. Sub-granting is conceived as a way to reach smaller organisations, although it also implies that local CSOs are required to enter into consortia with large, often international, organisations, in order to access funding, and the quality of partnerships should be taken into account both by the EU and by CSOs themselves. Particularly, attention should be given to ensuring effective capacity building of smaller CSOs in these partnerships and the right of initiative of the sub-grantees.


[Concerns include] complexity of the proposal format and its requirements including co-finance, competition between local and international NGOs (seemed give more weight to the international one), language barrier - no local language (both for proposal and reporting) for local NGOs. EU funding should 1) promote inclusive partnership and multi-stakeholder initiatives where all key development actors such as private sector, government and civil society work together, 2) all forms of fund should include rights-based approach to development in each project/program, 3) the funds should be given more directly or through trusted local partners to local and small grassroots organizations as NGOs are staying, and working with citizens. In addition to this, EU should play more important roles in lobby the Cambodian government to respect and promote human rights and democracy - this can be done through their diplomacy work and business partners (both direct foreign investment and supply chain) to influence government. – (Survey) Membership-based NGO, Cambodia.

---

7 With the transition to Lower-Middle-Income status, some donors have started to phase-out and reducing aid, putting many local NGOs in a difficult financial situation.

8 The voluntary certification process ("NGO Governance and Professional Practice – GPP) is a tool to help to ensuring accountability and good governance in the NGO sector, it was created by the NGO Good Practice Project and implemented by the Cooperation Committee for Cambodia (CCC), which has awarded 74 certificates (data from early 2016).
ABOUT CONCORD

CONCORD is the European NGO Confederation for Relief and Development. Its 28 national associations, 20 international networks and 3 associate members represent over 2,600 NGOs which are supported by millions of citizens across Europe. CONCORD is the EU institutions’ main partner in dialogue on development policy. As a confederation, CONCORD work towards a world where people enjoy their right to live free of poverty and exploitation and their right to enjoy wellbeing and equality. More at: www.concordeurope.org