



The Asia-Pacific Rights and Justice Initiative

Cambodia

Country Assessment

The DGTTF Lessons Learned Series

United Nations Development Programme

The Asia-Pacific Rights and Justice Initiative

Cambodia

Country Assessment

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Contents

4	Abbreviations
5	Acknowledgements
6	Preface
7	Executive summary
7	Main findings and lessons learned
7	Effectiveness
7	Sustainability
8	Relevance and strategic positioning
8	Efficiency
8	Political economy
8	Codification of tools and lessons learned
9	Introduction
9	Purpose, objective and scope of the assessment
9	Methodology
10	Project background and strategy
11	Project outputs
11	Human rights training database
11	Support to Official Gazette
11	Publication of judicial decisions
11	Alternative Dispute Resolution (ADR)
12	Empowerment of women
12	A2J for indigenous peoples (IPs)
13	Effectiveness
14	Sustainability
15	Relevance and strategic positioning
16	Efficiency
17	Political economy
18	Lessons learned and codification of knowledge
18	Programme-oriented research
18	Project formulation
18	Balanced approach targeting duty bearers and right holders
18	Capacity development
19	Cross-cutting issues and the human rights-based approach
19	Partnerships
19	Accountability/feedback mechanisms and monitoring and evaluation
19	Management arrangements
19	External partnerships and coordination
19	Exit strategy
20	Annex I - Summary table of activities/ tools with achievements
23	Annex II – List of persons interviewed

Abbreviations¹

A2J	Access to Justice
ADR	Alternative Dispute Resolution
AECID	Agencia Española de Cooperación Internacional para el Desarrollo
CCEs	Community Capacity Enhancement
CCJAP	Criminal Justice Assistance Project
CDRCs	Commune Dispute Resolution Committees
CLEC	Community Legal Education Centre
CLJR	Council of Legal and Judicial Reform
DGTTF	Democratic Governance Thematic Trust Fund
DIM	Direct Implementation
DSA	Daily Subsistence Allowance
EC	European Commission
GTZ	German Agency for Technical Cooperation
HPGEP	HIV/AIDS and Partnership for Gender Equity project
IPs	indigenous peoples
LAC	Legal Aid of Cambodia
LJR	Legal and Judicial Reform
MDGs	Millennium Development Goals
MoI	Ministry of Interior
MoJ	Ministry of Justice
NGO	non-governmental organization
NIM	nationally implemented
NPD	National Project Director
OG	Official Gazette
PMU	Project Management Unit
RCB	Regional Centre in Bangkok
SLJR	Strategy for Legal and Judicial Reform
TRAC	Target Resource Allocation from Core
UNDAF	United Nations Development Assistance Framework
UNDP	United Nations Development Programme
USAID	United States Agency for International Development

¹ The abbreviations and acronyms relate to those used in the main text, not those that are found only in the Annexes.

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Preface

The Millennium Declaration from the Millennium Summit in 2000 emphasizes the centrality of democratic governance for the achievement of the Millennium Development Goals (MDGs). World leaders agreed that improving the quality of democratic institutions and processes, and managing the changing roles of the state and civil society in an increasingly globalized world, should underpin national efforts to reduce poverty, sustain the environment, and promote human development.

The Democratic Governance Thematic Trust Fund (DGTTF) was created in 2001 to enable UNDP Country Offices to explore innovative and catalytic approaches to supporting democratic governance on the ground. The DGTTF Lessons Learned Series represents a collective effort to capture lessons learned and best practices in a systematic manner, to be shared with all stakeholders, to serve as an input to organizational learning, and to inform future UNDP policy and programming processes.

Executive summary

This report presents the findings of an assessment of the project 'Access to Justice in Cambodia'. The assessment was conducted in April and May 2009.

DGTTf funds in the amount of \$221,000, combined with regional programme resources (\$50,000) provided by RCB and TRAC resources allocated by the country office (\$500,000), were crucial for jumpstarting project activities, engaging national stakeholders and attracting interest from donors. In 2007, the Government of Spain contributed 1.6 million euro (\$2.1 million) to project funds.

Immediate project results include the following:

- ✓ Development of a human-rights training database.
- ✓ Piloting of alternative dispute resolution mechanisms on the local level in six provinces.
- ✓ Empowering and improving A2J and to alternative dispute resolution mechanisms for disadvantaged groups, with focus on the poor, women and indigenous people.

UNDP is planning to close down the project in the first half of 2010 while it explores modalities to build on project results for components targeting indigenous people, ADR, and gender issues in the framework of other interventions (decentralization) and in cooperation with other national partners.

The country study assessed results based on the criteria of **effectiveness, sustainability, relevance and strategic positioning, efficiency, political economy, and codification of lessons learned and tools.**

Main findings and lessons learned

While it is too early to access the overall impact of the project (given that it is still running) the assessment indicates that the project was successful in applying innovative strategies that have led to a larger programme on A2J supported not only by UNDP core funding but also by the Spanish Government through its agency for international cooperation, AECID. However, the level of commitment from the government counterparts for some project components has been limited, which has prompted a shift in strategy concerning continuation of project activities.

Effectiveness

- ✓ Of the four expected project outputs the project managed to initiate only two. The project developed a human rights database (output 1) and launched and supported the creation of alternative dispute mechanisms (output 4) at local level. Outputs 2 (support to Official Gazette) and 3 (support to Supreme Court through publishing of court decisions) were abandoned.
- ✓ The project was innovative in piloting alternative dispute mechanisms (Commune Dispute Resolution Committees, or CDRCs) and Maisons de la Justice on the commune and district levels respectively, and improved A2J and access to ADR for poor women and indigenous people.
- ✓ The project was catalytic substantially, financially but only partially in strengthening partnerships for the country office.
- ✓ The project required much longer than one year to achieve results because of issues related to the capacity of local partners, operations and commitment among national partners.

Sustainability

Sustainability of project results in the near future cannot be ascertained at this stage. While some partners have indicated that the government may include Maisons de la Justice in its 2010 budget, there are no official documents to that effect. The future of the project may therefore still depend on its ability to attract interest from donors. The country office is seeking to build on project successes through assistance provided through other thematic areas (decentralization and gender) and in co-operation with other national partners.

Relevance and strategic positioning

The project provided the country office with an entry point for working on A2J for women and indigenous people, and established a niche for UNDP in supporting the informal justice system.

Efficiency

Lack of commitment and low capacity among national counterparts caused various operational setbacks (switch from NIM to de facto DIM, high staff turnover and lack of management continuity, unclear division of responsibilities between national partners and UNDP, communication lapses between counterparts and project staff, long procurement and recruitment processes, etc), which significantly affected project implementation.

Political economy

Fragmentation in the Cambodia justice system significantly influenced project performance. Legal and Judicial Reform (LJR) includes four institutions: Council of Legal and Judicial Reform (CLJR), Ministry of Justice (MoJ), Ministry of Interior (Mol) and the courts.

The project works with four implementing agencies (CLJR, Mol, MoJ and the Ministry for Women's Affairs) all of which have distinct agendas. This arrangement made it difficult for the National Project Director from the CLJR to efficiently coordinate and oversee project activities. Although the Council is comprised of representatives of all institutions dealing with justice and rule of law, the real political power of this body seems to be limited.

Mol is clearly a favourite with international donors as it is seen as having the political will for reform. Therefore, components of Legal and Judicial Reform implemented by this Ministry were most successful. As such, the newly adopted law on Deconcentration and Decentralization might provide a good opportunity for the Mol (which is tasked with implementation of main elements of the law) to take over the project results when UNDP support ends in 2010.

MoJ has an interest in the project as a way of fostering goodwill with local-level constituents. So far, however, it has not demonstrated real ownership.

The issue of domestic violence is not seen as politically sensitive by the Government, which enabled the project to use this as an entry point to empower women to speak out in the community. According to one of the interviewees, conversations with women could be used as a tool to expand discussion to issues such as land disputes, since authorities are much more inclined to apprehend male protesters than female.

Codification of tools and lessons learned

- ✓ The project and country office would have benefited more from documenting tools and making better use of its experience. Mechanisms like community conversations and peace tables managed to produce significant results in empowering targeted groups and providing remedies for grievances (e.g., return of land to indigenous people), while trainings conducted by the project and partner NGOs helped develop capacities among target groups (the poor, women, indigenous people and to some extent government) at the local level. However, the assessment team was not able to obtain any training manuals or curricula for these trainings.
- ✓ Preparation of appropriate studies, research and baselines at the initial stage enabled the project to identify and address systemic problems. However, significant lessons learned from the operational and partnership aspects of the programme should be heeded in the future.

Introduction

Purpose, objective and scope of the assessment

The Cambodia country study measured innovation and catalytic ability in supporting breakthroughs in sensitive democratic governance issues and in scaling up activities.

The country study is an assessment and not a project evaluation. It provides an overall analytic review of results, rather than an evaluation of progress. It aims mostly to internalize and collect valuable information, and to analyze and document country office experiences with a view to strengthening knowledge management.

Methodology

The assessment analyzed relevant documentation, project reports, case studies, and conducted interviews with a wide range of stakeholders from donors, government institutions, academics and civil society. The primary beneficiaries could unfortunately not be visited during this assessment.

The main criteria were effectiveness, sustainability, relevance and strategic positioning, efficiency, political economy and codification of lessons learned and tools.

The assessment examined whether project results had been achieved or advanced. It identified external factors that influenced the result, and assessed the contribution of DGTTF and AP-A2J to national capacity development and participatory processes. It looked at the effectiveness of the partnership strategy, and whether innovative approaches had been found to key development issues. It examined the perceptions of indirect beneficiaries on DGTTF assistance.

The assessment team was comprised of a governance and learning advisor from OGC, and a programme manager seconded to the assessment. The assessment mission was fielded from 23 April to 7 May 2009. The team was able to obtain relevant information in terms of immediate project results, ownership issues and national partnerships and the UNDP role in supporting A2J in the national agenda and its implications for UNDP strategic positioning. The assessment team spent one week in country and had extensive meetings with some of the main project stakeholders.

Limitations and constraints

The assessment team interviewed some of the project stakeholders and visited only one of the six provinces in which the project operates. This may affect the quality of the assessment in terms of ascertaining impact. In addition, some of the relevant stakeholders were not available for meeting. It is also important to note that, since the focus of the assessment was not a traditional performance review, the team did not seek to audit the information provided in interviews, and rather sought to analyse information received by seeking the perspectives of different project stakeholders with diverse interests.

Project background and strategy

The A2J Project in Cambodia is based on the UNDP framework that defines A2J as 'empowering the poor and disadvantaged to seek remedies for injustice, strengthening the linkages between formal and informal structures and countering biases inherited in both systems to provide access to justice for those who would otherwise be excluded.' The project is in line with Royal Government of Cambodia's Rectangular Strategy, the National Strategic Development Plan (2006-2010) and the Strategy for Legal and Judicial Reform (SLJR) from 2003 and SLJR Implementation Action Plan (2005). The project has used a human rights-based approach and specifically targeted the enhancement of A2J for claim holders through the legal empowerment of women, indigenous people and the poor. The project has worked on both supply (duty bearers) and demand (claim holders) sides of justice in formal and informal justice structures.

The project contributes to the 'good governance and the promotion and protection of human rights' priority area identified by the UNDAF 2006-2010. In particular, the project is related to UNDAF outcomes '1.2. Improved public access to information related to (i) management of public resources (ii) judicial decisions and laws (iii) rights' and '1.3. Effective, independent and impartial justice system set up and equal access increased'. In the UNDP Country Programme for Cambodia for 2006-2010, the project is placed under the overall outcome for the democratic governance practice area: 'Reinforced democratic institutions which help create checks and balances on the executive power' and under output 1.2 'Capacity of the Ministry of Justice and local authorities developed to increase access to justice'.

The project strategy targeted both formal and informal justice systems to help bring justice closer to the people. In particular, the project aims to enhance and institutionalize

customary ADR mechanisms, raise awareness among claim holders on land ownership rights and regulations, improve and disseminate legal and judicial information, support the full recognition of the rights of indigenous peoples to communal lands and the application of customary rules and decision making processes, and pilot local jurisdiction mechanisms to settle disputes and protect rights, particularly those of women and children.

The project is designed and implemented in accordance with the following principles:

- ✓ A2J is a basic human right indispensable to combating poverty and to preventing and resolving conflicts.
- ✓ Development programming should be guided by national and international human rights standards and principles.
- ✓ The independence, integrity and complementarity of both formal and informal justice systems must be strengthened, making each more responsive and effective in meeting the needs of justice for all – especially the poor and marginalized.
- ✓ Capacity development for A2J requires building on existing systems, strengths and solutions.

Based on a request from CLJR, UNDP funded a study in 2005 on the role and relationship of formal and informal justice systems and ADR mechanisms in Cambodia. Based on priorities identified by the study, the project addressed land and domestic-violence issues and specifically targeted the poor, women and indigenous peoples. In addition to this, DGTTF funds and funds committed from RCB and the country office enabled preparation of three studies which provided a solid basis for the formulation of project activities:

- ✓ A case study on IP traditional dispute mechanisms
- ✓ Feasibility study on establishment of justice for the peace²
- ✓ A case study on divorce and separation

²The study was shared with relevant partners (MoJ and Mol) and received positive feedback. The MoJ has expressed strong interest, but wanted to first gather lessons from the 'Maisons de la Justice' pilot.

Project outputs

The project had two phases. The original project document was signed in April 2006 and envisaged four main outputs:

1. Development of human rights training database
2. Support to Official Gazette
3. Publication of judicial decisions
4. Alternative dispute resolution

The project initiated activities related only to outputs 1 and 4, the remaining outputs held up by disagreements among project partners on procedure. The project was initially to last three years. In 2007, funding was secured from the Government of Spain for a second phase focusing on output 4. The annual work plans for 2008 and 2009 deal only with this output. The project is expected to last until March 2010.

The project is nationally implemented (NIM) with several implementing partners: MoJ, Mol, the Supreme Court, the Project Management Unit of the Council of Ministers, and the Department of Official Gazette of the Council of Ministers. Some of the activities were outsourced to two local NGOs, Legal Aid of Cambodia (LAC) and Community Legal Education Centre (CLEC).

Due to limited capacities of the MoJ to manage funds (the financial management capacity of MoJ was rated as inadequate by assessment carried out by an independent company), UNDP has been managing some financial aspects of project by providing direct payments rather than NIM advances. This combined with some operational issues affected the sense of ownership of the project by the Government (particularly within the MoJ).

The first three outputs of the project were supposed to address the capacities of duty bearers through the formal justice system. Based on the study 'Pathways to Justice' and other researches and studies mentioned in section three, UNDP had prepared a project document focusing on ADR mechanisms (output 4), but upon the request from the Government, outputs 1, 2, and 3 were included in project document. The main intention of outputs 1, 2 and 3 was to facilitate access to information and dissemination of legal information in a user-friendly manner, particularly for communities and disadvantaged groups.

Human rights training database

The human rights database was completed in 2008. However,

although some support was provided for maintenance of the database (one IT person from the Government was assigned to this task), no data was gathered or inserted in the database at the time of this assessment. According to CLJR, there were/are no funds available for updating the database. Some data is available with some NGOs but it appears that there is no will to share it, as NGOs view this as an added burden and a risk of being perceived as providing a 'rubber stamp' to government activities in the human-rights arena.

Support to Official Gazette

Funds to modernize and distribute the Official Gazette (OG) were initially allocated by the French government, but disagreement over a French proposal for changes in the functioning of the OG caused the output to be abandoned. The French proposal envisaged that the OG should be available free of charge to the public online by a web portal. Currently, the OG is being sold to other Government bodies in form of CD and in hard copy, so implementing the French proposal would decrease revenues for OG. Mol is in charge of distributing the OG to all 1621 communes in Cambodia, but buys only 600 copies - meaning that only about one third of the communes are informed on new legislation. The idea of providing the OG free of charge online was met with opposition from the department responsible for its publication, which argued that revenues from OG sales were needed to cover operating costs, and that in any event the vast majority of Cambodians do not have internet access. A deadlock ensued and no progress was made on this output.

Publication of judicial decisions

This component of the project never came to life. It aimed to make court decisions widely available to the public and the legal system, but the quality of decisions was deemed too low and printing them was not deemed in the interest of bringing about improvements to the system. Capacity development activities were discussed between UNDP and the Supreme Court, but as there was no agreement on how to proceed this output was also abandoned.

Alternative Dispute Resolution (ADR)

This output covers three main areas.

Establishment of ADR mechanisms including Maisons de la Justice (Maisons) and Commune Dispute Resolution Committees (CDRC) on district and commune levels

Cambodia has 24 provinces that encompass 171 districts and 1621 communes. The lowest-level court is at the province level (located in the capital of each province), and no formal judicial institutions exist at district and commune levels. Consequently, those living in remote areas have very limited

A2J and means of resolving disputes, compounded by a low level of awareness among claim holders of their rights, high travel and legal costs in accessing justice, and a significant backlog of cases in provincial courts.

The project managed to establish ADR mechanisms at district and commune levels by establishing 20 Maisons and 56 CDRCs in six provinces.

The CDRC is a dispute resolution mechanism at the commune level. It is composed of seven members of the commune, at least 30 percent of them female. The Maisons are tasked with collecting and disseminating legal information, monitoring the activities of CDRCs, mediating cases not resolved by CDRCs and referring cases to provincial courts when they cannot be settled at the local level.

The CDRC seems to enjoy a higher level of trust from the users than the Maisons, mainly because parties can choose two of their own mediators (each party to the dispute selects one and a third mediator is appointed by the CDRC). CDRC members have up to now been appointed by the Commune Council, but the system of selecting the CDRC will be revised to allow members to be elected. The CDRC consists of a Chief who is a member of the Commune Council, Deputy Chief (usually female), a police officer who is also part of the Council and four remaining members who are village representatives, at least one of whom is female.

Maisons are located on district level and can cover several communes, some of which do not have CDRCs. The Maison at Korng Pisey district in Kampong Speu province, which was visited by the assessment team, covered a total of 13 communes, but only five of these had CDRCs.

In 2008, 597 cases were received at the district level by the Maisons while 1192 were received at commune level by the CDRCs. The trend for 2009 is that the cases received by Maisons are mainly at the same level as last year while the number of cases received by CDRCs is increasing. The cases that occur in the communes without formed CDRCs are received directly by Maisons.

UNDP has supported trainings for Maisons staff and CDRC members. Maisons staff has received training in domestic violence and domestic law, with some details of international law. However, training on human rights, indigenous rights and the human rights-based approach were not included. CDRC members have received basic training in mediation.

Empowerment of women

Legal representation – UNDP has contracted the local NGO Legal Aid of Cambodia to provide legal aid representation of women in three provinces.

Community Capacity Enhancement (CCEs) – Building on the positive results achieved by the *HIV/AIDS and Partnership for Gender Equity Project* (HPGEP) to address HIV/AIDS issues through community conversations, the project made use of the same methodology to address domestic violence.

A nationally recruited consultant developed curricula on domestic violence, and 30 trainers who were previously engaged by HPGEP on HIV CCEs were trained to integrate domestic violence into community conversations.

Overall, 231 village facilitators received training and CCE were conducted in 77 villages to raise awareness among target groups (women and communes) on domestic violence, transforming it from a family issue to a community and social issue.

A2J for indigenous peoples (IPs)

Legal representation and Peace Tables – The project contracted the Community Legal Education Centre (CLEC), a local NGO experienced in working with IPs. During 2008, the CLEC received six legal aid cases and facilitated eight peace table dialogues. Peace Tables are forums where local authorities come together to discuss and resolve disputes with indigenous communities, mostly related to land disputes. In several cases Peace Tables have been successful in returning land taken away by others back to indigenous peoples.

Capacity development for IPs and national authorities – The project in co-operation with CLEC provided training in dispute resolution for indigenous village elders. Limited training on IP issues and culture was provided to national and local authorities including police and judges. In addition, one radio and one TV show were created to raise public awareness of IP issues.

Combined with TRAC resources allocated by UNDP Cambodia (\$500,000), DGTTF funds were crucial for jumpstarting the project activities, engaging national stakeholders and attracting interest from donors. Later, the Government of Spain contributed 1.6 million euro to expand activities related to output 4, ADR mechanisms and legal empowerment for the poor, women and indigenous people.

Below are the main findings with regard to project outputs:

Effectiveness

As the project is still ongoing, it is perhaps too early to assess its full impact. However main stakeholders (government counterparts, Maison officials, UNDP and donors) feel that the project has had overall positive results in bringing a system of ADR closer to disadvantaged groups. The ADR system used by the project is seen as inexpensive, accessible and somewhat effective. Provincial courts credit the project with helping to reduce the backlog of cases, increasing the efficiency of the formal justice system.

The project was innovative in piloting alternative dispute mechanisms (Maisons and CDRCs) on commune and district levels and improved access to justice and dispute resolution for disadvantaged groups.

The project also piloted ADR mechanisms for indigenous peoples in the form of Peace Tables taking into account local traditions of dispute resolution. The local-level partnership between UNDP, CLEC and the government has proven successful in raising awareness and empowering IPs. The fact that CLEC staff included members of indigenous communities proved crucial to the success of this component. According to CLEC, having the 'weight of the UN' behind the project has also attracted the attention of public officials to work on IP issues.

The project was catalytic mobilizing approximately \$2 million (1.6 million euro) of non-core funds through AECID. It raised awareness among the main stakeholders (women, IPs and to some extent central and local authorities) of issues related to domestic violence, land disputes and more. It also contributed to bringing gender and IPs' policy issues to the government agenda. UNDP involvement in documenting traditional dispute resolution practices and supporting traditional methods of dispute settlement is seen as a positive

contribution by the NGOs working on indigenous peoples organization in Rattanakiri province.

Related activities like free legal representation, community conversations on the issue of gender based violence, Peace Tables, and capacity development of indigenous elders combined with the establishment of ADR institutions and capacity development of Maison staff and CDRC members yielded overall positive results for target groups. However, impact remains limited as the communes/districts covered by the project are very few in relation to the national territory.

Maisons and CDRCs – There is a significant demand for services provided by Maisons and CDRCs especially from the targeted disadvantaged groups. The number of cases received by CDRCs is on the increase in 2009, while those received by Maisons have remained level.

Domestic violence – The Community Conversations had a positive influence on community attitudes and perceptions of domestic violence. The project has been supported and commended by local offices of the Ministry of Women's Affairs as well as from local government leadership. Local authorities have expressed interest to continue community conversations even without UNDP support.

IPs – The project has produced some results in terms of empowering IPs and raising awareness among IP communities on their rights. Its Peace Tables have been successful in returning land taken to indigenous peoples. CLEC has undertaken training of government staff including police on IP issues and culture. In addition, a radio and TV show have been organised on IP issues and culture. Partnership between UNDP, Government, local authorities and CLEC has been crucial to progress.

The project is replicable in other districts, as demonstrated by the expansion in the number of Maisons and CDRCs as well as the CCEs beyond from the original two pilot provinces to four.

Sustainability

The project activities and outputs are aligned with Government Legal and Judicial Reform Strategy. However, government ownership was very limited because of low capacity among national counterparts, cumbersome management arrangements and operational setbacks that damaged relationships, particularly with MoJ.

UNDP is planning to close down the project in the first half of 2010 while it explores modalities to build on project results for components targeting indigenous people, ADR, and gender issues in the framework of other interventions (decentralization) and in cooperation with other national partners.

The project has significantly sought to develop the capacities of rights holders while capacity development for duty bearers focused only on the local level, with no progress on the national level.

Specific findings with regard to the sustainability of the ADR mechanisms (Maisons de la Justice and Commune Dispute Resolution Committees) are as follows:

Although there seems to be verbal commitment from government to take over funding of the Maisons and CDRCs, the sustainability of these institutions in the near future may still depend on its ability to attract donor interest. The sustainability of the Maisons is more in question than that of the CDRCs, and Maison staff has expressed concern. The Government is considering including Maisons in the national budget for 2010, but no firm commitments have yet been made. Even though this was not specifically confirmed, in the long term the Government sees Maisons as an initial step towards establishing district small claims courts (Sala Lahou), which used to exist in Cambodia before the 1970s.

CDRCs currently seem more sustainable. CDRC members are not receiving salaries but are very motivated and take pride in performing their duties. This may be attributed to the high esteem in which CDRC members are held.

Capacity development efforts (mostly training) have been partially successful and appreciated by attendees, but insufficient in some areas. MoJ staff, employees of Maisons and CDRC members all claimed that they would need additional training to perform their duties more effectively.

Relevance and strategic positioning

The project provided the country office an entry point for working on A2J for women and IPs. However, the country office decided not to extend the project in its current form because of a lack of commitment from national partners, and is currently working on an exit strategy and exploring ways to build on project results through other programmatic areas like decentralization and gender. Because the country office has no justice portfolio, this project has been placed under 'decentralization'.

Other main donors active in the justice area include EC (support to legislation with focus on rule of law, human rights, anticorruption), Australia Aid (support to security sector) and USAID and Asia Foundation (mainly targeting capacity development of legal aid local NGOs).

UNDP's value-added in legal and judicial reform remains in its particular focus on ADR. This has become the UNDP niche in supporting the informal justice system.

AECID is satisfied with overall project results and cooperation with UNDP. The donor appreciated the consultative UNDP approach, but stressed that UNDP should coordinate more closely with other A2J partners such as GTZ. While UNDP project staff seemed familiar with project activities, they do not always seem to keep in mind the 'big picture' of overall project aims in development terms.

Efficiency

The relatively low national stakeholder capacity and unfavourable external project environment compromised efficiency. There were significant delays in implementation due to operational issues. These include a switch from NIM to DIM, staff turnover, cumbersome management arrangements, unclear division of responsibilities between national partners and UNDP, communication lapses between counterparts and project staff, and delayed procurement and recruitment.

Management arrangements proved to be a major obstacle to implementation. There were four different implementing agencies (each in charge of one output) and the National Project Director (NPD), seated in CLJR, did not have leverage with all four agencies and could not enforce decisions.

Salary supplements and DSA levels were a continuous source of grievances and significantly hindered implementation. Although salary supplements in this case were found justifiable given the overall situation of civil service in Cambodia, too much energy and time was spent discussing the issue. The government claims that there was a double standard between DSA and the rate received by project staff, and this grievance reduced commitment and ownership among government staff.

High staff turnover, the resignation of the project manager, and delays in procurement and recruitment also hindered implementation and damaged the relationships between partners.

Political economy

The many challenges of legal and judicial reform have dampened partner support. The judicial system in Cambodia is not seen as independent. Low-quality court decisions, misalignment with international standards and serious capacity gaps continue to hinder reform.

The negative perception of the judicial system along with high levels of corruption, the slow passage of important legislation and inability to implement existing laws has led most donors to disengage and withhold support. Apart from significant support provided by the Government of Australia (Criminal Justice Assistance Project - CCJAP) targeting the security sector, the majority of donors involved in the justice sector work on the demand side.

By contrast, government support in improving justice for women seems genuine. The issue of women's rights is less politically sensitive than indigenous-rights and land-ownership issues, and the project benefited from the support of the Ministry of Women's Affairs and local authorities.

There has been an overall lack of legal framework and guidelines on indigenous issues at the national level up to now. In the first half of 2009, three major relevant documents were adopted: a policy on IP development, a policy on land-use management and a sub-decree on communal lands. It remains to be seen whether these policies will be implemented and enforced. Because the land in provinces inhabited by IPs is potentially lucrative, the issue has become politically sensitive. For example, in land dispute cases

involving high-ranking officers or powerful individuals, the ADR system supported by the project was ineffective, and lawyers or NGOs representing the cases in court were threatened.

Lack of knowledge of the culture of IPs among national partners and the general population is another obstacle, since indigenous culture and customs are often perceived negatively. This issue was partially addressed by the project through limited training on IP issues for the police, local authorities and judges.

Lessons learned and codification of knowledge

Programme-oriented research

The preparation of appropriate studies, research and baselines at the initial stage enabled the project to identify and address systemic problems and impact the lives of the disadvantaged directly by improving A2J by raising awareness, enhancing capacity, providing free legal aid and establishing local ADR mechanisms.

Using a trainer who is herself indigenous to raise IP awareness of their rights and set up Peace Tables proved crucial to successfully developing the capacity of indigenous elders and others to understand their rights and articulate their demands during negotiations at the Peace Tables.

Project formulation

Several factors contributed to the progress on ADR and the lack of progress in other areas. The first three project outputs, which targeted national level governmental bodies, were added to the project document based on government requests, reportedly so that the government could demonstrate to donors that it was willing to undertake reforms by 'ticking off' a series of items from its legal and judicial reform project catalogue.³ The fourth output formed the basis of the original proposal submitted to the Deputy Prime Minister's Office based on needs identified in prior research and studies focusing on the rights of women and indigenous people. However, it must be noted that Government fully participated in project formulation of the fourth output (ADR) since the inception phase.

Baselines and data for monitoring and evaluation – Data collection and analysis of cases handled by the CDRC and the Maisons should be carried out systematically to enable the country office to measure and document project results and establish a baseline for future A2J activities. The Maison

at Korng Pisey District visited by the assessment team held carefully kept records of cases received as well as figures for number of cases settled, abandoned and referred to courts on provincial level, which indicates that some data is available. Information received by the assessment team indicates that in 2008, 597 cases were received at the district level by the Maisons while 1192 were received at the commune level by the CDRCs. Reportedly, the trend for 2009 is that the cases received by Maisons are mainly at the same level as in the previous year while the number of cases received by CDRCs is increasing. There could be a systematic effort to determine the reasons behind these trends. An increase of the number of cases received by the CDRCs could be due to many reasons: for example, low agricultural production in rural areas caused by drought could deepen poverty and tensions in the household and community, resulting in more disputes; or perhaps the increase is due to the relative success of the Committees, encouraging more women to seek their services for mediation on issues such as domestic violence. In addition, since not all communes have CDRCs, it would be important to gauge the extent to which the presence of a CDRC has acted as a deterrent for domestic violence and other issues. An in-depth inquiry including data collection and analysis and focus group interviews should be considered, as this would allow the country office to better understand the achievements of its overall A2J work in Cambodia.

Balanced approach targeting duty bearers and right holders

The project has achieved significant results on the demand side of A2J by empowering targeted groups and raising awareness. The project to some extent also addressed the supply side by assisting the government in setting up ADR mechanisms (Maisons and CDRCs) and developing the capacities of these institutions.

Capacity development

Failure to conduct an in-depth capacity assessment exercise of the institutions involved in the project in the programming phase resulted in the abandonment of three out of four original project outputs and related activities. Capacity assessments should have been done in the planning phase so that expectations could be set from the start.

³The project catalogue is an instrument for dialogue between the Government of Cambodia and the international community. It consists of a catalogue of initiatives deemed necessary for the implementation of legal and judicial reform.

Capacity assessment exercises would also enable the project to more precisely and systematically define and implement capacity strategies. Although the beneficiaries appreciated the training, almost all admitted that they would need to acquire more skills to perform their jobs.

Cross-cutting issues and the human rights-based approach

The project could have benefited from a more systematic application of the human rights-based approach. UNDP staff as well as government and NGO counterparts should have been trained in the human rights-based approach to A2J to better understand how the project supports A2J for marginalized groups as a whole. This would have made staff more mindful of cross-cutting issues in all aspects of the project. This recommendation was also emphasized by the donor AECID.

Partnerships

The selection of partners, incentives, and managing expectations proved critical to project implementation. Even though the country office invested significant effort in managing relationships and trying to ensure buy in among national partners, perhaps a more harmonized approach in incentives (there seem to be different levels of incentives and DSA rates on different UNDP projects) could have helped.

Accountability/feedback mechanisms and monitoring and evaluation

There were no effective accountability and feedback mechanisms for ensuring credibility and improving trust in the ADR institutions. There was limited oversight of work quality of the bodies established by the project. Although a certain level of monitoring has been performed, the project would have benefited from more advanced monitoring and evaluation mechanisms to gauge quality of outputs and ensure collection of quantitative data.

Management arrangements

The project management structure was very cumbersome. The National Project Director, who is the Director of the PMU of the CLJR, had very little control over the project other than to endorse expenses. Only the ADR component, handled by the MoJ and Mol, is adequately funded. This affected efficiency, caused operational delays and damaged partnership relations. The project would have been more successful if implemented with a single agency/partner.

External partnerships and coordination

The project could have done more to secure external partnerships (NGOs, Academia) and coordinate with other donors (such as GTZ and the National Authority for land disputes, and the Cadastral Commission on IPs). Partnering with local NGOs, especially in more remote areas, would have boosted capacity-development efforts and significantly reduced operational workload.

Exit strategy

A proper and timely exit strategy is key to sustaining results. The country office and staff involved in project management have started to prepare an exit strategy. Faced with an apparent lack of commitment from some national government partners, which has hindered project activities, the country office is planning to continue the successful project components in other interventions and in cooperation with other partners (e.g. Ministry of Interior, Ministry of Women's Affairs).

Annex I – Summary table of activities/tools with achievements

Activity/tool	Description	Achievements
CCE- Community Capacity Enhancement	Awareness raising on domestic violence through organization of community conversations sessions and capacity building of communal leaders for dispute resolution.	<p>225 villagers were trained as facilitators to conduct community conversations in 75 villages on domestic violence using the Community Capacity Enhancement (CCE) methodology. From these conversations, villagers came up with community action plans to deal with domestic violence.</p> <p>Positive influence on attitude/perception of domestic violence in communities acting as a deterrent.</p> <p>Synergy with other project components (free legal representation for women, CDRCs, Maisons) was achieved.</p>
Peace Tables	<p>Peace Tables are discussions where local authorities come together to discuss and resolve disputes with IP community, mostly related to land disputes.</p> <p>They also raise awareness among IP communities on their rights and provide local authorities with better knowledge on IP culture and issues.</p>	<p>CLEC has facilitated eight Peace Table dialogues. In several cases, Peace Table negotiations facilitated the return of contested land back to the IP community.</p> <p>Awareness among IP communities on their rights was raised.</p> <p>Awareness and understanding among national stakeholders on issues of IPs and their culture was raised.</p>

Activity/tool	Description	Achievements
‘Commune Dispute Resolution Committee (CDRC)’	<p>The CDRC is a dispute-resolution-mechanism institution at commune level composed of seven members.</p> <p>The CDRC seems to enjoy higher level of trust from the users than the Maisons, mainly due to the fact that parties can choose two of their own mediators (each party to the dispute selects one and a third mediator is appointed by the CDRC). CDRC members have up to now been appointed by the Commune Council, but the system of selecting the CDRC will be revised to one where the members are elected.</p> <p>The CDRC consists of a Chief who is a member of the Commune Council, Deputy Chief (usually female), a police officer who is also part of the Council and four remaining members who are village representatives, at least one of whom is female.</p>	<p>56 Commune Dispute Resolution Committees (CDRC) have been set up and 1192 cases were received at commune level (CDRCs). CDRC seems to enjoy high level of trust from the users.</p>
‘Maison de la Justice’	<p>The Maisons offer ADR on district level. Each Maison supported by the project can cover a number of communes.</p> <p>The Maisons are tasked with collecting and disseminating legal information, monitoring of the activities of CDRCs, mediating cases not resolved by CDRCs and providing referrals.</p> <p>They are staffed by two officers who are civil servants of the Ministry of Interior and Ministry of Justice.</p>	<p>20 ‘Maisons de la Justice’ (Maisons) have been set up in 2008 and 597 cases were received.</p>

Annex II – List of persons interviewed

Sophie Barnes, Deputy Country Director (P)

Kao Dyna, Woman's Justice Program Manager, Legal Aid Cambodia

Suy Mong Leang, Head of PMU, National Project Director

Kim Leng, Legal Director, Legal Aid Cambodia

Maison de la Justice officials at Korng Pisey District, Kampong Speu Province.

Maison de la Justice officials and CDRC members at Phnom Srouch District, Kampong Speu Province

Sok Narin, former Head of Governance Unit, UNDP

Koy Neam, former Project Manager

Heang Path, CCE Specialist

Rany Pen, Programme Analyst, Acting Project Manager

Kong Rady, National Legal Specialist

Yin Sopheap, Regional Specialist

Ismaël Toorawa, Assistant Country Director

Tan Try, Consultant for the midterm review report

UNDP Access to Justice Project Team

Josep Vargas, Country Representative, Spanish Agency for International Cooperation and Development

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