

# **Advocacy Strategy for Supporting the Development of an Access to Information Law in Cambodia**

3<sup>rd</sup> draft on 26.11.2014

December 2014

## **Table of Contents**

Acronyms .....	3
Executive Summary .....	4
Introduction .....	5
Introducing Strategy 2014-2018.....	6
Section One: Rational and background .....	7
Section Two: Principles, Objectives, Outcomes, Impacts .....	11
Section Three: Stakeholders.....	16
Section Four: Advocacy Strategic Actions .....	20
Section Five: Implementing and Monitoring the Strategy .....	28
Section Six: What are the key challenges and issues to be addressed .....	30
Section Seven: Risks Management .....	32
Section Eight: References .....	33
Section Nine: Annexes:.....	35
Annex 1: Benefits of Having Advocacy Strategy .....	36
Annex 2: Members of NGO Access to Information Working Group and organizations and networks involved in the development of the Strategy 2013-2018 .....	38
Annex 3: About the NGO Access to Information Working Group .....	41
Annex 4: About the Advocacy and Policy Institute (API).....	44

### **Acronyms**

A2I	Access to Information
API	Advocacy and Policy Institute
CBO	Community Base Organization
CCC	
CSO	Civil Society Organization
DCA/CA	Danchurch AIDS/ Cristian AIDS

## **Executive Summary**

The A2I Advocacy Strategy is aimed at promoting and supporting the rights of citizens to access information in Cambodia. It has been the result of discussions which included the participation by NGO working group members and relevant networks<sup>1</sup>.

Access to information is a fundamental human right. Article 19 of the United Nations Universal Declaration of Human Rights reads: Everyone has the right to freedom of opinion and expression; this right includes the right to hold opinions without interference and to seek, receive and impart information and ideas through any media regardless of frontiers. In the meantime, the Constitution of the Kingdom of Cambodia, Article 31, states: “The Kingdom of Cambodia recognizes and respects human rights as stipulated in the United Nations Charter, the Universal Declaration of Human Rights and covenants and conventions related to human rights, women’s rights and children’s rights...”

There has been increasing demand and support for an Access to Information (A2I) law. Given the significant progress achieved so far in research and study on this issue, as well as the high commitment of the Government, the members of Parliament, development partners and civil society, the development of an A2I law might be possible in the very near future. Enactment of an A2I law will be a significant achievement, and will be an important tool in promoting transparency and in fighting corruption. This strong legal foundation will also have significant potential to facilitate national economic and social development

An important purpose of this advocacy strategy is to provide a roadmap for civil society, and in particular, the NGO Access to Information Working Group and other organizations who are also interested in promoting and supporting the development of Access to Information legislation in Cambodia.

In order to achieve this objective, this strategy has been designated to work with key stakeholders including: donor/development partners, media, line ministries, sub-national administration, the private sector, and (civil society organizations) CSOs with 11 following strategies: (i) Building relationships and working with and supporting the government in the development of an access to information law (ii) Working with parliament members to support an A2I law (iii) Making a strong legal understanding and foundation (iv) Encouraging and supporting the sub-national governments to adopt related policy for citizen access to public information and information disclosure, (v) Working with the media and social networks, (vi) Building and maintaining alliances, coalitions, and networks, (vii) Supporting Open Government Partnership (OGP) campaigns in Cambodia, (viii) Supporting the Social Accountability Framework implementation, (ix) Mobilizing communities to support and to demand for an A2I law, (x) Building business support and (xi) Building development partners and intergovernmental body support.

The implementation of the strategic plan is designated for a period 5 years (2014-2018) and will be implemented by the NGO working group.

---

<sup>1</sup> See list of participating NGOs in planning process in annex1.

## **Introduction**

The Advocacy Strategy for A2I has focused on promoting the fundamental right of Cambodian citizens to access information. access for. Cambodia is one among several countries in the region which does not have an A2I law. Fundamentally, A2I provides citizens with full rights to obtain public information, to exercise freedom of speech and to advocate government to play its proper role and function in society, and to work with transparency and accountability.

In the context of freedom of public information access, the general observation by CSOs working groups were as follows:

- Most media institutions is still in their relative infancy, lacking independence balance, and political impartiality.
- The system of open public information of government is limited, while most government officials at national and sub-national levels remained confused as to what freedom or access to information actually is.
- Levels of A2I understanding and its importance among citizens are low and mainstreaming gender equity on the grassroots level is still not understood due to lack of public information
- Political trends and conflict of interest are also a big problem within government working structures and in decision and policy-making.

For this reason, this advocacy strategy for Promoting and Supporting A2I in Cambodia is the result of long consultation and discussion among the A2I Working Group members, coordinated and led by Advocacy and Policy Institute. The purpose of advocacy strategy for A2I is very crucial in providing a roadmap for civil society, community based organizations (CBOs) to develop their internal advocacy strategy or/and when working with government.

The main objective of advocacy strategy for A2I is to disseminate new ideas and innovations among cooperatives of CSO, and CBO partners. The advocacy strategy for A2I by the CSO working groups is a regulatory reference to support CBOs with fundamental information of advocacy guidance in Cambodia information access. In this sense, the advocacy strategy for A2I also presents strategy, risks and some challenges. And it is built on the foundation of cooperative principles among CSO and CBO partners.

## **Introducing Strategy 2014-2018**

This Advocacy Strategy for Promoting and Supporting the Access to Information law in Cambodia is the result of long consultation and discussion, which involved the participation of NGOs, Access to Information Working Group members, CSO networks and interested organizations (see attached list) under the coordination and leadership of the Advocacy and Policy Institute. As part of the participatory process and various activities, the previous strategy and documents were reviewed and analyzed through consultations, meetings/workshops, group discussions and feedback taking place between September to December 2014.

There has been increasing demand and support for an Access to Information (A2I) law. Given the remarkable progress that has been achieved thus far, along with the strong commitment of the Government, the Members of Parliament, Development Partners and civil society, the enactment of an A2I law could finally become possible.

The purpose of this advocacy strategy document is to provide a roadmap for civil society, particularly for the NGO Access to Information Working Group and other organizations who are interested in promoting and supporting the development of Access to Information in Cambodia.

We (CSOs) do believe that with our commitment and strong dedication to working together, an A2I law will be drafted and passed, enacting international principles, and will be a recognition to the work and input of civil society's representatives.

We would like to deeply thank the participating organizations who have always actively participated and contributed to the development of this important Strategy 2014-2018.

## **Section One: Rational and background**

Access to information is a fundamental human right. Article 19 of the United Nations Universal Declaration of Human Rights reads: *Everyone has the right to freedom of opinion and expression; this right includes the right to hold opinions without interference and to seek, receive and impart information and ideas through any media regardless of frontiers.*

The Constitution of the Kingdom of Cambodia, Article 31, states: “*The Kingdom of Cambodia recognizes and respects human rights as stipulated in the United Nations Charter, the Universal Declaration of Human Rights and covenants and conventions related to human rights, women’s rights and children’s rights...*”

*Cambodia is a Country that practically promotes freedom of information, including the practices in the use of social media networks (through the news online system – internet, online, website, social media, etc.). All Cambodian citizens obviously enjoy the rights and freedom to develop social media networks (such as websites and so forth) which could be launched to express their opinions freely from everywhere, within and outside Cambodia.*<sup>2</sup>

However, UNESCO<sup>3</sup> noted that media content is monitored by the Cambodian authorities and that article 13 of the Press Law is used to justify censorship of news content<sup>4</sup>. UNESCO encouraged Cambodia to initiate a freedom of information law, in accordance with international standards,<sup>5</sup> and stated that Cambodia must ensure that journalists and media workers are able to practice their profession in a free and safe environment.<sup>6</sup>

Joint Submission 15 (JS15), Joint Submission 4 (JS4) and Joint Submission 5 (JS5) stated that the Government has failed to pass an Access to Information Law.<sup>7</sup> JS5 noted that a draft law was submitted by the political opposition in 2010, 2012 and 2013<sup>8</sup>. However, the draft law was dismissed by the ruling party.<sup>9</sup> JS4 recommended that the Government pass an Access to Information Law in accordance with international standards.<sup>10</sup>

---

2 Human Rights Council, Working Group on the Universal Periodic Review, Eighteenth session, 27 January – 7 February 2014

3 Human Rights Council, Working Group on the Universal Periodic Review, Eighteenth session, 27 January–7 February 2014

4 UNESCO submission to the UPR on Cambodia, paras. 31 and 32.

5 Ibid., paras. 49–52.

6 Ibid., para. 53.

7 JS15, p. 7; JS5, para. 11; and JS4, page 3.

8 Human Rights Council, Working Group on the Universal Periodic Review, Eighteenth session, January – February 2014

9 JS5, para. 11.

10 JS4, p. 4.

To guarantee the people's right to access information held by public authorities, a strong legal foundation is needed. Access to information legislation also has significant potential to assist development of a country. Also a good election information system through which people can have full access to the information that they need is a pre-requisite for a real democratic election.

Cambodia has no law on access to information to safeguard people's rights, particularly the right to information. The Cambodian constitutional protection for this right is not explicit. Government disclosure practices are weak; citizens are not informed about access to information and make few demands for disclosure; Government officials and others misunderstand basic concepts underlying access to information. Government authorities are reluctant to disclose information related to issues they deem politically sensitive.

In 2004, the Royal Government of Cambodia formally acknowledged the need for a Freedom of Information Law, "*in order to create a transparent Government, reduce corruption and promote confidence in the Government by the citizens of Cambodia.*" In August 2007 a draft policy paper on access to information was produced under the leadership of MONASRI with the technical support from USAID through Pact Cambodia. Without further action on the drafted policy framework caused the opposition party, Sam Rainsy Party (SRP) drafted and submitted two different A2I draft laws in 2010 and 2012. These were rejected. In 2012 and 2013, CSOs also presented a model law on A2I.

Both the CPP and CNRP made statements in their 2013 general election party platforms that they will support the concept of Access to Information (A2I). The CPP won 68 seats and CNRP won 55 seats of the 123 seats. There was a one year political deadlock because the CNRP boycotted to participate in the parliament. This slowed the progress of law development. Several technical and top party leaders negotiation meetings were held and political solutions were reached. Passing an A2I Law was one of the negotiation conditions, confirmed by Son Chhay, CNRP MP. In November 2013, the Ministry of Information was officially assigned to lead the A2I Law drafting process; however while civil society appreciated the Government's commitment towards this law it remained concerned over further delays and the political will of the team to challenge the hurdles created by public institutions during the consultation process.

On 30 May, 2014, the Ministry of Information, SIDA and UNESCO signed a three-year funding project to develop a draft A2I law. CSOs welcome the funding from SIDA with 1 million US\$. In Sweden, the Freedom of the Press Act of 1766 granted public access to government documents. Sweden was the first country in the world adopting A2I law and its best practices of rights to information are well noted.

CSOs are ready to work with the Government under the leadership of Ministry of Information.

*Lack of transparency and openness are obstacles to access to information. Right to information and access to information are important for a democratic society. To kick off the long awaited Access to Information Law in Cambodia, the Ambassador of Sweden, the UNESCO Cambodia Representative and the Minister of Information signed off on an Agreement and a cooperation MoU at the ministry today. This is a three-year support project funded by Sweden to Unesco to make an inclusive, participatory and transparent A2I law making process with Ministry and CSOs.<sup>11</sup>*

---

<sup>11</sup>Jeudy'sfacebookwhoisworking at theSwedenEmbassy in Phnom Penh

It has been noticed that over the last ten years, CSOs, including API, have made significant achievements in the campaign for an Access to information (A2I) law in Cambodia. Some of these achievements include: several national workshops on Access to Information, which have been held and attended by the National Assembly, Senate, Civil Society Organizations (CSO), Parliamentarians, Senators, Government officers, political party representatives, NGOs, UN agencies, and the media. A model law on access to information was drafted by CSOs with input from international and Cambodian legal experts. Numerous reports, analysis and regional reviews on access to information have been developed and disseminated to key stakeholders.

With the support of a strong civil society coalition, development partners, the Government, investors, embassies and citizens, the objective of an access to information law in Cambodia is almost certainly achievable. **As of today, Cambodia has a policy framework on access to information, a model law on access to information and a draft Law on access to information.**

#### Cambodia has a historic culture of secrecy

One challenge to the promotion of access to information is that Cambodia has not historically been an open society. A Cambodian legal scholar has described the roots of this culture of secrecy:

Whether it has been the divine rule of the Angkor Empire, the ethnocentrism of the French colonialists, the paternalistic “Buddhist Socialism” of the Sangkum Reastr Niyum in the 1950’s and 60’s, the corruption and cronyism of the Khmer Republic, the paranoic Maoism of Pol Pot, or the “machine”/patronage politics of the present day ruling CPP, transparency and “open government” have never been the hallmarks of Cambodian governments or their leaders.<sup>12</sup>

The Khmer Rouge was a notoriously secretive regime. One journalist has noted that the National Library had around 325,000 volumes of official records before 1975; only 65,000 remained after the collapse of the regime.<sup>13</sup>

#### Government capacity is low

Government bodies tend not to have set processes for responding to requests for information, nor sufficient staff capacity for doing so. Institutional capacity is weak and mechanisms for disclosure are lacking, so information is not easily accessible.

The Advocacy and Policy Institute’s research has found that commune councillors, for example, often lack capacity. Some are newly elected and have little experience. Others are older and have difficulty developing new skills or taking on new responsibilities. In addition, communes tend to have limited information management systems.

---

<sup>12</sup> Raymond Leos, *Access toInformation in Southeast Asia and Cambodia*. Undated.Pg. 16.

<sup>13</sup>MoeunChheanNariddh. “All Parties Stand toGainfromFreedom of InformationLaw”. Lettertothe Editor, *TheCambodiaDaily*. September 29, 2011.

Government actors are reluctant to disclose information related to “sensitive” issues

Research conducted by The Access Initiative found that the government was less likely to disclose information relating to issues it deemed politically sensitive: “those cases involving issues dealing with economic land concessions, mining projects, and garment factories often involve clashing economic interests, as well as power imbalances between parties (such as poor rural villagers, factory workers and wealthy/powerful economic interests).<sup>14</sup>

#### Cambodian citizens have limited capacity to demand access to information

Cambodians’ understanding of citizens’ rights generally is low. They have limited awareness of their right to access public information. For example, fewer than 20% of respondents to a 2011 Advocacy and Policy Institute survey agreed with the statement that “[i]t is the obligation of the state to let the citizen know and receive information about what is going on around them”.<sup>15</sup>

Specific issues such as high illiteracy rates in some communities and lack of knowledge of the Khmer language in minority communities hinder individuals’ ability to demand information.

In addition, the agricultural season “limits the preparedness and willingness of villagers to get engaged into information related activities to essential ‘must do’ actions only”.<sup>16</sup>

#### **Implementation of the Cambodian Anti- Corruption Law**

The Anti- Corruption Law (adopted in 2010) most likely faced similar challenges to passage, as it offered benefits to the population, while it held a combination of benefits and disadvantages to the Government. Reviewing the factors which led to the adoption of the Anti-Corruption law, with A2I strategy in mind is useful.

Members of Government have discussed the cost of implementation as a barrier to A2I. We should consider different methods of implementation, and cost control, and be prepared to offer alternatives for implementation which may be available, even if less than optimal.

---

<sup>14</sup>The Access Initiative Cambodia. *Cambodia Assessment Report: Access to Information, Public Participation, and Access to Justice*. December 2010. Pg. 5.

<sup>15</sup>Advocacy and Policy Institute. *Access to Information Baseline Survey*. November 2011.

<sup>16</sup>Advocacy and Policy Institute. *Community Information Disclosure Pilot Project: Findings of the Project Evaluation*. December 2010. Pg. 23.

## **Section Two: Principles, Objectives, Outcomes, Impacts**

The principles, objectives, outcomes, impacts and benefits of access to information

Definition of and rationale for access to information

Access to information provides citizens with a legally enforceable right to access information pertaining to matters of public concern held by governments, public authorities, and, in some cases, private bodies. It is widely recognized as a fundamental human right.

Access to information is all of the following:

- A legal right to seek access to government-held information;
- A legal obligation on government to provide information unless it has a good reason not to;
- A mechanism to inform public discussion, debate, and policy-making;
- A tool for journalists, NGOs, and citizens;
- A concept that changes the citizen and state relationship;
- A means of encouraging the government to share information;
- A long-term antidote to secrecy; and
- An ideal that is difficult for governments and civil service to adhere to.<sup>17</sup>

**We believe that our work has been guided by the nine principles and the theory of change.**

### ***The nine principles***

The NGO Article 19 has drawn up nine principles that should be reflected in access to information legislation. These principles should guide government authorities even in the absence of legislation:

1. **Maximum disclosure:** The “principle of maximum disclosure” underlies the right to information. This principle establishes a presumption that information held by public bodies should be subject to disclosure, and that the presumption may only be overcome where there is an overriding public interest justification for non-disclosure.
2. **Obligation to publish:** Public institutions have an obligation to actively publish key information, not just respond to requests for information.
3. **Promotion of open government:** Public institutions should actively promote open government by publishing documents and opening the door to meetings and deliberations.
4. **Clear and narrow exemptions:** Exemptions should be narrow and set out in the legislation. Only information that would damage national security, privacy, or an interested party protected by law should be kept secret.

---

<sup>17</sup>Presentation by Prof. Rick Snell, Senior Lecturer in Law, University of Tasmania, Australia. *Civil Society Workshop on Freedom of Information Report*. Workshop conducted by the Advocacy and Policy Institute/Pact Cambodia in cooperation with the Freedom of Information Working Group. July 26, 2007.

5. **Easy process to access information:** Public requests should be processed quickly and fairly. Independent review and appeal mechanisms should be available.
6. **Control request costs.** Costs should be reasonable and related to the actual cost of making the information available.
7. **Open meetings of public bodies:** Meetings should be public.
8. **Laws consistent with maximum disclosure:** An effective law is supported by existing law that is not contradictory.
9. **Protect whistleblowers:** Individuals who release information about wrongdoing must be protected.<sup>18</sup>

*In this Strategy document, we determine the theory of change shall be:*

- **Policy change** – policy/law adaptation of Access to Information per the needs of society by the Parliament and Government institutions at both sub-national and national levels;
- **System and mechanism change** –systems and/or mechanisms (i.e establishment of A2I working group or commissioner, mechanisms of working together between CSOs and government's institutions) in place and functioning to address issues related to access to information; and
- **Attitude and behavior change** – change in individual attitudes and behaviors of people directly or indirectly involved in our work – education and awareness empowered individuals who are aware of the issues and understand their rights and demand and hold the government and elected representatives more accountable and responsive.

#### *The Objective(s) of the Advocacy Campaign*

The overall objective is to support the development and adaptation of an effective Cambodian Access to Information law towards contributing and strengthening a rule of law, democratic governance, accountability and transparency and social development in Cambodia.

#### *The specific objectives (outcomes) are:*

1. The need for and types of information and key input/content for supporting A2I law draft identified and produced with key sectorial groups and advocated with government institutions and the Parliament for integration in the drafting A2I law.
2. To promote citizens awareness on and participation in A2I and Law to encourage the Cambodian government and Parliament to pass a an Access to Information Law for Cambodia
3. To increase access to information for both the public and sub-national authorities, which is fundamental to effective participation and accountability in sub-national governance.
4. To strengthen CSOs capacity, coordination, networking to effectively work on A2I

---

<sup>18</sup>Article 19. *The Public's Right to Know: Principles on Freedom of Information Legislation*. June 1999.

## **Impact and benefits of Access to Information**

### **General benefits**

Access to information is crucial for democratic governance, public participation, economic growth and investment, protection of human rights, press freedom, protection of the environment, and public security.<sup>19</sup> It is also important in the fight against corruption.

Access to information can strengthen democratic governance and encourage public participation. Elected officials are more accountable if their actions are made public. In order to participate fully in public life, citizens must have access to the official records and documents of their government and the opportunity to attend meetings and voice their opinions. This enables full and informed debate and, ultimately, improves the quality of decision-making.

Access to information can promote economic growth and investment. A transparent government can attract investors, and businesses can more easily gather market data. Access to information can protect other human rights. A culture of openness makes gross human rights violations less likely to occur and enables citizens to respond to them. Access to information can help to ensure fulfillment of other rights, such as the rights to health and education. It can empower traditionally disadvantaged groups.

The media has a particular interest in access to information. In order to fulfil its role in educating the public, it requires full access to government documents and freedom from fear of reprisal.

Access to information can protect the environment by encouraging good business practices and uncovering harmful practices.

Access to information may also enhance public security by making the national security sector more accountable.

Finally, access to information plays a role in the battle against corruption by increasing transparency and accountability. Koul Panha, director of the Committee for Free and Fair Elections (COMFREL), has said, “The [2010] *Anti-Corruption Law* will lack effectiveness if we don’t have the *Access to Information Law*.<sup>20</sup>

### **Specific benefits for Cambodian citizens**

Access to information can help citizens respond to issues that are critical to their security and livelihood. These critical issues include land and housing issues, especially those related to economic and social land concessions, natural resource management issues, and other developments affecting communities such as hydro-power dams.

Cambodians also require affordable and timely access to basic information such as birth registration documents, marriage certificates, and land documents.

---

<sup>19</sup>See Advocacy and Policy Institute. *Introduction to Access to Information in Cambodia*. August 2010.

<sup>20</sup> Paul Vrieze and Phorn Bopha. “Group Backs Freedom of Information Draft”, *Cambodia Daily*. September 27, 2011.

**Among the possible benefits to the Government are:** The appearance of more democracy would improve international opinion of Cambodia, and increase the stature of Cambodia in world affairs, especially at a time when Cambodia is trying to enlarge its visibility and influence. The ruling party would be in stronger position.

It could be used as leverage to gain more support from international donors, such as UN agencies and NGOs. It would presumably lead to continued and greater funding, as western donors would be persuaded that Cambodia is making progress toward democracy to the benefit of the population

The necessary changes to implement some parts of the law would make it easier for the government to provide services to the population, and lower costs to the population of receiving routine services, which would also likely increase popular support.

It would arguably assist in achieving the Cambodian Millennium Goals which can be assisted through economic development (#1- eradicating extreme poverty and hunger; #7- environmental sustainability, #8- forge global partnership for development).

It would be a strong tool for the increase of foreign and private investment, leading to a stronger economy.

Economic growth leads to increased development of the economy. This could translate into raising standards of living, which could contribute to greater support for the government.

Of these 3 basic rationales for the passage of the law- (1- supporting more investment and a better economy, 2-increased international status and support, and 3-more public support for the government)- the strongest incentive to the government is that of a stronger economy with more investment. In recent years, European Union trade with Cambodia and ASEAN countries has greatly increased. However, there are still many challenges for western companies doing business in Cambodia. Those include difference in culture, weak regulations, poor infrastructure and corruption. A2I would help address several of those problems.

#### Fighting corruption

As Cambodia moves forward on its path toward economic, political, and social development, strong, independent, and effective governmental institutions must be built. These institutions must be accountable to the people and must serve the public interest.

As noted in the National Strategic Development Plan of the Royal Government of Cambodia: **Good governance, the core of the Rectangular Strategy, needs above all equitable and fair public participation in all matters through democratic and peaceful means to ensure that the free will and informed choices of the majority are adopted and implemented while at the same time protecting the rights and welfare of the minority. Political stability, internal security, adherence to rule of law, transparency, predictability and accountability of public institutions are vital for orderly economic and social progress and to ensure that public gains are not eroded by disruptive elements.<sup>21</sup>**

Transparency of governmental operations is a necessary component of this institution-building. A transparent and “open” government, which eschews secrecy and employs

---

<sup>21</sup> National Strategic Development Plan (NSDP) 2009-2013, p. 12.

openness and accessibility in its activities and operations, can help foster a climate of trust among citizens and with it, stable democratic institutions.

The two main pillars of an effective governmental transparency policy are 1) fighting corruption and 2) providing access to information. The enactment of the Law on Anti-Corruption in 2010, and the creation of the Anti-Corruption Unit (ACU) represent significant achievements in the building of the first pillar of an effective governmental transparency policy. However, it is still necessary to build the second pillar of the policy, which is the enactment of an access to information law.

Experts in conflict resolution often cite inadequate or inaccurate information as potential sources of conflict.<sup>22</sup> Assuming this is true, one could therefore argue, as many human rights advocates currently do, that in post-conflict societies such as Cambodia, a free flow of information, particularly from public institutions, is vital to the building and maintenance of a stable, functioning democracy and a vibrant, informed, and engaged citizenry. This information “free flow”, these advocates say, also creates a societal culture of tolerance, openness, honesty, and transparency, which provides a safeguard against corruption and oppressive governmental power. All of this leads to the creation and maintenance of a peaceful and stable society.

#### Promoting Democratic Governance

Government officials are more likely to be held accountable to the needs of citizens if their actions are made public, as part of an A2I policy. A government, both on the national and sub-national level could work more efficiently by keeping its documents and other records in order and accessible to the public.<sup>23</sup>

#### Promotion of Economic Growth and Investment

Investors could use an A2I law to gather market information, understand business policy and more efficiently navigate the government system. In addition, the government could provide a mechanism to enable investors’ access to government resources, and obtain an accurate exchange of information, which could assist in better business decision-making. Providing easy to access and detailed economic data can help businesses accurately predict the costs (and potential profits) of a business venture. This would allow for more precise assessment of demands for goods and services, availability of human resources, raw materials, transportation and infrastructure.

Several research studies over the past decade have concluded that the degree of transparency is an important factor in a country’s attractiveness to foreign investors. High levels of governmental transparency can greatly increase the levels of foreign investment.<sup>24</sup> Another

---

22 See “Conflict Resolution: The Role of Information and Knowledge Management—The Kenyan Experience, Goethe Institute, Nairobi, pp.4-6. See also Johan Galtung, Peace by Peaceful Means: Peace and Conflict, Development, and Civilization. London: 1996.

23 A recent survey found that around two-thirds of the population in 13 communes across five rural Cambodian provinces did not know the procedure and fee to register a birth certificate. The remaining third thought the processing charge was up to 10,000 riel instead of the official cost of 400 riel. The commune council could publicize the official procedure and charges to avoid confusion. See “Information to Access to Information in Cambodia”, information booklet written by the author, in cooperation with the Advocacy and Policy Institute (API) and UNDP, August 2010, p. 5.

24 See Zdenek Drabak and Warren Payne, “The Impact of Transparency on Foreign Direct Investment: report presented to the World Trade Organization, Economic Research and Analysis Division August 1999, Revised November 2001. Also see Organization for Economic Cooperation and Development (OECD) OECD (2003): “Public Sector Transparency and International Investment Policy.” CIME Meeting 9-

recent study found that access to information laws also have an economic impact, with increased foreign direct investment (FDI) inflows in those developing countries that have enacted such laws.<sup>25</sup>

### Public Participation

Citizens concerned with particular issues affecting their communities could use an A2I law to obtain policy information, particularly regarding those issues directly affecting their local communities. An A2I law would also require public meetings of decision making bodies at all levels of government, in which citizens could voice their perspectives and opinions during the policy making process.<sup>8</sup>

### Protection of the Environment

An access to information law could encourage good environmental practices by the private sector, and reveal bad practices detrimental to local livelihoods and the environment. For example, a lack of managerial oversight of industrial waste disposal, urban construction with no zoning laws, or wholesale logging and mining without environmental controls or community consultation could be exposed. Information and communication could foster long-term solutions between communities, businesses, environmentalists and the government.

### Maintenance of Public Security and Combating Rumor

Transparency encourages the national security sector to focus on state-sanctioned activities, publicly accountable to a civilian leadership and ultimately, the general population. Some groups or communities feel they are treated unfairly by the government, or by another group. An access to information law could help address the causes of conflict by allowing people to examine and participate in the decision-making process. This could contribute to reducing tensions, feelings of marginalization and exclusion from power.

Finally, having a strong access to information law reduces the danger of rumor. Rumors often occur when people are unable to get the true information. This often occurs in societies that lack transparency in public and social affairs. Rumors can have a serious negative impact and Cambodia has suffered from this in the recent past.

## **Section Three: Stakeholders**

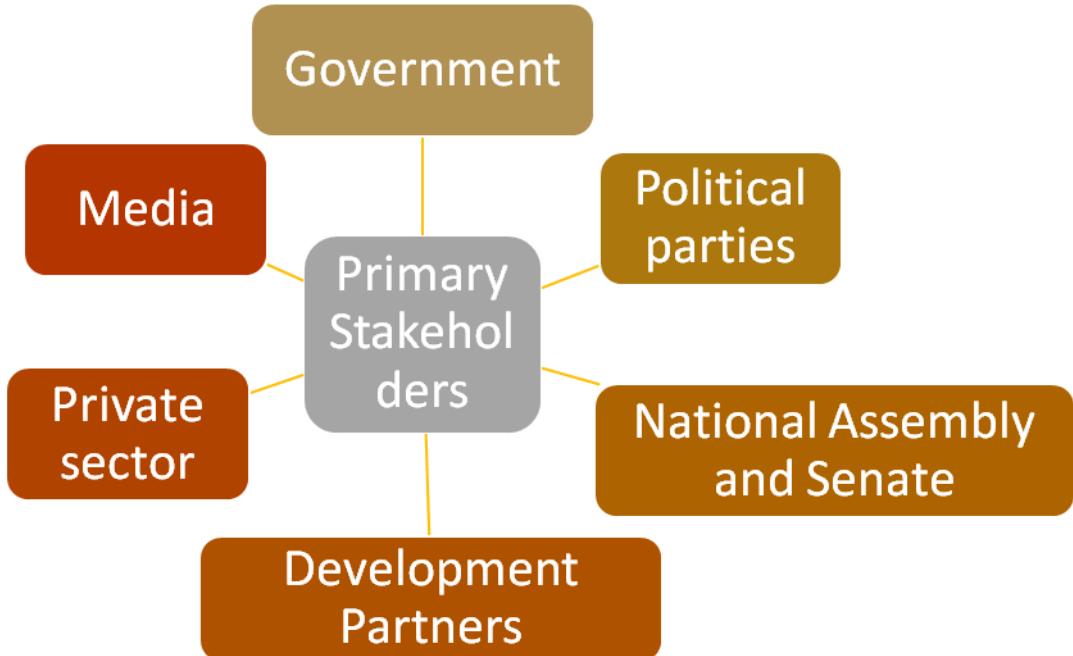
Who are our main target groups and stakeholders

**The primary stakeholders are:**

---

11 April, 2003 and Gelos, G and Wei, S-J. (2002): "Transparency and International Investment Behaviour." IMF Working Paper WP/02/174.

25 Daniel Berliner, The Impact of Freedom of Information Laws on Foreign Direct Investment in Developing Countries.", University of Washington, USA, Jan 23, 2012. Available at Social Science Research Network (SSRN), [http://papers.ssrn.com/sol3/papers.cfm?abstract\\_id=1989643](http://papers.ssrn.com/sol3/papers.cfm?abstract_id=1989643)



#### **Duty Bearers:**

- The Royal Government of Cambodia: Prime Minister, Ministry of Information, Ministry of Senate, National Assembly Relations and Inspections;

---

**Role and Influence:** *Prime Minister supports the enactment of an A2I Law. In late 2013 he ordered the Ministry of Information to lead the drafting process with public consultation with CSOs and the media. Now the Ministry of Information leads the Drafting Committee with participation of other ministries, CSOs, the media and the public. MONASRI had drafted an A2I Policy Framework in 2007.*

---

- Political parties: Cambodian People's Party, Cambodian National Rescue Party. National Assembly and Senate Commission 5 (Foreign Affairs, International Cooperation, Information and Media).

**Role and Influence:** Both parties have promised enacting an A2I Law in their political party platforms for the 2013 general election. CNRP got 55 seats and CPP got 68 seats. Member of parliament, Mr. Son Chhay from the Sam Rainsy Party (SRP) . proposed two versions of an A2I Law. Mr Mr. Chheng Vun of the ruling CPP is Chair of Commission 5 and is expected to be responsible for reviewing this draftlaw again. Commission 5 of NA reviewed two versions of the proposed A2I Law in 2010 and 2012 that were submitted by MPs from Sam Rainsy Party. Both Commissions are expected to be responsible to review the new draft of the A2I Law.

#### **Development Partners:**

- Development Partners: UNESCO, SIDA, EU, UNDP, The OHCHR office in Cambodia, EU member states such as SIDA, DANIDA, British Embassy, ICCO Netherland, BFDW Germany, USAID, World Bank, ADB, etc.

**Role and Influence:** UNESCO is supported by SIDA to provide financial, financial and legal support to the Ministry of Information from 2014-2016 in the drafting process. EU supports API to implement an “Increasing Access to Public Information Project” which supports for passing of an A2I Law. UNDP and OHCHR are supporting the Cambodian government to implement its commitments based on UPR recommendations which were made in the Universal Periodic Review (UPR). One recommendation is the enactment of an A2I Law.

### **Private Sector:**

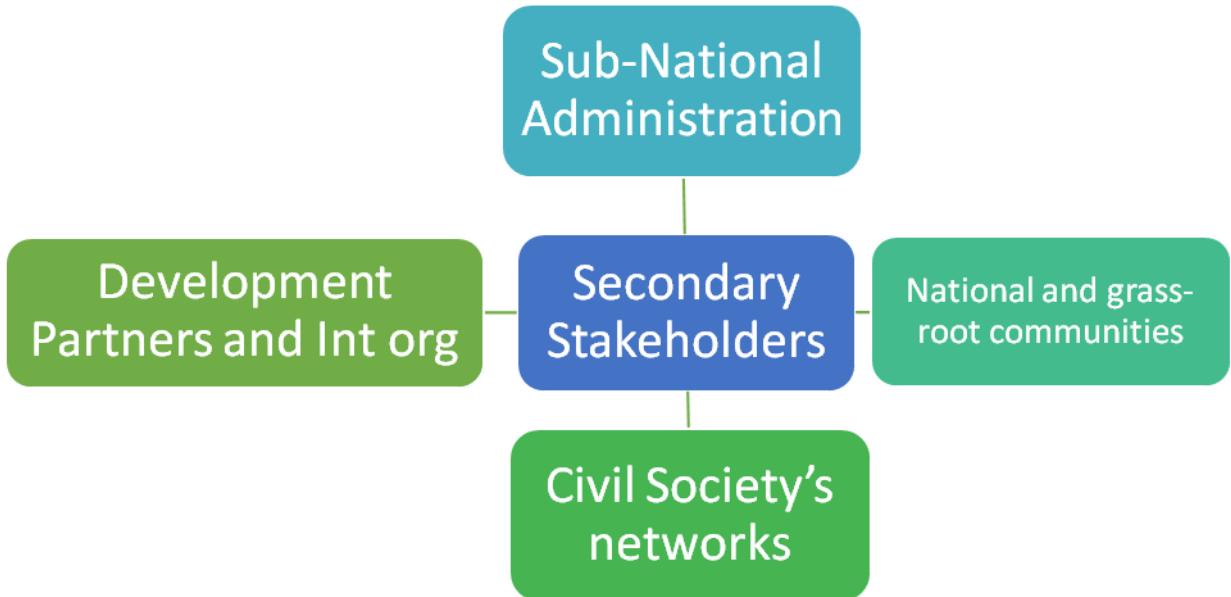
- Private sector: Chambers of Commerce, particularly U.S. & EU Business Associations and private banks are supporting transparent transactions and investments in the commercial business sector which would be protected by an A2I law.

### **The Media:**

- Media: Local and international media: Press Council of Cambodia, Phnom Penh Post, The Cambodia Daily are strongly benefiting from the A2I Law in accessing public held information for their media outlets.

### **The secondary stakeholders**

The secondary stakeholders are:



**Duty Bearers:**

**Government:**

- Relevant government ministries who are members of the Drafting Committee.
- Sub-National Administration (provincial, district and commune) Councillors and Governors. The elected Commune Councils and their appointed civil servant, Provincial Association of Commune and Sangkat (PACS), Ministry of Interior's NCDD are the government agencies responsible to disclose public information regularly to communities.

**CSOs:**

- Civil Society's networks (education (NEP); environment land, forestry (NGO Forum), health (MEDICAM), women (GAD/C & CPWP), children (NGO CRC), Good Governance & decentralization (WGPD), Human Rights (CHRAC), Anti-Corruption (CISA), unions (CLEC), business associations (GMAC), media associations (PCC). All sectoral and provincial CSOs networks in Cambodia will benefit from an A2I Law. Many of them confirmed their support for adopting an A2I law through different international, national and local consultation workshops.

**Rights Holders:**

- National and grass-root communities (youth group, farmers, fishermen, elderly people, people with disabilities, women's groups, victims of different forms of abuse and community people...etc.).

These communities have expressed their interest in participating in the A2I law campaign by putting their thumbprints both in paper and online petitions. These groups *currently* have more influence with government because they had actively participated in the national general election in 2013. Youth Groups represent more than half of the total Cambodian population. Youth voices have a significant impact on the election results and government policies.

- Academic institution and other groups represent different informal sectors (non-registered groups and association: high school and university students, professors, and researchers and other professional groups will benefit from the A2I Law, particularly for study and research, and personal business purposes. They will be playing a more supportive role in the A2I law campaign which is initiated by CSOs.

### **Development Partners:**

- Development Partners and International Organizations, British Embassy, US Embassy, Germany  
These partners have supported different projects contributing to the campaign for an A2I Law in Cambodia over the last ten years.
- Embassies, DCA/CA, Open Society Foundation, Bread for the World

### **Section Four: Advocacy Strategic Actions**

#### **What we do and how?**

The advocacy campaign and its actions will address concerns and issues related to the drafting of the Access to Information Law which is led and coordinated by the Ministry of Information. CSOs discussed and agreed together the comprehensive strategic actions towards passage of the A2I law.

#### **Strategic action one: Building relationships and working with and support the government on the development of access to information law**

While the government, particular the Ministry of Information, has shown its willingness to move forward with the development of an Access to Information (A2I) Law, CSOs have agreed to give priority to work with and support the government, particular the Ministry of Information and its Working Group/Committee. CSOs, under the coordination of API, will ensure that the input of representative(s)<sup>26</sup> from CSOs will be presented to the Government and its working group/committee.

**In supporting the development of an effective Cambodian Access to Information Law, CSOs will engage and work with the CSO sectoral networks to gain more support, conduct an assessment on the existing Cambodian policies and laws, organizing public forums/discussions in order to collect input and concerns from the public to share with and advocate for integration.**

**Advocacy actions and meetings with government institutions** including the Technical Working Group and the Parliament for supporting the A2I law development process. Based on information from the legal analysis and other studies, CSOs will organize debriefing meetings with key government ministries, Parliament and Development Partners and relevant stakeholders, including civil society networks to present the findings related to gaps in

---

<sup>26</sup> The Term of Reference (ToR) for CSO's representatives will be developed and approved. Currently, the Ministry of Information through the coordination of UNESCO, there are four (API-1, CHRAC-2 and Media-1) have been invited to be part of the Drafting Committee.

existing laws and policies and the public's need for access to information and information disclosure.

**Support a legal expert team to back up for CSO representatives** at the Inter-Ministry Technical Working Group to ensure quality input and recommendations for discussion. Form and support a team (group) of 4-5 legal and A2I experts to research on best practices of information disclosure and A2I laws around the world as well as the current status of information disclosure in Cambodia and what is necessary for improvement. The team will share its knowledge and research with the NGO working group to support it in any discussions and/or consultations held particularly with the drafting team. The aim is that the NGO Working Group will be in a strong technical and legal position to negotiate and lobby the Government's drafting team.

### **Strategic action two: Working with parliament members to support A2I law”**

CSOs view that the strategic action two is an alternative strategy which will be undertaken if the Government, particularly the Ministry of Information does not make progress regarding the drafting the A2I law.

Then we can consider working with members of parliament from different political parties to propose the Access to Information law.

The Member of Parliament, Mr. Son Chhay, Samrainsy Party (SRP) drafted and submitted two different A2I draft laws in 2010 and 2012. These were rejected by CPP's MPs. CNRP has put access to information law into its party platform in the 2013 general election. During the political negotiation between the CNRP and CPP, the importance of an A2I law was raised by the CNRP. As a result of the 2013 national elections, CNRP has 55 seats of the 123 at the National Assembly. CNRP will propose a third version of Access to Information law in 2015, if the Government does not take serious action on this important law. Within the CNRP, Mr. Son Chhay is highly committed to enacting an A2I law.

If time allows, CSOs will communicate with the Members of Parliament of CNRP and work with key MPs who are interested and committed for moving forward in finalizing the draft A2I law. The technical assistance from CSOs will be provided and consultations, if needed, will be organized and supported to ensure that a final draft A2I law by CNRP is comprehensive and aligned with the nine principles and with the Cambodian context and laws.

### **Strategic action three: Creating a strong legal understanding and foundation**

We acknowledged that there was limited understanding of the existing policies and laws regarding access to information and information disclosure. Conducting legal review, analysis and assessment on the existing Cambodian laws and policies will identify the gaps, and consultative meetings will be organized with different groups of people and different sectors with citizens, CSO, media, government officials, including sub-national authorities. Findings will build a strong foundation to support the advocacy campaign on the development of the A2I law.

API together with law students and legal experts conducted a legal review and analysis in 2010 and API continues to further work in order to gain full understanding of the gaps of Cambodian existing policies and laws. The intention is that, once analysed and identified,

these gaps will be put together and presented, either by the legal team or the NGO Working Group, to the Government drafting team as well as to relevant stakeholders. It is hoped this presentation will be considered so that the gaps will be addressed in a draft A2I law compiled to international standards.

Based on the findings, the debriefing and/or consultative meetings will be organized with key government ministries and Parliament and Development Partners, in order to better understand relevant laws, policies and the need for access to information and information disclosure. The meetings will also be used to lobby and convince those participants to produce a draft and ultimately a law on A2I that meets international standards and which will seriously uphold adequate and effective public access to public information.

#### **Strategic action four: Encouraging and supporting the sub-national government to adopt related policy for citizen access to public information and information disclosure**

Aligned with the Decentralization and Deconcentration policy and framework of Cambodia, the Strategy campaign will explore the possibility for encouraging the sub-national government, particularly the District and Commune Councils to adopt the policy that allow citizens access to public information.

Legal review and analysis on related policies and guidelines of D&D framework will be conducted to prove that local Councils have legitimacy in adopting any policies that benefits to the citizens.

Collect data from different stakeholders at national and sub national level on the current status of information disclosure at the sub-national level under the existing laws and policies pertaining to different areas and/or sectors as well as inputs to what would constitute a good A2I Law that would address the real public's need for information. This would be presented to the Government /Ministry of Information and the Drafting Committee. The findings will also present and discuss with NCCD at the Ministry of Interior for exploring possible support.

Strengthen and develop capacity of sub-national authorities, and encourage district councils and commune Councils to provide public access to information. This is part of the strategy implementation. CSOs will support development of tools, systems and mechanisms for information management and disclosure. Commune Councils would be provided with support to deal with increased demand for greater information disclosure at higher levels of governance.

#### **Strategic action five: Working with the media and social network**

**Raising community awareness and demand for A2I Law:** outreach activities on rights to know and A2I of the target groups. Information Educational Communication (IEC) will be produced to complement rights awareness activities for local citizens to gain understanding of their rights. Public community forums and information dissemination forums will be organized to encourage community participation and interaction regarding issues faced by the community to ensure elected local councils are accountable for information disclosure on critical issues. Media campaigns will be conducted at national and provincial levels supported by A2I in collaboration with media organizations. Improve capacity of media to ensure they are independent and balance.

Continue radio talk show. Arrange speakers at suitable public gatherings, where A2I can be explained and referenced, such as graduation ceremonies from high school or college or law school. Sponsor public debates incorporating A2I at schools or other public forums.

The media should play an active role in demand for the A2I law because the media will benefit significantly in exercising their rights to government held information for their daily news. The media representative and a CSO A2IWG representatives are sitting on the A2I Law Drafting Committee. Both representatives will work and support each other in providing inputs on the content of the law.

EWMI- a civil society organization funded by USAID has previously sponsored a law school competition. In Jan. 2012 it sponsored the 5th Annual Cambodian law school mock trial competition. It will be contacted to determine if next year's competition can focus in some way on the subject of A2I, transparency and democracy.

Participate in any public activities, or create some, related to public observances, such as: Sept. 15- UN- International Day of Democracy; Sept. 24- Cambodian Constitution Day (use this to focus on sections of the Constitution which may assist A2I); Sept. 28- International Right to Know Day- established in 2003, it is listed on the EU calendar, showing that it has gained a wide acceptance in some western countries; Dec. 10- UN- International human rights day.

Join international networks focusing on A2I to gain information and resources from them which may help in publicity or resources, such as FOIANet.

Establish an internet site and Facebook, simpler and more basic than API & A2IWG site, and separate from it, explaining A2I and benefits. There are many younger Cambodians who are active on the internet regularly. It should be linked to terms “information” “Cambodia” etc... And it can be linked to other civil society web sites- so that they have an “access to information” link somewhere on their site. Perhaps it should be sponsored by the Working Group.

#### **Strategic action six: Building and maintaining alliances and networking**

Organize and support NGO A2I Working Group's actions in order to support the drafting process and demanding for A2I law passage.

Formulating advocacy materials (citizens' needs and demands reports and briefing papers) from information gained from the sectorial groups consultation and the legal review and analysis. The project will support and facilitate representatives of the A2IWG and civil society networks to meet with different government institutions, who are participating in the Technical Working Group, engage with the leadership of the Ministry of Information to raise the importance of A2I legislation, the key elements in the law, the concerned issues related to drafting process, and seek support and intervention. The project will be linked to API & A2IWG's existing national mechanism with the Parliament to support those representatives to communicate and debrief on findings of policy gaps, the citizens' needs and demands of information and the possible key contents of the law with Members of Parliament.

Collaborating with the existing action on access to information and information disclosure as well as social accountability; partnering and supporting joint action on specific activities; coordinating the sharing of information and exploring possible partnerships with different issue-based civil society networks and groups as well as other stakeholders in order to facilitate the progress towards completing the drafting of A2I law and demanding the passage to statue of the drafted law, if possible. The organizing of forums/consultations with sectoral groups will be utilized in these existing networks and partnerships.

Currently at least 20 CSO networks have actively engaged and supported the A2I law and information disclosure. API & A2IWG, together with and support from UNESCO, will work with issue-based CSOs and groups to create demand for the Access to Information Law and to receive continuous feedback from the CSOs on the draft law throughout the project timeframe.

### **Strategic action seven: Supporting Open Government Partnership (OGP) campaign in Cambodia**

The Cambodian government did not indicate its interest in or wanting to be a member of OGP. By adopting an access to information law, which is one of the 7 OGP membership requirements, Cambodia is more likely eligible. The 7 clusters of commitments are: public participation by engaging citizens in policymaking; government integrity by fighting corruption and strengthening democratic institutions; freedom of information by guaranteeing public access to government information; fiscal transparency by helping citizens follow the money; public service delivery by making services work for the people; extractive resources transparency by ensuring extractive revenues are used for public benefit; open data by digitizing and opening up government data for access to information and transparency. Passing an A2I Law will support Cambodia's commitments to enhance government integrity, enact and modernize freedom of information legislation, increase fiscal transparency, improve public service delivery, and strengthen natural resources transparency. If implemented, these reforms will make governments more open, accountable, and transparent for citizens.

In the three years since the launch of OGP, participation has grown from eight to over 60 countries, with hundreds of civil society organizations (CSOs) participating in the OGP process at the country-level. OGP countries represent one third of the world's population and have made more than 2,000 open government reform commitments since joining. Commitments vary from country to country, as government and civil society reformers decide what is most relevant in their national contexts. This has led to a diversity of issues tackled and approaches taken, distinguishing OGP as a unique international platform for reform.

### **Strategic action eight: Supporting the Social Accountability Framework implementation.**

Access to information is one of five key strategies in implementing the Government Social Accountability Strategic Plan. The Strategic Plan on Social Accountability focuses on the strengthening of partnerships between Sub-National Administrations and citizens, promoting the empowerment of citizens, and enhancing accountability of Sub-National Administrations (SNAs), aiming for a more effective implementation of the sub-national democratic development reform process.

Social Accountability in the sub-national democratic development reform process aims to empower citizens and local communities, particularly women, youth and disadvantaged groups, to strengthen the allocation and use of budgets and the delivery of local public services through improved access and use of information and citizen-led monitoring of budgets and the performance of Sub-National Administrations.

Implementation of social accountability plan will strongly support the implementation of Access to Information Law, when it is adopted. Local government officials and community and civil society organizations and service delivering agencies would well understand about citizen rights to information and their duty to disclose public information.

### **Strategic action nine: Mobilizing community to support and to demand for an A2I law**

**Enhance capacities of civil society organizations working at sub-national government to advocate for greater transparency and information disclosure:** an assessment on the availability and the needs of information will be conducted. Activities to enhance capacity of CBOs and NGOs to advocate for A2I, and support NGOs and CBOs to work with sub-national government to disclose information will be carried out. The capacity development of civil society will be undertaken to empower them to work with and support local councils to make information available and develop tools and mechanisms to ensure access.

Creating sustainable support and interventions on access to and demanding for information through supplying reliable information and improving the knowledge of the A2IWG, issue-based civil society networks, key government institutions and other stakeholders. The reports of the citizens' needs and demands on information and legal analysis on policy gaps will be produced and shared in order to educate, raise the concerns related issues and also to support the advocacy actions for support and integration during the drafting process.

To contribute towards increasing transparency and accountability, the campaign will on one hand, develop the competency of Commune and District Councillors to fulfil their mandate on information disclosure and information management. Support will be provided in: 1) building their confidence to demand access to information from national level and 2) setting up effective mechanisms for disclosing public information and in generating demand for information from the public, community-based organisations (CBOs) and local NGOs. On the other hand, the campaign will increase the knowledge and skills of specific target groups such as the young, women (mothers), farmers, fishermen, elderly people, people with disabilities, and members of CBOs and other marginalised people to demand for and effectively use public information.

Given that NGOs and CBOs play a significant role in the community, the campaign will work closely with them and will provide technical and financial support so that they can carry out the essential functions of social mobilization and encourage information disclosure. API & A2IWG will focus on demand driven and innovative capacity development support to the CSOs, using learning and sharing experience and best practices, with a view to enhance their effectiveness, internal governance and accountability. API & A2IWG will work to create a better enabling environment for CSO – Government dialogue while promoting coordination, harmonisation and joint action among Development Partners (DPs).

*At sub national level*, the campaign will work closely with local government and other government institutions such as Fisheries Administration and Forestry Administration, CBOs, Provincial Association of Commune and Sangkat, civil society networks and the media to promote access to information on various issues.

This Campaign will be implemented in communes experiencing conflict over people's access and user rights to natural resources where most partners already work in. The campaign will build on API's long-term experience in working with these local communities and use existing infrastructures in place such as radio stations in the provinces (StuengSenradion in Kampong Thom and BanteayMearchey).

#### **Strategic action ten: Building business support**

Contact the major international business associations and lobbying groups. Arrange meetings with the organization, and seek to arrange to speak with the general membership at any meetings, luncheons or dinners, if they hold them. Be prepared to explain A2I to the directors, and membership, and convince them that the adoption of the law would be to their benefit by:

- Providing better information prior to making investments and business decisions, that is, it would promote transparency of the business risks and benefits from varied courses of actions.
- Promoting growth in Cambodia which would increase the likely success of their investments here.
- Helping them meet the legal requirements of their home countries which depend on the provision of information about overseas business activities.
- Point out how the A2I will strengthen the Anti- Corruption law, and vice versa.
- Draft a document or statement explaining the development and business benefits of A2I and disseminate it as widely as possible, but especially to the business community and other CSOs.

API & A2IWG and other civil society groups should stress the support of the international business community for A2I when in contact with Members of Parliament or government.

Enlist the business groups to contact any government ministries or official government departments that they do business with, in order to inform the government of their support for A2I.

Hire a macroeconomist to do an economic analysis in support of the argument that A2I will contribute to the economy and development.

Macroeconomics is the study of the economy as a whole. It considers many factors influencing the economy, and is used to try to forecast economic conditions to help consumers, *firms* and *governments* make better decisions. A macroeconomist would gather available information, (and extract information from figures that he/she can find) and use a mathematical model to project how changes in the A2I law will affect business growth and development. This type of analysis is routinely done in the western countries, by both government and private industry. It is used by western governments to determine the likely effect on the economy of changes in laws. It is used as a planning tool by large companies to project how changes will affect an economy, their industry, or their client (buying) base. Any large international corporation, and western governments and the U.N. will be familiar with this, and will find it helpful and likely persuasive.

This will give proponents of the A2I a solid foundation to discuss the benefits. It would rebut the idea that the government cannot afford to implement A2I, as it will presumably show that the benefits will outweigh any cost. If such a study is ordered, its results should be reviewed and analyzed before releasing it to the public. Assuming results are favorable, those figures can be used in a variety of ways, in public forums.

#### **Strategic action eleven: Building development partners and intergovernmental body support**

In addition, CSOs acknowledged that achieving the implementation of this Strategy, it requires to joint hands with International Organizations and Donors to gain support. They are:

**A- Working with ASEAN Countries through ASEAN PEOPLE FORUM and ASEAN Intergovernmental Commission on HR-(AICHR)**

Thailand and Indonesia have adopted A2I laws, but others have not or are still in the drafting process.

Every year ASEAN Summit rotates among each member country. The ASEAN PEOPLE FORUM is a CSO platform to mobilize ASEAN CSOs to regularly voice their concerns and demands to the ASEAN Summit. One of the demands is passing A2I law.

**B- Working with UN agencies**

Forward movement on a policy matter (A2I) which is strongly supported by various U.N. agencies and departments (UNESCO, OHCHR, UNDP etc.) and other western countries (Perhaps someone on the board or known to API & A2IWG has contacts available to make this suggestion to a member of the government, or find out if a member of government has seen this possibility. It may be worth exploring.

**C- Working with *Europeaid- European Union and EU member states***

The European Union believes that democracy and human rights are universal values that should be vigorously promoted around the world. They are integral to effective work on poverty alleviation and conflict prevention and resolution, in addition to being valuable bulwarks against terrorism. Having come into force on 1 January 2007, the European Instrument for Democracy and Human Rights (EIDHR) is the concrete expression of the EU's intention to integrate the promotion of democracy and human rights into all of its external policies.

**D-Working with International Institutes:**

***Centre for Law and Democracy***

[http://www.law-democracy.org/?page\\_id=110](http://www.law-democracy.org/?page_id=110)

This is a general resource, and has legal and other information. This group has an RTI project in Indonesia. It also has a mailing list, and may be a good network to join.

***Open Society Foundations- Geo. Soros***

Open Society Foundations run a number of different programs. The Right to Information Fund specifically works in the RTI area. It provides support to civil society groups that are working to promote RTI-

Link to their funding requests site:

<http://www.soros.org/initiatives/rights-initiatives/focus/access/grants>

***National Democratic Institute- Current chair- Madeleine Albright (former US Secretary of State)***

<http://www.ndi.org/>

"The National Democratic Institute is a nonprofit, nonpartisan organization working to support and strengthen democratic institutions worldwide through citizen participation, openness and accountability in government."

Has a field office in Cambodia, and has been here since early 90's.

Contact Information:

Phnom Penh contact- Laura Thornton, resident director, 855-23 990 072

Wash DC - MarjanEhsassi 202-728-5405

#### ***National Endowment for Democracy-***

<http://www.ned.org/grantseekers>

A private nonprofit foundation, to strengthen democratic institutions around world.

Each year NED makes direct grants to hundreds of nongovernmental groups abroad working to ensure human rights, an independent media, the rule of law and to advance other democratic goals.

Their statement: **We encourage applications for financial support from activist organizations in diverse situations, such as transitional countries where the goal is democratic consolidation, authoritarian countries where the goals are liberalization, and the protection of human rights.**

**NED also makes grants to four American partners, commonly known as the "Core Institutes," for work abroad to foster the growth of political parties, electoral processes and institutions, free trade unions, and free markets and business organizations.**

#### ***ABA Rule of Law Initiative- in Cambodia***

ABA is American Bar Association, and is the national professional group for lawyers in the U.S. (each state also has professional legal groups, because lawyers get a separate license in each state). ABA runs a Rule of Law Initiative, supporting the development of legal rights and institutions around the world.

ABA is working with PILAP (public interest law group). It has 3 project areas: access to justice & human rights; legal education reform & civics; legal professional reform.

A2I may fit within the first 2, and could be a good match with the ABA.

Field office contact- Steve Austermiller, resident legal advisor email: [rol@americanbar.org](mailto:rol@americanbar.org)

### **Section Five: Implementing and Monitoring the Strategy**

CSOs and networks recognize the importance of openness in monitoring and reporting; transparent information sharing; meaningful beneficiary participation in planning processes; effective and efficient resource use; and systems for lesson learning and responding to concerns and complaints. CSOs also will ensure all its works are documented with clear systems for monitoring, evaluating and reporting to all stakeholders including leaders, members, and staff and partners. The aim is to ensure that all plans are implemented, and that its actions are regularly monitored and evaluated in order to promote a transparent and accountable service delivery system, as well as to provide periodic analytic reports on findings and proposed corrective actions.

In supporting the systematic implementation of Strategy 2014-2018, the CSOs and networks will **report and reflect annually** on its progress to the NGOs A2I Working Group and networks members. A **mid-term review** will be carried out in 2016 in order to ensure that our priorities remain relevant and that we hold ourselves accountable for this commitment. A

**final review** will occur in mid of 2018, and **new Strategy formulation** will start in late of 2018.

## **Section Six: What are the key challenges and issues to be addressed**

Promoting citizens' rights, particularly the right to know, right to information and right to participate is challenging in a country where democracy is fragile. At least two main challenges have been identified: adopting the legislation and creating a culture of disclosure 'open government'. Beside this challenge, it is also another challenge which is how this new law will be implemented in accordance with the existing Cambodian laws. Does this new law only focus on the outside of existing laws or it will cover any particular sector? If so, how will it be developed and adopted? What will happen to the previous (existing) laws? Does this A2I law supersede other laws?

CSOs are also concerned that this A2I law only addresses the administrative issues which do not touch the critical issues that the state views as secret information. The law will not respond to the public interest in which everything is open but only if it will serve the interests of government.

The Government may pass an A2I Law which only addresses minor aspects of information disclosure such as administrative information and at the same time try to get around issues on access to serious information for example; information related to land concessions, foreign and large local investments etc.

There are already hundreds of pieces of legislations dealing with different sectors and issues. Each law/legislation has its own implementation mechanisms that are either too complicated or inadequate to ensure information disclosure. If the anticipated A2I Law fails to supersede those existing legislations then it will be pointless.

### **Challenges to passing access to information legislation**

The Government, under the leadership of the MONASRI, completed the draft *Access to Information: A Clear Policy Framework for Cambodia* in mid-2007. It remains with MONASRI. The approval of an access to information policy would set the stage for passage of legislation. Without it, legislation appears to be even farther away. The two laws drafted by the opposition party were rejected. CSO has introduced a model law on access to information. On November 2013, the Government officially assigned the Ministry of Information to lead and consult on the development of A2I law. With the financial support from SIDA, the three year time frame was introduced in order to complete the drafting process. However, it is not known when the law (assuming the draft is completed) will be passed.

### **Few Parliamentarians support the principle of maximum disclosure**

There has been some enthusiasm amongst select Parliamentarians for access to information legislation. However, a relatively low proportion of Parliamentarians surveyed agreed with the statement that encapsulates the principle of maximum disclosure: all government information should be public "unless a balancing test shows that release of the information would cause more public harm than good". General enthusiasm for the idea of openness is a good start, but it must be backed up by a commitment to this fundamental principle of maximum disclosure.

A strong tradition dictates that legislation should originate in the Executive branch

Most legislation originates in the executive branch, so even Parliamentarians' enthusiasm will not guarantee passage. Support from the executive branch is almost certainly required.

"Information, consultation and human rights are key to the fight against poverty," says Michael Switow of the Global Call to Action Against Poverty (GCAP). "A law on access to information should be a priority, before these other pieces of legislation are adopted. The public should also have a chance to comment on draft legislation, which must be consistent with Cambodia's international human rights obligations."

Unfortunately, parts of the Royal Government of Cambodia do not appear to place a high value on civil society's opinions. Officials at the Ministry of Justice said that NGOs often 'interfere' with government work, while on at least two occasions in the past three months, Cambodian Prime Minister Hun Sen has said that his government does not need civil society input.

CSOs have requested the Royal Government to make all draft laws available to the public, and to engage in meaningful stakeholder consultations, resuming the past practice of considering concerns, views and perceptions of our constituents and other members of the public on draft legislation. But government has not responded.

#### Challenges in promoting openness and disclosure

##### Cambodia has a historic culture of secrecy

One challenge to the promotion of access to information is that Cambodia has not historically been an open society. A Cambodian legal scholar has described the roots of this culture of secrecy:

Whether it has been the divine rule of the Angkor Empire, the ethnocentrism of the French colonialists, the paternalistic "Buddhist Socialism" of the Sangkum Reastr Niyum in the 1950's and 60's, the corruption and cronyism of the Khmer Republic, the paranoic Maoism of Pol Pot, or the "machine"/patronage politics of the present day ruling CPP, transparency and "open government" have never been the hallmarks of Cambodian governments or their leaders.<sup>27</sup>

The Khmer Rouge was a notoriously secretive regime. One journalist has noted that the National Library had around 325,000 volumes of official records before 1975; only 65,000 remained after the collapse of the regime.<sup>28</sup>

---

<sup>27</sup> Raymond Leos, *Access to Information in Southeast Asia and Cambodia*. Undated. Pg. 16.

<sup>28</sup> Moeun Chhean Nariddh. "All Parties Stand to Gain from Freedom of Information Law". Letter to the Editor, *The Cambodia Daily*. September 29, 2011.

## **Section Seven: Risk Management**

1. Political commitment: Government may delay the process, compromise the quality of the law, making the law too vague or narrow. .CSOs will work with DPs to engage government to pass A2I law that meets international human rights standards.
2. In NA, the CPP ruling party is dominant. CSOs will engage closely with political leaders in the ruling party as first priority.
3. If CSO works with CNRP, opposition party, then it might affect the CSO relationship with the CCP ruling party government, it might also have a negative or positive impact to on the legislative process. CSOs will work closely with both political parties and ensure its independent role.
4. Limit of resources, coordination and commitment of CSOs to work in the slow process of drafting A2I law: Identify specific strategy/plan to mobilize resources.
5. Public awareness on A2I law is very low: CSOs keep working with youth groups, media, through social media, community outreach, campaign and public forums and debate to increase public interest and attention.
6. Authorities are reluctant to disclose information. CSOs will work with local authorities to implement Social Accountability Framework and improve implementation of Organic Law that promote public information disclosure.
7. Some unethical media do not make public the true news, it negatively effects people rights to true information. CSOs will make sure A2I Law is promoting professional media with true and balanced information.
8. Ministry of Information is leading the A2I Law Drafting Committee. Members of drafting committee are from different ministries. Longer time than expected will be taken if MoI will take more time in consultation with different ministries, some powerful ministries do not want to some key important information to be under the A2I law. CSOs will work with Ministry of Information and other relevant ministries through different sectoral NGOs networks that have good relationship with each relevant ministry to lobby them for supporting its openness and disclosure.
9. Lack of capacity and autonomy of the Sub-National Administration (provincial, district, commune authority), it is more challenging for them to independently develop any policy for information disclosure for their jurisdiction.

## **Section Eight: References**

1. Access to Information Working Group.*Access to Information Policy Framework*.Undated.
2. Advocacy and Policy Institute.*A completion Report to the British Embassy*: A workshop and survey conducted by the Advocacy and Policy Institute. 2010.
3. Advocacy and Policy Institute.*Access to Information and the Cambodian Parliament: An Assessment*. December 2010.
4. Advocacy and Policy Institute.*Access to Information Baseline Survey*. November 2011.
5. Advocacy and Policy Institute.*Access to Information Programme: Programme Progress Report 1 January to 31 December, 2011*. Submitted to Danida. January 25, 2012.
6. Advocacy and Policy Institute.*Baseline Survey Report: The Access to Information Situation in 13 Communes in Kompong Speu, and Kompong Thom in Cambodia*. January 2010.
7. Advocacy and Policy Institute.*Commune Information Disclosure Project: Findings of the Project Evaluation*. December 2010.
8. Advocacy and Policy Institute.*Introduction to Access to Information in Cambodia*. August 2010.
9. Advocacy and Policy Institute.*Project Completion Sheet*.Submitted to Danida. January 31, 2012.
10. Advocacy and Policy Institute.*Report on Consultative Forum on Access to Information in Forestry and Land Concession*. March 2012.
11. Advocacy and Policy Institute.*Report on Consultative Forum on Access to Information in Housing Rights*. April 2012.
12. Advocacy and Policy Institute.*Report on Workshop on Access to Information and the Cambodian Parliament*. December 7, 2010.
13. Advocacy and Policy Institute.Reports on consultative meetings.2010-2012.
14. Advocacy and Policy Institute.*Review of Legislation Relating to Access to Information*.Undated.
15. Advocacy and Policy Institute.*Summary report of Workshop on Access to Information: The Need of Legal Framework and Public Information Disclosure*. April 8, 2011.
16. Article 19.*Memorandum: On the Draft Law on Access to Information of Cambodia*. June 2011.
17. Article 19.*The Public's Right to Know: Principles on Freedom of Information Legislation*. June 1999.
18. “Cambodia Promotes Right Access to Information”.*DAP-NEWS/ROS RITHEA*. February 24, 2011.
19. Cambodian Center for Human Rights.*Freedom of Information in Cambodia: A right to know or a culture of secrecy?* May 2012.
20. MoeunChheanNariddh. “All Parties Stand to Gain from Freedom of Information Law”. Letter to the Editor, *The Cambodia Daily*. September 29, 2011.

21. MONASRI.*Access to Information: A Clear Policy Framework for Cambodia*. July 22, 2007.
22. Paul Vrieze and Phorn Bopha.“Group Backs Freedom of Information Draft”, *Cambodia Daily*. September 27, 2011.
23. Presentation by Prof. Rick Snell, Senior Lecturer in Law, University of Tasmania, Australia.*Civil Society Workshop on Freedom of Information Report*. Workshop conducted by the Advocacy and Policy Institute/Pact Cambodia in cooperation with the Freedom of Information Working Group. July 26, 2007.
24. Raymond Leos, *Access to Information in Southeast Asia and Cambodia*. Undated.
25. Raymond Leos. *The Role of Access to Information in Promoting Democracy, Good Governance, and Development in Cambodia*.Undated.
26. Tep Nimol. “At least debate FOI draft: SRP lawmaker”. *The Phnom Penh Post*. March 2, 2012.
27. The Access Initiative Cambodia.*Cambodia Assessment Report: Access to Information, Public Participation, and Access to Justice*. December 2010.
28. World Bank.*Linking Citizens and States: An Assessment of Civil Society Contributions to Good Governance in Cambodia*. February 2009.

## **Section Nine: Annexes:**

1. Benefits of having advocacy strategy
2. List of all A2IWG members
3. List of CSOs sectoral networks
4. List of provincial NGOs networks
5. List of Business Association
6. A Media Directory
7. List of contact person of government stakeholder, members of Parliament and members of A2I Law Drafting Committee,
8. List of development partners involved on A2I Law
9. Definition

## **Annex 1: Benefits of Having Advocacy Strategy**



Strategic advocacy is the backbone of effective advocacy. It combines efforts to generate fundamental decisions and actions that guide NGO Access to Information Working Group, organizations and networks to achieve the objectives.

The Strategy provides us with:

- Useful documents and roadmaps for advocating for and working together in pursuing the legislation of A2I.
- Effective planning and mobilizing of resources (time, funds, skills) to their most effective use.
- Minimize the risks and maximize opportunities for advocacy actions.
- Knowledge on how to navigate the complex, dynamic and diverse environments in implementation.
- Aligning advocacy with other areas of work and organizational goals, both long term and short term.



**Keep in mind** Being strategic in advocacy is essential because it makes advocacy effective.

- Keeping the long-term vision alive. A good strategy can be applied to a quick initiative or a long-term program, but it always creates opportunities to advance efforts and protect gains.

**Annex 2: Members of NGO Access to Information Working Group and organizations and networks involved in the development of the Strategy 2013-2018**

<b>Names of Member Organization</b>	<b>Sector</b>
1. ADHOC: Cambodian Human Rights and Development Association	Human Rights
2. CDCam: Conservation and Development on Cambodia	Development
3. CEDO: Community Education Development Organisation	
4. CHRAC: Cambodian Human Rights Action Committee	Human Rights
5. CLEC: Community Legal Education Center	Legal aid
6. COMFREL: The Committee for Free and Fair Elections in Cambodia	Election
7. Equal Access	
8. KID: Khmer Institute for Democracy	
9. KWVC: Khmer Women's Voice Center	
10. KYA: Khmer Youth Association	Youth
11. NICFEC: Neutral and Impartial Committee for Free and Fair Elections in Cambodia	Election
12. OFC: Open Forum of Cambodia	
13. PDP Center: People Center For Development and Peace	Youth
14. Star Kampuchea	Good Governance
15. VoD-CCiM: Voice of Democracy -Cambodian Center for Independent Media	Media and governance
16. WMC: Women's Media Center of Cambodia	Media
17. API: Advocacy and Policy Institute	Policy Advocacy, Governance and Access to Information
18. HRTF (Housing Rights Task Force)	Housing Rights
19. CPN: Cambodian Peace Network	Land and Forest
20. RAO: Rural Aid Organization	Development and child
21. OI: Open Institute	ICT
22. AT: Advocacy Team	
23. Pact	Good gervernance
<b>Partners</b>	
24. UNDP: United Nations Development Programme	Governance and Human right programme
25. UNESCO: United Nations Educational, Scientific and Cultural Organization	Information
26. FACT : Fisheries Action Coalition Team	Fishery
27. YRDP: Youth Resource Developement Program	
28. Minority Organization Development of Economy	
29. ADHOC-Kompong Spue: Cambodian Human Rights and Development Association	
30. NPA: Norwegian People's Aid	
31. AARR- Pursat:Alliance Action for Rural Restoration Organization	

32. NPG: Network Prey Veng	
33. NAT (NGOs Association Taked) / YCC (Youth Council of Cambodia)	
34. Press Council of Cambodia	
<b>Sectorial Network Partners</b>	
1. FACT: Fishery Action Coalitions Team	Fishery
2. CISA: Cambodian Independent Civil Servant Association	Anti-Corruption
3. WGPD: Working Group for Partnership in Decentralization	Decentralization
4. CCC: Cooperation Committee for Cambodia	NGO Best Practice
5. NGOCRC: NGO Coalition on the Rights of the Child	Child
6. CDPO: Cambodian Disabled People's Organisation	Disability
7. GAD/C: Gender and Development for Cambodia	Gender
8. MEDiCAM: Membership Organization for NGOs Active in Cambodia's Health Sector	Health
9. KHANA: Khmer HIV/AIDS NGO Alliance	AIDS
10. NEP: NGO Education Partnership	Education
11. NGO Forum	Land, Environment, National Budget, Forestry, Hydropower dam
12. CRRT: Cambodians for Resource Revenue Transparency	EI revenue
13. EISEI: Extractive Industry Social Environmental Impact network	EI impact
14. Coalition of Cambodian Apparel	
15. HRTF: Housing Rights Task Force	Housing Rights
16. PCC:	Media
17. CEDAC: Centre d'Etude et de Développement Agricole Cambodgien (Cambodian Center for Study and Development in Agriculture)	Water and Agriculture
<b>DCA's partners and CCC's members participated in Advocacy Strategy Development on A2I Law in 2014</b>	
1. API-Advocacy and Policy Institute	
2. A2IWG-NGO Access to Information Working Group	
3. CCC-committee for Cooperation Cambodia	
4. CCFC-Coalition of Cambodian Farmer Community	
5. CDPO-Cambodian Disable People Organization	
6. CDPS-Community Development for Peace and Sustainability (secretariat body of CPN)	
7. CDWN-Cambodian Domestic Worker Network (the network is under umbrella of IDEA)	
8. CICA-Cambodian Independent Civil Servant Association	
9. CLEC-Community Legal Education Center	
10. CPN-Cambodian Peace Network	
11. CRY-Coalition of Road Safety	
12. CSOs-Civil Society Organisations	
13. CNK-Network in Kampong Thom	
14. DCA/CA-DanChurchAid/ Christain Aid	
15. FACT-Fishery Action Coalitions Team	
16. GADC-Gender and Development for Cambodia	
17. ICC-International Cooperation for Cambodia	
18. KYA-Khmer Youth Association	

19. LICADHO-Cambodian League for the Promotion and Defense of Human Rights
20. LSCW-Legal Support for Children and Women
21. MNN-Mondulkiri NGOs Network
22. MS-Mith Samlanh Organsiation
23. MVI-My Village International Organsation
24. NGO CEDAW-NGO on the Convention on theelimination of All Forms of Discrimination against Women
25. NTFP-Non-Timer Forest Products Organisation
26. RAO-Rural Aid Organisation
27. RS-Rachan Satrie Organisation
28. ICNL-International Center for None-for Profit Law
29. TROCAIR-TROCAIR organisation
30. UCL-Cambodian Food Service Workers' Federation

### **Annex 3: About the NGO Access to Information Working Group**

#### **Membership and Structure:**

The Access to Information Working Group (A2IWG) is a coalition of 30 core member organizations that include TI Cambodia, the NGOF, CRRT, API, COMFREL, and other members from the advocacy network and other interested NGOs/CSOs. It includes national and international organizations joining hands to work on promoting information disclosure and advocating for the enactment of an A2I law in view of broadening democratic space and increasing public/state transparency and accountability in Cambodia.

The A2IWG was established in 2003 with technical support and facilitation of APP/Pact and ADHOC. As a result, many workshops, seminars, conferences research studies and numerous advocacy activities on A2I have been held and organized over the years with the Government (MONASRI and relevant ministries), National and international organizations and companies, media and embassy with participation from A2I experts to discuss and raise awareness on A2I and its related issues.

#### **A2I WG's Mission:**

The A2IWG members collaborate together to promote information disclosure and to advocate for the passage of an A2I Law with meaningful participation and input from civil society so that the law would have to be of good quality and meet international standard.

The “A2I Working Group” (A2IWG) has been in existence for over 10 years now as an important advocacy mechanism to ensure a collective approach towards a good A2I Law and information disclosure. However, the A2IWG has been working so far mostly on ad hoc-basis and without a proper written Terms of Reference.

The A2IWG has spearheaded the campaign for access to information legislation and has engaged in awareness-raising activities in communities in cooperation with local authorities in all target provinces. The A2IWG is coordinated by the Advocacy and Policy Institute (API) and has been deeply involved in efforts to promote access to information in Cambodia to support the legislative process leading to an access to information law, and develop a culture of maximum information disclosure and has provided the Ministry of Information a huge pile of documents/materials related to access to information in both hard and soft copy that could be used as a reference for their works

Now that the advocacy focus has come to a new level when the government has officially demonstrated its political will to move forward with the development of the long-awaited FOI

Law, the challenge ahead for the A2IWG is to push for the law to be adopted as soon as possible (note that the Government said the A2I Law would be ready and adopted within three years) and to see that the law is of good quality, preferably meeting international standards, a stronger and more cohesive approach would have to be taken by the A2IWG.

It is with these developments and in preparation for a meaningful engagement with the government in the A2I Law drafting committee, a series of meetings of the A2IWG have been called for discussions of different advocacy strategies. It is at the last meeting that the A2IWG agreed to develop a written strategy so that everybody would be clear of the roles, responsibilities and activities of each member as well as for the group to be well-prepared for a meaningful engagement with the government especially on the development of the A2I Law.

### **A2I WG's Strategy:**

To achieve this objective, the A2IWG focuses its activities on (not limited to):

1. Discussing/proposing key strategic directions in response to existing and emerging challenges;
2. Knowledge exchange and capacity building for members and wider NGOs/ CSOs.
3. Speaking in one voice with regard to comments and input to be presented to the Technical Inter-Ministerial Committee for Drafting the A2I Law led by the Ministry of Information and to other stakeholders
4. Ensuring a fast and effective communication mechanism so that emerging challenges could be discussed and handled as immediately as needed and that members are timely updated

### **Activities:**

Members of the A2IWG meet on a monthly-basis or on an ad-hoc basis when necessary to undertake the following activities:

1. **Exchange and update of information** on latest issues relating to the A2I Law development/progress (i.e. the A2IWG members representing in the Technical Committee provide regular updates on what have been put in the draft law, what have been proposed by the A2IWG and accepted and what have been rejected and why, the actual status of A2IWG in the committee, and what would be the position of the A2IWG to be presented back to the Technical Committee, etc.) or specific development issues identified by members and/or new suggestions relevant to the law and the drafting process at national, sub-national and sector levels.
2. **Identify, initiate and undertake** priorities, plans, strategies and activities (research/studies, training, workshops, outreach campaigns, regular media articles/newsletters, etc.) to achieve overall objectives of the A2IWG or deal with specific issues of access to information possibly related to different sectors.
3. **Analyze and discuss** critical information, good and bad practices/reports, laws/regulations, related research findings on information disclosure at the

national/sub-national and sectors level (discussing and approving of position paper on the draft A2I Law...) to mobilize greater inputs/comments.

### **Roles and Responsibilities:**

API plays the role of secretariat and coordinator for the A2IWG. API acts as facilitator and maintains a regular contact with all members of the A2IWG.

#### ***Facilitator's Responsibilities:***

- Identify and invite participants and resource persons for A2IWG's activities;
- Call for meetings with proposed issues/concerns to be discussed;
- Facilitate and take notes of discussions;
- Be the focal point of the A2IWG's coordinate advocacy activities;
- Facilitate and supervise activities of external researchers;
- Facilitate follow-up and other tasks;

#### ***Member's Responsibilities:***

- Regularly and actively participate in the meeting as invited;
- Update relevant information, and share concerns/recommendations from sectors' activities outside of the A2IWG;
- Contribute constructively inputs/comments to the A2IWG's identified priorities, plans, strategies and activities, especially where needed based on expertise and experiences;
- Undertake and participate in the A2IWG's activities as agreed (research/studies, radio-talks, press conferences, training/ workshop with students, etc.);
- Participate in trainings/workshops on access to information-related themes or on A2I Law/s
- Promote and mainstream public access to information into members' and their partners' plans/activities where necessary.

### **Decision Making:**

Decisions related to the activities of the working group are made by most of all members during the meeting/s using the absolute majority formula.

#### **Annex 4: About the Advocacy and Policy Institute (API)**

The Advocacy and Policy Institute (API) is a Cambodian non-profit and non-government organization with a mission to serve the long term democratic and social development needs of Cambodia through supporting and empowering people to interact with their government to protect their rights and provide for the needs of themselves and their communities. API is committed to working together with all national and international institutions who share its values to advocate for positive and peaceful social change and to improve the capacity and cooperation of all Cambodians. API seeks to build bridges between governments, citizens and the private sector, consistent with its goal of increasing Cambodia's democratic space by creating more effective advocates and responsive government institutions.

Since its establishment in July 2003 and localization from Pact Cambodia in 2007, API has successfully implemented grassroots democracy projects that encourage community actions to protect livelihoods; promoted access to information; enhanced democratic space to hold the Government more accountable and strengthened civil society's ability to participate in local and national government as well as Parliament. API advocates for policies on public access to public information and social accountability. API is increasingly becoming involved in direct advocacy and policy activities, sponsoring research and functioning as a think tank. API has experience at national and sub national levels with communities, the Government and Parliament and civil society.

Recognition of API & A2IWG can be seen in the key partnership role the organization has played with sub national government and Parliament in addressing the needs and concerns of Cambodians, particularly marginalized and vulnerable people. The organization has in many ways played a critical role in achieving goals of democratization, public participation, good governance, poverty reduction, social accountability and social development.

The organization employs sixteen<sup>29</sup> qualified experienced members of staff who are supported by three international advisors and several student volunteers. API collaborates with partners and networks<sup>30</sup> to enable it to work at local and national levels. It allows some project activities to be implemented by partner organizations based in the target provinces.

The Advocacy and Policy Institute works with citizens, community based organizations (CBOs) and local government officials and councillors in thirteen districts and one municipality of five provinces. API implements successful grassroots democracy projects using training and district and commune public forums.<sup>31</sup> Its wide expertise in advocacy capacity development and advocacy training enables it to work effectively on grassroots democracy projects which encourage community actions to protect livelihoods, promote access to information, enhance democratic space to hold the Government more accountable and strengthen civil society's ability to participate in local government. Advocacy training over the last six years has created 411 grassroots advocates (96 women) from 45 community based organizations and supported nineteen community advocacy plans to protect livelihoods.

---

<sup>29</sup>Including nine women

30 API leads three and works with eight issue based civil society networks on building capacity in advocacy, access to information and facilitating policy dialogue.

<sup>31</sup>Forums allowed 5,503 citizens to bring issues to their elected representatives.

Significantly the trained organizations now confidently provide echo training in the community<sup>32</sup> and use their skills to help raise issues at public forums and council meetings while continuing to advocate at the local level.

Nationally, API works with civil society organizations (CSOs) and issue based networks, government institutions and Parliament, to build support, promote and improve understanding for the adoption of a comprehensive public access to public information law and to modify other social accountability laws. API facilitates regular dialogue with the Government and Members of Parliament and supports civil society to communicate with them. In the last six years API actively supported fifteen CSOs networks to engage with the Government and Parliament to consider such proposed legislation as laws on Access to Information and an Environmental Impact Assessment while it also assisted CSO networks to contribute to a successful government policy on fisheries, to influence land title reform and assist the Government to strengthen law enforcement on such laws as the Law on Environmental Protection and Natural Resource Management.

API advocates for public access to public information legislation. This is supported by representatives from civil society, the private sector, political parties, local and national government and the Cambodian media. The ‘NGO Access to Information Working Group’, managed by API, brings together government officials, donors, the private sector and civil society to raise awareness about public access to public information and to push for a law to an international standard. The CBOs, NGOs and commune councillors<sup>33</sup> were trained by API and have increased understanding about access to public information and information management. This new knowledge is passed to communities through information dissemination sessions<sup>34</sup> resulting in active demands for better public information.

API publishes a range of accessible publications in Khmer and English to promote understanding of advocacy, public access to public information and the Government’s Decentralization and De-concentration Policy. API was recognized and became a key partner of the sub-national Government and the Parliament in addressing the needs and concerns of Cambodian citizens, particularly marginalized and vulnerable groups. In many ways, API has played a critical role in achieving goals of democratization, participation, good governance, poverty reduction, social accountability and development.

---

<sup>32</sup>5,503 local citizens (2,265 women) are more aware of their rights and the role they can play in supporting their own development.

<sup>33</sup>Over 2000 councillors including 387 women.

<sup>34</sup>238 sessions in the target villages informed 34, 000 members of communities, the public and private sectors.