

Appendix: Two tables analysing the Cambodian Government's progress towards key governance benchmarks for land and natural resource management between 2002 and 2008.

Table 1: How to give money and still not influence peopleⁱ

Year	Agreed Reforms	Progress towards reform priorities	Donor comments	NGO comments	Media comments	RGC comments	Aid requested	Aid given ¹
2002	Set in 2001 ² Key requests: - Anti corruption law adopted - Forest law adopted and completion of negotiations with concessionaires - Adoption of land law	- Anti-corruption law not passed. ³ - Continued impunity and high level corruption. ⁴ - Chaotic forest/natural resource management. ⁵	UK – "Overall disappointing progress against the action points agreed at the 2001 CG [The] pattern of increased donor support should not be regarded as a given. We need to see that Government is doing its part [] The passage of an anti-corruption law is still awaited."	NGO Forum – "The progress in policy has not translated into progress in impact [] Corruption and the culture of impunity remain rampant"	- "[Analysts] warned [that] the slow pace of reforms, endemic corruption and a failure to try surviving Khmer Rouge leaders was testing donor patience, and could result in conditions being attached to aid for the first time."	Hun Sen — "The Royal Government is committed to finalize the draft of the Anti- Corruption Law before end June 2003." 9	US\$485 million	US\$530.9 million
2003	No meeting held							US\$539.5 million
2004	Set in 2002 ¹⁰ Anti-corruption - 'Reported cases of corruption investigated and prosecuted appropriately within existing legal framework.' Due immediately - 'Anti-corruption law submitted to National Assembly.' Due 30 June 2003. Concessions - 'Public disclosure and opportunity for	- Anti-corruption law not passed. ¹¹ - Very limited action on corruption. ¹² - Suspension of forest concessions, but continued illegal	World Bank – "Corruption is endemic [] The volume of bilateral and multilateral donor support needs to be conditioned on the adequacy of Cambodia's reform	NGO Forum - "NGOs feel there are currently a proliferation of plans, policies, and strategies in circulation. The challenge at this point is to ensure that	- "Despite the government failing to fulfil many previously set benchmarks, international donors pledged \$504 million dollars in aid to Cambodia for next year, but warned that	Sok An- "[The Anti-Corruption] law will be resubmitted to the National Assembly and the Senate as a matter of urgency." ¹⁸ Hun Sen –	\$500m ²⁰	US\$555.4 million

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ⁱ Taken from the Global Witness Report Country for Sale, pages 56 and 57. Available online at: http://www.globalwitness.org/media_library_detail.php/713/en/country_for_sale

2005	independent experts [to] comment on Sustainable Forest Management Policies and Environmental and Social Impact Assessments prior to finalization of Government review' Information disclosure - 'Increased transparency of terms of Government contracts.' Due immediately	logging. ¹³ - Poor implementation of existing policies and laws. ¹⁴	effort." ¹⁵	these plans are being implemented [] How confident are donors that funds are being used efficiently and have a positive impact on improving livelihoods, rather than being used to support unnecessary technical assistance, fuel corruption and widen social inequity?" ¹⁶	future support will directly hinge on real changes in 2005 [] 'It's a repackaging of the same old system that hasn't seemed to work before,' said one Phnom Penh based diplomat involved in the CG meeting." ¹⁷	"Reform is not a just shallow word". ¹⁹		LICEC10
2005	No meeting held							US\$610 million
2006	Set in 2004 ²¹ Anti-corruption - 'Reported cases of corruption shall be brought before the courts for investigation and hearing.' - 'The existing draft law on anti-corruption shall be brought into compliance with international best practice' Concessions - 'Enforcement of Article 18 of Land Law, that private sales transactions on state lands are illegal' - 'Increase transparency of state management of natural resources through immediate public disclosure of existing contracts and compliance status (royalties and other key provisions) of contracts governing economic land concessions, mining concessions, fishing lots and continued disclosure of status of review of forest concessions' - 'RGC disclose the location and legal status and process for termination of mining concessions, Military Development Zones, economic land concessions and other development arrangement situated on forest land or in protected areas and inconsistent with law governing management of these areas.' [In annex] Information disclosure - 'Public authorities must change current practice by displaying a preparedness to share information with the general public'	- Anti-corruption law not passed. ²² - Partial disclosure of information on concessions, but limited detail. ²³ - Illegal logging and land grabbing continued. ²⁴	Germany – "The still unsolved problems of land grabbing and land speculation are of great concern [] We hope the information provided on economic land concessions will be quickly followed up with more complete disclosure." ²²⁵	NGO letter to CG attendees – "there has been an increase in the misuse of natural resources and other public assets by elite families and crony companies." ²⁶	- "The request was for \$513 million, but the pledges amounted to \$601 million," said Finance Minister Keat Chhon ²⁷ . [] 'Donors have praised the achievements under Prime Minister Hun Sen.' ²⁸	Hun Sen – "A draft of the Anti-Corruption Law [] is in its final stages of consideration within the government before being sent to the National Assembly." - "Reform is not a just shallow word." ²⁹	US\$513 million	US\$713.2 million
2007	Set in 2006 ³⁰ Anti-corruption	- Anti-corruption law not passed.31	World Bank representative – "We	President of Cambodian Human	- "'I worry that maybe the time for	Hun Sen – "the Royal Government	US\$689 million ³⁸	US\$790.4 million
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- 'Finalize and approve Anti-corruption Law, based on best international practices.' Due End June 2006. Concessions - 'Periodically disseminate information on economic land concessions'. 2nd quarter 2006 - '[Disseminate] all relevant sector information on the activities of government agencies, including information on mining concession and military development zones, as well as donors and NGOs by periodically postings on TWG-F&E website.' Due 4th quarter 2006 - 'Strengthening the enforcement of the Forestry Law, especially combating forest land clearing and encroachment' Information disclosure - 'Develop a clear policy framework on access to information'. Dec 2006	- Limited transparency on the awarding of ELC contracts. ³² - Poor management of natural resources. ³³	are very concerned that provisions for transparent bidding on ELC contracts are being circumvented." ³⁴	Rights organisation Licadho – "The meeting has become a routine. We know that nothing will change. There will be promises from the government - the same promises as last year - and after the meeting everything will remain the same." 35	being firm with the government has passed,' said one source with extensive experience of donor-government meetings, who requested anonymity. 'I worry that the donor community have missed their opportunity now.' [] A year on and the anti-corruption law is still languishing in draft form, judicial reform is progressing at a glacial pace, and the government's management of natural resources is being lambasted from all sides." ³⁶	is committed without any hesitation to fighting corruption by undertaking many concrete actions to meet this objective including the drafting of the Anti-corruption Law itself." - "Reform is not a shallow word" 37		
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Table 2: Promises & Procrastination - How the Government has consistently failed to fulfill its commitments to protect indigenous land since 2002^{ii}

Year	Agreed reforms - Benchmarks / Joint Monitoring Indicators (JMIs) Set	Progress towards reform targets	Development Partner comments	NGO comments	Cambodian Government Comments	Aid requested by RGC (R) and Aid given by donors (G) ³⁹
2002 to 2004 CG Meetings	a) Prepare interim procedure, in full consultation with concerned stakeholders for the delineation and registration of indigenous communal property. b) Develop a pilot project to test the appropriateness of the interim procedures.	No interim protections for indigenous peoples (IP) land are prepared. Pilot project begun in three villages: two in Ratanakiri and one in Mondulkiri. Land grabbing and illegal and coercive "land sales" continue.	Statement of the Presidency, on behalf of the European Union , at CG 19— 21June 2002: "The overall human rights situation has changed little since last year. Impunity contributes to the persistence of human rights violations. It is therefore unfortunate that little progress has been made in the areas of legal and judicial reform"	NGO Position Paper: Our major concern is regarding prioritization of activities within the reform programit is now imperative that decisions about implementation of policies and programs are made such that a real poverty reduction impact is delivered. ⁴⁰	"I request you to keep in mind our demonstrated track record till now far exceeding expectations and also the promise and potential it denotes for the futuredespite shortcomings here and there."	US \$ 485 million (R) US \$530.9 million (G)
2004 to 2006 CG Meetings	No specific benchmark relating to indigenous land. "Pass/enact key laws and sub decrees, governing natural resources management" and "increase transparency of state management of natural resources through immediate public disclosure of existing contracts and compliance status"	Beginning of Kong Yuk and Kong Thom land dispute with Keat Kolney, wife of Secretary of State at Ministry of Land and sister of Keat Chhun, Finance Minister and Chairman of GDCC. No interim protections for IP land are prepared or implemented. Land grabbing and illegal and coercive "land sales" of indigenous land continue. Adoption of Sub-decree on ELCs (2005), Escalation in granting of illegal economic land concessions (ELCs) on IP community land by national and provincial level Government.	Ambassador of Germany at GDCC on 5 October 2006: "The granting of ELCs over indigenous land impacts upon the availability of land for registration. Progress so far seems insufficient to meet the JMI. While [clarification of the registration process] is taking place, there is an urgent need to enforce measures to protect indigenous land, and declare a moratorium on further land sales or alienation, including through ELCs". 42	NGO Position Paper: "the Land Law of 2001 [should be] respected, and land should not be forcefully or maliciously acquired from the poor to be industrialized. The rapid alienation of indigenous minority land, which is ostensibly protected under the Land Law, needs to be stopped and communal titles awarded."43	*The Government of Cambodia is committed to land security for poor people and that land held illegally by powerful people will be repossessed and redistributed."44	US \$500 million (R) US \$555.4 million (G)

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ii Compiled by two non-governmental organisations working in Cambodia Bridges Across Borders Southeast Asia and the Community Legal Education Centre for the 14th Government Donor Coordinating Committee meeting on 28th April 2009. For further details, contact Bridges Across Borders Southeast Asia at http://www.babsea.org/index.htm.

2006 CG	JMI #4. A well functioning,	Sub-decree on IP Land	Ambassador of Canada at GDCC	NGO Position Paper:	Hun Sen:	US \$513 million (R)
to 2007 CDCF Meetings	transparent and accountable legal and judicial system that protects individual rights: V.c) Complete drafting the regulations to enforce State Land Management Sub-	Registration is drafted without adequate consultation with indigenous communities or sufficient transparency. No interim protections for IP land put in place.	on 12 February 2007: "The situation [of IPs] represents the most severe expression of this unacceptable state of affairs six years have passed	"Against the background of tenure insecurities, increasing conflicts over land and resource capture, NGOs would like to see a stronger focus on the actual	"The Government wants to speed up land titlinghowever, given our limited physical capacity, we warmly welcome all	US \$713.2 million ⁴⁸ (G)
	Decree. V.e) Adopt RGC's strategy and regulations for managing indigenous land.	Land grabbing and illegal and coercive "land sales" of indigenous land continue. Illegal ELCs are granted at national and provincial level, escalation of mining licenses granted illegally over IP community lands.	since the adoption [of the land law] and still not a single indigenous group has been issued with titleurgent action is required to protect indigenous rights to land as there is a genuine risk that little land will be the left to register once a regulatory framework for collective title is in place."	implementation of laws and policies NGOs recommend the harmonization of interlinked processes, including the identification and mapping of state land, demarcation of forest and protected areas and the registration of the collective lands of indigenous communities."	development partners who wish to provide more assistancewe aim to register 32% of land by 2010" ⁴⁷	
2007 to 2008 CDCF Meetings	JMI #8) Implement the legal framework established by the Land Law: 1) Adopt RGC's Policy on Registration and Use Rights of Indigenous Communal Land. 2) Pilot interim protective measures (e.g. identification, mapping, classification and provisional endorsement of indigenous land legal claims) in two provinces, according to sub-decree #118.	Draft sub-decree rejected by indigenous representatives as inadequate to protect their rights and in conflict with the 2001 Land Law. Revisions following public consultation not released. Interim protections applied in only 3 pilot villages. Despite a Court order Keat Kolney resumed clearing traditional indigenous farm land and a burial ground without being held to account. Mining licenses and ELCs continue to be granted illegally on IP community land. Illegal "land sales" continue; a letter from the Mondolkiri Provincial Governor forbidding witnessing of land sales by local authorities is ignored.	Chargé d'affaires, Embassy of Canada at GDCC 4 March 2008: "It is deplorable that since [the Land Law's] promulgation, not a single Indigenous group has been issued title. Development Partners urge the adoption and implementation of the Policy on the Registration and Use Rights of Indigenous Communal Land. Of immediate concern, is the need for the rapid application of interim protective measures in all [IP] areas."	NGO Position Paper: "NGOs note that the inadequate level of consultation with indigenous communities throughout the development of the Indigenous Peoples' Communal Land Registration Policy has created a document that fails to provide adequate protection for the rights of indigenous people."	H.E. Im Chhun Lim of MLMUPC: "I would like to ask all relevant stakeholders to provide cooperation and full support in the effort made by the RGC in preparing a policy on registration for Indigenous people's communal land, avoiding any issues that slowdown the preparation of this process."50	Unknown (R) US \$790.4 million (G) ⁵¹

Table 1 Footnotes

¹ Total money given out, 1997-2006: The Cambodia Aid Effectiveness Report 2007, Annex 6, Table 1, 'Development Partner Disbursements 1992-2006', http://www.cdccrdb.gov.kh/cdc/first_cdcf/aer_report/annex_vi.htm; Indicative figure for 2007: 'Multi-Year Indicative Funding Framework 2007-2009', http://www.cdccrdb.gov.kh/cdc/first_cdcf/session4/myiff2007-2009.htm. The amount requested and given in Table 1 is for the amount of aid given by the end of the year in question, whereas the figures given in Table 2 are the amount pledged and given during the year.

² GTZ, 'Overview of Government – Donor Coordination Events, Cambodia 1992 – 2005', p. 8,

http://www.donorplatform.org/component/option,com_docman/Itemid,/task,doc_download/gid,313/.

3 'Cambodia Consultative Group Meeting, 19-21 June 2002: United Kingdom Brief', http://www.cdc-crdb.gov.kh/cdc/statement_united_kingdom.htm.

Concluding Remarks by Co-Chair, Ian C. Porter', http://www.cdc-crdb.gov.kh/cdc/7cg_meeting/7cg_document/concluding_remark_wb.htm Country Director for Cambodia, World Bank.

- ¹⁴ Main Statement of NGOs to the 2004 Consultative Group Meeting, http://www.ngoforum.org.kh/Development/Docs/CG%202004/main_statment.htm.
- ¹⁵ World Bank, Cambodia at Crossroads, 2004, p.3, p. 24, http://siteresources.worldbank.org/INTCAMBODIA/Resources/Overview.pdf.
- ¹⁶ Main Statement of NGOs to the 2004 Consultative Group Meeting, http://www.ngoforum.org.kh/Development/Docs/CG%202004/main_statment.htm.
- ¹⁷ Liam Cochrane, 'Cambodia takes scolding, \$500 million from donors', *Phnom Penh Post*, 17 December 2004.
- 18 'Consultative Group meeting: Presentation by H.E. Sok An', 6 December 2004, http://www.cdc-crdb.gov.kh/cdc/7cg_meeting/7cg_document/speak_not_sokan_eng.htm.
- ¹⁹ Hun Sen, 'Opening remarks at the Cambodian Consultative Group Meeting, Phnom Penh, 6 December 2004', http://www.cdccrdb.gov.kh/cdc/7cg meeting/7cg document/opening remark hunsen eng.htm.
- ²⁰ Liam Cochrane, 'Cambodia takes scolding, \$500 million from donors', *Phnom Penh Post*, 17 December 2004.
- ²¹ '2004 CG Monitoring Indicators', http://www.cdc-crdb.gov.kh/cdc/7cg_meeting/7cg_document/2004cg_monitoring.htm; Annex: '2004 CG Monitoring Indicators: Annex', http://www.cdc-crdb.gov.kh/cdc/7cg_meeting/7cg_document/2004cg_monitoring_annex.htm.
- ²² Consultative Group Remarks Delivered by US Ambassador Joseph A. Mussomeli on Behalf of the Donor Community "Concrete Steps for Fighting Corruption", 2 March 2006, http://www.cdc-crdb.gov.kh/cdc/8cg_meeting/session3/delivered_usa_eng.htm.
- ²³ Consultative Group Meeting for Cambodia, 2-3 March 2006, 'Joint Donor Statement on Natural Resources Management, Land and Agriculture by the German Representative', http://www.cdc-crdb.gov.kh/cdc/8cg meeting/session3/joint german eng.htm.
- ²⁴ Îbid.
- ²⁵ Ibid.
- ²⁶ Letter quoted in 'Human rights groups reprove government's benefactors', *Phnom Penh Post*, 24 February 2006.
- ²⁷ Global Witness wrote a letter to Keat Chhon in October 2008 to ask for his comments on the main issues raised in this report as involve or relate to him. At the time of the report's publication, Global Witness had not received a response. For information on the content of this letter to Keat Chhon please contact Global Witness via mail@globalwitness.org.
- ²⁸ Charles McDermid and Vong Sokheng 'RGC counts \$601 million blessings', The Phnom Penh Post, 10 March 2006.
- Hun Sen, 'Opening Address at the Cambodia Consultative Group Meeting, 2 March 2006' http://www.cdc-crdb.gov.kh/cdc/8cg_meeting/session1/opening_address_hunsen.htm
- ³⁰ Items for change, 2006: 'Joint Monitoring Indicators for 8th CG Meeting', http://www.cdc-crdb.gov.kh/cdc/8cg_meeting/session3/yanara_jmis_final_eng.htm.
- Development Partner's Consensus Statement On Governance For The Cambodian Development Cooperation Forum, 19-20 June, 2007', http://www.cdccrdb.gov.kh/cdc/first_cdcf/session1/sonsensus_statement.htm.

^{4 &#}x27;Statement of the Presidency, on behalf of the European Union, at the Consultative Group Meeting on Cambodia, June 19 - 21 2002, in Phnom Penh', http://www.cdccrdb.gov.kh/cdc/statement behalt european.htm; 'Executive Summary' in 'NGO Statement to the 2002 Consultative Group Meeting on Cambodia, Phnom Penh, 19-21 June, 2002', http://www.ngoforum.org.kh/Development/Docs/ngo 2002/1.htm.

^{5 &#}x27;Cambodia Consultative Group Meeting, Phnom Penh, 19-21 June, 2002: Denmark brief on Specific Areas', http://www.cdc-crdb.gov.kh/cdc/denmark_specific_areas.htm.

⁶ Cambodia Consultative Group Meeting, 19-21 June 2002: United Kingdom Brief', http://www.cdc-crdb.gov.kh/cdc/statement_united_kingdom.htm.

⁷ 'Executive Summary' in 'NGO Statement to the 2002 Consultative Group Meeting on Cambodia, Phnom Penh, 19-21 June, 2002', http://www.ngoforum.org.kh/Development/Docs/ngo 2002/1.htm.

⁸ 'Cambodia banking on donors for annual handout after a troubled year', AFP, 12 June 2002.

⁹ Hun Sen, 'Opening address at the Cambodia Consultative Group Meeting, Phnom Penh, 20 June 2002' http://www.camnet.com.kh/ocm/government/government/127.htm.

^{10 &#}x27;2002 Cambodia Consultation Group Meeting: Priority Areas for Joint Monitoring', http://www.cdc-crdb.gov.kh/cdc/priority_areas.htm.

^{11 &#}x27;Consultative Group meeting: Presentation by H.E. Sok An', 6 December 2004, http://www.cdc-crdb.gov.kh/cdc/7cg_meeting/7cg_document/speak_not_sokan_eng.htm.

^{12 &}quot;Promoting Good Governance: Fighting Corruption And Increasing Accountability", Remarks on Behalf of the Donor Community by Ambassador of the United States, CG Meetings, December 6, 2004, http://www.cdc-crdb.gov.kh/cdc/7cg_meeting/7cg_document/fighting_corrupton_usa_eng.htm.

¹³ 'Cambodia: 7th Consultative Group Meeting, Phnom Penh, December 6-7, 2004,

http://www.cdc-crdb.gov.kh/cdc/first_cdcf/session1/statement_cida.htm.

³⁸ AFP, 'Cambodia boosts aid request to 689 million dollars', 20 June 2007.

Table 2 Footnotes

- ³⁹ Annex 3 on the CDC Cambodia Aid Effectiveness Report 2008; Table 3.3 DISBURSEMENTS & PROJECTIONS BY DEVELOPMENT PARTNER 1992 2010. http://clearspacecommunity.humanscale.dedicated.adaptavist.com (Accessed 4/3/09).
- ⁴⁰ "Land Reform," in the NGO Forum Statement to the 2002 Consultative Group Meeting on Cambodia. http://www.ngoforum.org.kh/Development/Docs/ngo_2002 (Accessed 4/3/09).
- ⁴¹ Samdech Hun Sen. Opening Address at the Cambodia Consultative Group Meeting, Phnom Penh 20 June 2002.
- ⁴² Comments by the Ambassador of Germany at GDCC on 5 October 2006.
- ⁴³ NGO Statement to the 2004 Consultative Group Meeting on Cambodia. Section on "Land Grabbing," p. 16. (Accessed 4/3/09).
- ⁴⁴ Comments of Hun Sen at a national land issues conference on the 18th of October, 2004. Reported in a 2004 statement by NGOs working closely with indigenous people of LAND ALIENATION FROM INDIGENOUS PEOPLES IN CAMBODIA. http://www.ngoforum.org.kh/Land/Docs/Indi_Advocacy.htm (ACCESSED 4/3/09).
- ⁴⁵ Comments by the Ambassador of Canada at GDCC on 12 February 2007.
- ⁴⁶ NGO Statement on the Monitoring of Consultative Group Indicators, p. 3 (Accessed 4/2/09).
- ⁴⁷ Opening Address by Samdech Hun Sen at the Cambodia Consultative Group Meeting Phnom Penh, 2 March 2006.
- ⁴⁸ The Cambodia Aid Effectiveness Report Nov. 2008 (AER). Prepared by the Cambodian Rehabilitation and Development Board of the Council for the Development of Cambodia for Second Cambodia Development Cooperation Forum (CDCF), 4-5 December 2008. (Accessed on 4/21/09).
- ⁴⁹ NGO Position Paper to 2007 CDCF. Reporting on CG 06 Benchmark 4.e (June 2007) (Accessed 3/31/09).
- ⁵⁰ Remarks of H.E. Im Chhun Lim, the Senior Minister of Land Management Urban Planning and

Construction and Chairman of the Council for Land Policy on Indigenous People's Land Rights: Policy and Achievements. At the First Cambodia Development Cooperation Forum (CDCF), 19 June 2007.

The Cambodia Aid Effectiveness Report Nov. 2008 (AER). Prepared by the Cambodian Rehabilitation and Development Board of the Council for the Development of Cambodia for Second Cambodia Development Cooperation Forum (CDCF), 4-5 December 2008. (Accessed on 4/21/09).

³² '1st Cambodia Development Cooperation Forum 19-20 June 2007: Statement on Agriculture and Natural Resources Management Mr. Michael Brownell, Director, Southeast Asia Programme, CIDA',

³³ Global Witness, Cambodia's Family Trees: Illegal logging and the stripping of public assets, June 2007.

³⁴ 'First Cambodia Development Cooperation Forum, Phnom Penh, June 19-20, 2007: Opening Statement by Lead Development Partner Coordinator, Ian C. Porter, Country Director for Cambodia, World Bank', http://www.cdc-crdb.gov.kh/cdc/first_cdcf/opening_session/statement_wb.htm.

³⁵ Quoted in Cat Barton and Vong Sokheng, '\$690 million: pledges, promises and faint praise', *Phnom Penh Post*, 29 June 2007.

³⁶ Cat Barton, Government deeds to face CG, *Phnom Penh Post*, 15 June 2007.

³⁷ Hun Sen, 'Opening Address at the First Cambodia Development Cooperation Forum, 19 June 2007', http://www.cdc-crdb.gov.kh/cdc/first_cdcf/opening_session/open_hunsen_eng.htm.