

Key Issues of Governance Structure

This Chapter discusses key issues and challenges related to the structure of governance in Cambodia. Addressing these issues is important if Cambodia is to promote good governance for sustainable development. In our analysis, discussion of key governance issues in Cambodia is organized around the four key elements of governance discussed in Chapter 1: (1) accountability, (2) participation, (3) predictability, and (4) transparency.¹¹²

The first section discusses key issues that cut across domains of governance structure in Cambodia. The three succeeding sections analyze structural issues and problems for three selected domains of governance structure: the public sector, civil society, and the media.

Cross-Cutting Structural Issues

Low Salary Scale in the Public Sector

The low salary scale is perhaps the most fundamental structural problem in Cambodia's public sector. This is also a key cross-cutting issue of governance, particularly with regard to the accountability of the

public sector. The problem of low salaries has a devastating impact on the functioning of the public sector, and spillover effects on other domains such as civil society and media. Likewise, it has serious implications for ongoing public sector reforms since inadequate public salaries affect all sectors. If the low salary scale issue is not addressed properly in the overall reform process, there is a high risk that this will remain a major obstacle to all governance reforms.

The seriousness of the issue of low public salaries in Cambodia is well-known, and its importance is self-evident. The current scale of salary for public officials is far below the subsistence level. The average monthly wage per civil servant was only \$24 in 1998. This prevails among the majority of public servants across all branches of power, except top level government officials and legislators. Judges and prosecutors are not an exception at this point. Not surprisingly, this creates wrong incentives for public officials—either to work in outside jobs, to work exclusively in aid-funded projects in return for salary supplements, or to abuse their authority to generate unofficial income. Under such circumstances, the quality of public services remains poor, and the public sector remains unaccountable.

Insufficient incentives in the public sector become a major obstacle to reforms to improve governance. Efforts to improve accountability and transparency are likely to remain superficial, or ineffective. There are many reasons for this. Improving accountability requires officials to work full-time at their public office. If raising revenues outside

¹¹² For more detailed descriptions on these elements of good governance, see Box 1.

regular job assignments becomes more difficult, the subsistence of many public servants will be threatened. Increasing transparency narrows the scope for generating unofficial revenues as well. Thus it is naive to expect substantial improvements in good governance if the salary scale for public officials remains below their subsistence level.

Increasing the salary scale, however, is a complex issue. It requires a high level of coordination among several areas of public sector reform including public finance, public administration, and private sector development. Public finance reform improves the revenue-raising capacity to finance higher salaries, while ensuring fiscal discipline for macro-economic stability. Public administration reform develops a new remuneration system that provides public officials with incentives to work professionally. Private sector development ensures the expansion of the tax base and the absorption of excess labor force from the public sector, particularly demobilized soldiers. All these reforms have to proceed together with both proper sequencing and timing. It is beyond the scope of the current paper to address this issue, but its importance cannot be overemphasized.

Incomplete Separation of Powers in the Public Sector

Intrusions by the Executive and occasionally the Legislature into the Judiciary are a pattern of governance in Cambodia. Although the Constitution offers a vision of an independent Judiciary, the gap between this vision and reality remains wide. There are key structural problems that make the Judiciary susceptible to intrusions from the other branches.

First, the Law on the Organization and Functioning of the Supreme Council of Magistracy (the “SCM Law”) on its face appears inconsistent with both the letter and spirit of the Constitution. Specifically, the prominent role given to the Minister of Justice in the constitutional body charged with overseeing the Judiciary would appear to violate the separation of powers provisions of the Constitution. Article 6 of the SCM Law says that the Minister of Justice shall issue a prakas setting out the procedures and

organization of the election of judges to the SCM. Article 7 makes the Minister the primary convener of SCM meetings.¹¹³ Though the Minister and King may not attend meetings involving disciplinary actions taken against judges or prosecutors, Article 11 gives the Minister the role of preparing and submitting draft decrees to the King on such matters as the suspension and removal of judges. Article 15 also requires all disciplinary decisions to be approved by the full SCM, which includes the Minister of Justice.

Second, the SCM Law gives MOJ and the MOEF the power of the purse over the SCM. Article 18 requires a prakas jointly issued by the Ministers of Justice and Finance. More importantly, the annual budgets of the SCM and courts are allocated from the budget of MOJ. This has a detrimental impact on the SCM which has a building, but no real staff or operating budget. It is therefore completely dependent upon MOJ.

In sum, MOJ and the Minister of Justice in particular retain critical procedural and financial powers with regard to the SCM. Allowing an official from the Executive branch such a role in the institution charged with ensuring the Judiciary’s independence would seem constitutionally invalid. The Constitution only identifies the King and the SCM as guarantors of judicial independence; it says nothing about a role in the SCM for MOJ or any Executive or Legislative branch official. Erosions of the separation of powers as exemplified by the SCM Law only tend to confuse if not undermine governance in Cambodia.

This problem has been exacerbated by the (in) operation of SCM. Since enactment of the SCM Law in 1994, the SCM has only met three times, twice in 1998 and once in November 1999, in part because MOJ has not convened regular meetings of the SCM. Moreover, the King appears to have permanently delegated his role in the SCM to the President of the Senate, leaving a member of the Legislative branch as the acting chair of the body

113 The SCM Law does empower the King, as chairman, or at least three members to raise “the initiative for convening a meeting”. SCM Law, Art. 7. It is unclear whether raising “the initiative” is the same as the power to actually convene a meeting. If not, the Minister of Justice effectively holds complete control over the calling of SCM meetings. The King, who frequently stresses his constitutional role to reign but not rule, is unlikely to convene meetings absent urgent circumstances. Indeed, the King has delegated his role in the SCM to the President of the Senate.

constitutionally tasked with guaranteeing the Judiciary's independence. At the most recent meeting, the issues on the agenda were the appointment of new presidents for the Supreme Court and Appeal Court and increasing salaries and levels of competence of judges. The SCM also approved a draft Law on Magistrates. For reasons not apparent, the draft was then returned to MOJ "to be checked" before submission to the Council of Ministers.¹¹⁴

One specific example of MOJ's active encroachment on the authority of the SCM was its nomination of 42 judges and prosecutors in 1998. Although the Constitution gives the power of judicial appointments exclusively to the SCM, MOJ forwarded its list of nominees to the King without any consideration by the SCM. The recent temporary suspension of the Chief Judge and Chief Prosecutor of the Phnom Penh Municipal Court, discussed more fully in Chapter V, is another example of overstepping by the MOJ.

Practice indicates an unwillingness on the part of MOJ to allow the SCM to develop into the key institution for securing the Judiciary's independence as mandated by the Constitution. This may demonstrate MOJ's desire to forestall reductions in its de facto influence over the courts that a fully functioning SCM would cause. The issue of MOJ interference in the Judiciary is not simply a "political" issue; Ministers of Justice belonging to both CPP and FUNCINPEC have been involved. It appears to be more related to the desire by both main political parties to exercise power and influence over the Judiciary. In any case, it does nothing to eliminate the perception that the Government exercises direct influence over Cambodia's courts.

Problems also arise because the SCM includes members who are active judges. Conflicts of interest have already arisen that prevented the SCM from carrying out its duty to supervise actions by courts. For example, the investigation of possible mistakes in the release of kidnapping suspects by the Phnom Penh Municipal Court was complicated by the fact that the Chief Judge of the Phnom Penh Municipal Court is a member of the SCM.

114 Im Sophea, Final Draft Law on Judges Completed, *CAMBODIA DAILY*, 17 November 1999 at 10.

Land Disputes

Without doubt, land disputes now represent one of the most pressing governance issues in Cambodia. The explosion of land disputes has devastating impacts on the functioning of a market economy. The lack of a clear legal framework and weak institutional capability to enforce existing laws are major obstacles to private sector development.

While quantifying the problem is difficult, selected statistics provide a sense of the scope of the problem and its increased visibility. For example, roughly half the 262 complaints to the National Assembly's Human Rights Commission in the first six months of 1999 involved land disputes.¹¹⁵ Public protests over land disputes have become common. Villagers from the provinces, often numbering in the hundreds, regularly camp out in front of the National Assembly protesting landgrabs by local authorities and soldiers.¹¹⁶ Government officials in the provinces¹¹⁷ and Phnom Penh, even the Prime Minister,¹¹⁸ have publicly acknowledged the scale of the problem. In September 1999, the Prime Minister issued an 11-point order to halt "anarchical" landgrabbing.

Information from NGOs paints a similar picture. For example, of the 663 civil cases handled by the Cambodian Defenders Project (CDP) from 1996 to 1999, over 60 percent have been land disputes. Moreover, both the frequency and volume of land dispute cases has increased. During the first eight months of 1999, land cases represented almost 75 percent of all civil cases.¹¹⁹ A second legal services

115 Land-Grab Victims Waiting for Resolution, *CAMBODIA DAILY*, 4 October 1999, at 10.

116 Id; Phann Ana, 160 Protest Land Grab, *CAMBODIA DAILY*, 25 May 1999, at 10; Kay Kimsong, Land Protesters Are Placated, *CAMBODIA DAILY*, 20 October 1999, at 11; Police Fail to Move Land Protesters, *CAMBODIA DAILY*, 26 October 1999, at 11; Lor Chandara and Adam Plore, Land Disputes Ravage Poipet, *CAMBODIA DAILY*, 13 November 1999, at 1; Lor Chandara, Kampot Villagers Protest Alleged Land Grab, *CAMBODIA DAILY*, 7 December, at 13.

117 Questionnaire for Provincial Governors compiled by the Project at Seminar for Provincial Governors, 18-22 October 1999, Cambodia Development Resource Institute [hereinafter Questionnaire]. Twenty-two provincial governors and deputy governors rated the magnitude of the land dispute problem in their respective provinces on a scale of 1 (Not a Problem) to 10 (Most Serious Problem). The average response was 5.9, with 4 provinces ranking land disputes as the most serious problem they face. Five other provinces rated the magnitude of land problems at an 8 or higher on the scale of 1 to 10.

118 Approaches to Reducing Landlessness: Workshop Report, organized by Cambodia Land Study Project and Community Aid Abroad (CAA), 15 March 1999 [hereinafter Land Workshop Report], at i, 23.

119 Data from case statistics for 1996-1999 compiled by the Cambodian Defenders Project.

organization, Legal Aid of Cambodia, reports that it currently represents some 16,500 clients in land dispute cases.¹²⁰

Although a nationwide phenomenon, land disputes are most widespread in certain provinces including Bateman (a key province for rice cultivation that borders Thailand), Kendal (the province that surrounds Phnom Penh), and Kampong Champ (the most populous province and located next to Kendal). The increase in land disputes is likely a result of the 25 percent increase in population between 1990 and 1996 as well as the period of relative political stability that Cambodia has enjoyed in 1999, enabling attention to turn to issues such as land and the rising value of property in areas being developed. Other key factors include the weak legal system and the impunity with which powerful people can forcibly seize property.

Specifically, the absence of a map-based titling system contributes to this explosion of land disputes. With no maps of Cambodia's land stock in existence, officials, the military, and other powerful figures enjoy maximum discretion to grab land and dispossess the poor.

In short, politicians, professionals, and private citizens are unanimous in their agreement that land disputes have dramatically increased and represent one of the most serious issues today.

In terms of its connection with rural poverty, the importance of land in a country where most of the population are rural farmers cannot be overstated. One recent case study found that incidences of landlessness and extreme poverty have a high degree of correlation.¹²¹ The majority of people filing land dispute complaints are poor farmers.¹²² Over 75 percent of the people accused in land cases are either officials or the military.¹²³

With limited options for a forum outside the direct control of local officials, the most common place for people to take their complaints is the courts, despite the serious inadequacies of the land laws and

the judicial system.¹²⁴ In provincial courts, land disputes are reportedly the largest type of civil case after family matters. According to the Cambodia Land Study Project, some provincial courts hear up to 30 land disputes per month.¹²⁵

Increased land disputes are not only a result of an increased population and public recognition of the scarcity and value of accessible, arable land. They also represent shortcomings in governance. The current legal framework and systems for registration and titling are riddled with legal ambiguity, inconsistencies, corruption, policy confusion, and a lack of human, financial, and material resources.

The present landownership regime developed in an ad hoc manner beginning with Subdecree No. 25 in 1989, which granted ownership rights to citizens occupying dwellings in Phnom Penh. Until that moment, the country's socialist government maintained that all land was owned by the State and pursued a policy of collectivism. The Council of Ministers later issued guidelines that permitted applications for rights of occupation and use to cultivated land. All the while, however, the Government was distributing land for private use on an ad hoc basis to well-connected individuals and others.

In 1992, the current Land Law was enacted. While a huge number of Cambodians—4.4 million applicants by the end of 1995—filed applications for ownership, the Law fails to offer a sufficiently clear legal framework for titling land and resolving disputes. This has left the vast majority of applications piling up in land title offices, and contributed to the explosion of land disputes in recent years. Fewer than 25 percent of rural Cambodian families have any kind of land title documents, and only 10 percent have actual land titles.¹²⁶ There is also confusion among people due to the lack of dissemination of accurate information about laws. For instance, a large number of people misunderstand the receipts received for their land title applications to be the actual land titles, and use these receipts for land transactions.

120 Land Workshop Report, at 17.

121 Land Workshop Report, at 7.

122 Shaun Williams, "Land Disputes in Cambodia," National Workshop on Institutional Cooperation about Resolving Land Disputes in Cambodia, organized by Oxfam GB-ADHOC, 15-16 July 1999 [hereinafter Williams], at 6.

123 Williams, at 10.

124 Williams, at 10.

125 Shaun Williams, Land Policy and Institutional Involvement in Land Issues in Cambodia, Cambodia Land Study Project, Oxfam (GB), Phnom Penh, September 1999 [hereinafter Land Policy Paper], at 10.

126 Land Policy Paper, at 3.

Certain ministries are key stakeholders in land reform due to their control (physical or regulatory) over large tracts of land. For example, MAFF, with jurisdiction over all forests and wetlands, controls title to approximately 50 percent of Cambodia's surface land.¹²⁷ MAFF is also the major source of concession rights to public land. MOI officially controls titles to all public lands owned by ministries, provinces, districts, and communes. It is unclear how much total land this represents, but MOI is clearly a major landholder. As the ministry that appoints provincial, district, and communal officials, its influence also extends to land titling. Thirdly, MND holds large tracts of land both for development and security purposes. Senior RCAF officers are allegedly major landholders. Some, as yet undetermined portion of MND's land, are expected to be used in the context of the demobilization program.

Previously, land titling was the responsibility of a Land Titles Department, originally part of MAFF until 1994 when it was relocated to the Council of Ministers due to serious mismanagement. In January 1999, a new ministry, the Ministry of Land Management, Urbanization and Construction (MLMUC), was established with official responsibility for the registration and administration of land titling. Despite the enormous scope of its duties, MLMUC has extremely limited resources and few staff. The National Land Titles Office within MLMUC administers the land titling system through a network of semi-autonomous, provincial offices. These provincial land title offices are staffed with officials with extremely low capacities and few resources. According to MLMUC, at present, there are only 23 officials in Cambodia who can do land titling using modern technology. There is a serious lack of facilities as well as storage capacity for data and documents. For this and other reasons, the reputation of these offices remains poor, although MLMUC has been undertaking land titling work more vigorously since 1999.¹²⁸

The current titling system provides officials with vast opportunities for rent-seeking. Application forms require the signatures of the commune chief, the chief

of the district land title office, the provincial land title office, the provincial forestry department, the provincial fisheries department and, for residential land, the provincial governor. In practice, an applicant must pay for each signature. This system obviously discriminates heavily against the poor who cannot afford the informal fees associated with the application process. It also enables individuals to obtain titles (by securing the required signatures) for land to which they might otherwise have no legal claim.

The present system also creates large incentives for local officials to maintain the current titling system or obstruct any new land system that eliminates opportunities for rent-seeking. The issue of incentives as well as penalties may need to be addressed when designing a new land titling system if a new system is to succeed on the ground.

Despite the absence of an adequate, or functioning, legal framework, an informal market for land has flourished. This should not be surprising since the Cambodian economy has been growing and development activities have been increasing since the early 1990s. Land insecurity, however, remains a pressing social, economic, and governance issue.

The impacts of major infrastructure projects such as roadbuilding and reconstruction, including projects financed by aid agencies on local land prices, land speculation, and land loss by the poor have not been assessed. While presently unknown, it is conceivable that infrastructure projects financed by aid agencies have induced land speculation that is dislodging poor families from their land.

Limited Interface Between the Public Sector and Civil Society

The participation of civil society (including the private sector) in public decision making is a key component of good governance. It promotes public sector accountability to the people who delegate authority to exercise power for public interests. The participation of civil society also encourages the public sector to be transparent in their activities and policies. Furthermore, the participation of civil society brings valuable skills and knowledge to policy making and gives those who are affected by public sector decision-

127 Land Policy Paper, at 9.

128 Land Policy Paper, at 9.

making opportunities to voice opinions. This enhances a sense of ownership of public policies among all stakeholders. Thus, developing a mechanism for interactions with civil society is one critical duty of the public sector if it is to promote good governance.

Cambodia's political and economic transitions have made positive, and perhaps irreversible, changes in the way public sector and civil society interact. Compared to a decade ago, the current situation looks much brighter and more hopeful. There are many examples of positive changes. For instance, more information about public policies, rules, and regulations is accessible for civil society. Public officials and institutions seek more dialogue and consultations with civil society. Civil society organizations actively engage in advocacy on specific topics and influence decision making by the public sector. There is, however, room and the need for considerable improvements in all these areas.

The increase in public-civil dialogue has much to do with Cambodia's emerging civil society—private businesses and nonprofit, civil organizations such as NGOs—since the Paris Peace Accords in 1991. The emergence of relatively free media is another contributing factor that facilitates information flows between the public sector and civil society. Many external aid agencies also helped nurture civil society organizations and influenced positively the attitude of the public sector toward civil society. In addition, public officials who created the enabling environment for exchange between the public sector and civil society should be given great credit.

The above achievements do not mean that further actions are not needed. There remains room for many improvements if the public sector, particularly the Government, intends to improve good governance. A few key points should be highlighted.

At the national level, the Government lacks defined procedures to involve civil society in the decision-making process. For example, the drafting of laws and regulations is typically undertaken by a small group of ministry officials, often in collaboration with foreign advisers who themselves may not adequately exchange ideas and information with counterparts or others. All drafts go through the Council of Ministers before submission to the National Assembly. Often, there is little or no consultation with civil

society organizations or with people who will be affected by the decision making. To date, the drafting of the laws on commune administration and commune elections are good examples of incomplete consultation with stakeholders. Even if public consultations are attempted, they are usually ad hoc and not transparent. It is unclear when, at what stage, who or even if civil society is to be consulted with respect to draft laws and regulations. The timing and mode of public consultation vary considerably from case to case. Many decisions are left to the discretion of the public officials in charge.

Public consultation is an effective tool for the Government to encourage participation of civil society in the decision-making process. A recent good example is the participation of an NGO/IO Land Law Working Group in the drafting of a new Land Law. The Government offered the Working Group a chance to voice their concerns and to take part in the decision making process. Such interactions should be replicated in other sectors. Therefore, the Government might consider developing formal guidelines laying out required procedures to ensure that consultations with civil society are part of its decision-making process.

At the local level, problems arise from the Government's highly centralized governance structure. The current structure keeps decision-makers too remote from people actually affected by decisions. Decision-making authority has not devolved to public officials who are closest to the people. This is a major obstacle to promoting the participation of civil society in public decision making. Thus, decentralizing decision-making authority to lower levels of government is key to encouraging greater participation and promoting good governance.

The Government recognizes this problem, and intends to introduce reforms that address issues of decentralization. Cambodia's first elections to establish local representative bodies in its 1,603 communes are planned for 2001. Communes are villages grouped together for political and administrative purposes. At the national level, the Government plans to de-concentrate authority within the central government. This means that power will be shifted from national government bodies to local representatives. Also, the Government's Social Economic Improvement

Local Agency (SEILA) program envisages decentralized decision-making for development planning and implementation. These reforms will be discussed in detail in Chapter V.

Key Structural Issues for the Public Sector

The Legislature

Limited role in the legislative process
Under the Constitution of Cambodia, as recently amended, the National Assembly and the Senate hold all legislative powers in the country, though the Assembly is the institution with primary legislative power under the Constitution.¹²⁹ In practice, this is not the case. The power to initiate legislation in Cambodia rests jointly with members of the Assembly, the Senate, and the Prime Minister.¹³⁰ So far, the National Assembly and Senate have been playing a limited role in legislative drafting. The vast majority of draft legislation originates with the ministries and is forwarded to the Assembly after approval by the Council of Ministers. The Assembly has only a minor role in legislative drafting; it basically initiates no legislation. Rather, its role in the legislative process has been to review and enact bills approved by the Government.

Some Assembly members maintain that the Government should be the primary drafter of laws since it has the responsibility for deciding public policy. But government involvement goes beyond that. Government officials are usually involved in meetings of the Assembly commissions when draft laws are reviewed. This may reflect, in part, the Assembly's relative lack of expertise and skills compared to their government counterparts, many of whom also have fairly limited expertise. Still, the result is a direct role for the Executive in the main function that the Legislature currently performs.

Generally, the Assembly's role in the legislative process is reactive and comes late. For example, the annual budget law typically arrives at the Assembly

for consideration in mid-December, two weeks before the start of the new fiscal year. This leaves little time to review the lengthy legislation, even for members with sufficient capacity to understand the budget. It is no surprise that the Assembly has never changed a single budget line from the draft received from the Government.

Shortage of financial and human resources
In part, the Assembly's weakness relative to the government results from its limited human resources for research, canvassing, and drafting legislation. The Assembly currently receives little assistance. The Assembly's Documentation Center has two advisers supported by the Konrad Adenauer Foundation, a German NGO supporting human rights and democratic development initiatives. Perceptions of the Assembly's lack of independence may have left aid agencies cautious of providing direct assistance.

The Assembly's relatively weak role in the legislative process is particularly noticeable with regard to technical and complex financial subjects, such as the national budget, that by their nature require greater expertise and information to formulate meaningful policy inputs. Assembly leaders have said that training focused on economic and financial laws would be particularly useful.

The Assembly's reduced role in turn limits a key avenue of public input into the legislative process. Reduced or no public participation is one cost of this situation.

The Executive

The Royal Government of Cambodia (referred to as "the Government" in this report, which is the Executive branch) is by far the largest public institution among the three branches of government. It employs around 163,000 regular staff, or 99 percent of all civil servants in the country. In addition, military and public security forces numbering 210,000 people, also fall under the Government's control. In financial terms, the Government uses nearly the entire national budget for its expenditures. The Government also receives the largest amount, if not all, of official development assistance (ODA) among the three branches of government. Furthermore, the

¹²⁹ Article 90 of the Constitution states, "The Assembly shall be the organ to hold legislative power."

¹³⁰ Constitution, art. 91. Interestingly, the Constitution only mentions the Assembly as holding the power to propose amendments to laws.

Government holds all executive powers, meaning the power to implement and enforce policies. Given its predominant role, assessing the Government's structure is key to enhancing good governance in Cambodia.

This section highlights some key issues related to the structure of the Government. A more detailed analysis of reforms being pursued by the Government in five key sectors is presented as a set of case studies in Chapter V.

Public Finance Management

Weak revenue-raising capacity

The Government's weak revenue-raising capacity is perhaps one of the most well-known and critical issues of public finance in Cambodia. Total public revenue remained between 8.5 and 9.5 percent of GDP between 1994 and 1998. Cambodia ranks as one of the lowest in terms of public revenue relative to GDP among the regional economies. In addition, the source of public revenue has been heavily dependent on customs duties, ranging from 6.3 to 6.5 percent of GDP during the same period. Customs revenue contributed nearly three quarters of public revenue through 1998. This raised concerns within the Government, and stimulated heated debates about the impact of tariff reductions under the ASEAN Free Trade Area.

A recent study summarized the various causes of weak revenue-raising capacity until 1998: (1) inadequate implementation of the Law on Taxation and delays in introducing a value added tax (VAT); (2) generous tax exemptions granted under the Law on Investment; (3) ad hoc tax and customs duty exemptions, often associated with unwarranted political interference; (4) weak capture of forestry revenues; and (5) limited capacity in tax and customs administration.¹³¹

Inefficient management of public expenditure
The Government also faces a longstanding challenge in public expenditure reform. The Government planned a shift in its 1999 national budget away from military and security expenditures toward social and economic development. However, the shift of the balance is hindered not only by pressures from the military and security, but also by deficiencies in institutional arrangements for expenditure disbursements. Despite increases in planned budget

¹³¹ World Bank (1999), CAMBODIA: PUBLIC EXPENDITURE REVIEW (Washington DC: World Bank).

allocations for the social sector in recent years, money has not reached local offices such as hospitals, health centers and rural development projects. Problems with under-disbursement have shown little improvement in recent years.

There are two key issues related to this problem. The first is a short-term, technical issue: What are the best tactics to deliver money to meet urgent needs on the ground? The second is a larger, long-term issue: What are the best strategies to overhaul the institutional arrangements for public expenditures to address current disbursement problems? The second issue is perhaps best discussed in the context of decentralization of civil administration.

Lack of independent accountability institutions
The presence of well-functioning independent accountability institutions such as courts and audit offices is one important prerequisite of good governance. These institutions play a critical role as "checks and balances" to the authorities holding power. They contribute significantly to the accountability and transparency of public institutions. Any attempts to fight corruption in the public sector will be extremely difficult unless accountability institutions are in place and carrying out their assigned responsibilities properly.

Within the Executive branch, the Government has two levels of accountability institutions: (i) a newly established Ministry of Parliamentary Relations and Inspection; and (ii) inspection departments within each ministry. Despite their important functions, these institutions have only limited independence at best as institutions within the Executive branch. Thus, one key structural problem in public finance is the lack of an independent audit authority with powers to carry out external audits of the Government.

Public Administration—Civil and Military Services

Reforming organizational structures for efficient and effective service delivery

The overall size of public administration has major implications for public finance and macro-economic stability. An overly large public administration burdens the public finance authority's ability to maintain fiscal discipline. It also often becomes a cause of inefficiency in public service delivery. Furthermore, wage payments occupy a large proportion of public

expenditures, and crowd out public capital expenditures such as infrastructure investment. Thus, it is important to ask: Is Cambodia's civil service too big?

Answering this question requires a careful examination, and is beyond the scope of this paper. Several factors complicate this matter. A relevant answer necessitates an estimation of the optimal size of the civil service as a benchmark. This requires a detailed functional review of civil administration to identify the needs and qualifications of human resources in place as well as the requirements for various public institutions. In addition, it has to take into account the quality of the civil service, which is usually difficult to estimate. Furthermore, thousands of civil servants may be "ghosts" that only exist on the payroll.

Recognizing these complexities, an international comparison of the number of civil servants relative to population may provide some insight on where Cambodia stands. The number of civil servants per hundred people is 1.4 persons in Cambodia in 1999 (Table 2). This is one of the lowest levels among neighboring countries, such as 1.7 in the Lao PDR, 2.1 in the Philippines, 3.2 in Viet Nam, and 4.5 in Malaysia.¹³² In terms of cost, total wages of civil servants in Cambodia were only 1.4 percent relative to GDP in 1998 (Table 4). Again, this is much lower than the average 4.5 percent for other countries in the region.¹³³

The above comparison leads us to hypothesize that the size and cost of the civil service may be a less serious problem in Cambodia than in some neighboring countries. It should be also noted that nearly 70 percent of civil servants work in the social sector, as noted in Chapter III. Given that more public expenditures will be allocated in the future due to national policy, it is not clear whether across-the-board downsizing of civil servants in the social sector is a sensible option. If not, large-scale downsizing will occur in the economic sector and general administration that comprise only 30 percent of civil servants. The above observations pose a question as to whether or not downsizing of civil service is the first priority issue in civil administration reforms. This may be one issue that warrants further study.

132 The data on neighboring countries are drawn from ADB (1999), *KEY GOVERNANCE ISSUES IN THE LAO PEOPLE'S DEMOCRATIC REPUBLIC*.

133 ADB (1999), *ibid*.

Lack of coherent organizational structures that enable effective service delivery is another key issue of governance in Cambodia. Assuming civil servants receive a decent wage, is the civil administration organized to create incentives for officials to deliver services effectively? More concretely, how are civil servants recruited? Are they placed in positions that match their expertise? What career paths, if any, do they follow? To what extent does nepotism prevail in recruitment and promotions? These issues require examination in the context of civil service reforms discussed in Chapter V.

Highly centralized administrative structure
The Government maintains a highly centralized structure of civil administration. Under the current system, provincial governors are appointed by the Government. There is no local civil administration directly representing the people. Provincial governments hold little authority for revenue-expenditure decision making. They act merely as administrative units, disbursing expenditures as delegated by relevant line ministries of the central Government.¹³⁴

It is true that the highly centralized expenditure control system, stipulated in the Organic Budget Law in 1993, contributed significantly to macro-economic stability after 1994. Indeed, the two-digit inflation rates of 1993 and 1994 came down to single-digit levels in 1995 and 1996. Current budget deficits were contained at around 0.6 percent of GDP in 1995 and 1996, compared to around 1.5 percent of GDP in 1993 and 1994. The Law and its implementation enabled the Government to effectively control public expenditures.

However, the current centralized civil administration has serious deficiencies from the point of view of governance. First, the current expenditure system imposes fiscal discipline at a huge loss of allocative and technical efficiency of civil administration. In short, the system is not equipped to send money to the right place at the right time. Neither does it meet an acceptable standard of fiscal accountability and transparency. Leakage of money in the disbursement process is reportedly a major problem. Second, the current system does not facilitate the involvement of local administration in policy making. Local administration is not given enough financial or managerial

134 World Bank (1999), *ibid*.

autonomy to respond to the needs of local communities. The current centralized civil administration thus does little to encourage participation of local people or administrators in the decision-making process.

This points to the importance of decentralization and de-concentration if the Government is to improve good governance, particularly at local levels. Unfortunately, the current subnational administration lacks a coherent legal basis. The Constitution says nothing about the powers and responsibilities of provincial, district, commune or village administration. The National Assembly has passed no law on the responsibilities of subnational administration or government. The only legal texts that exist are various administrative orders such as subdecrees, prakas, and circulars issued by the Council of Ministers and MOI. There have been no elections at the province, district or commune levels to establish locally elected representative bodies. The Government is drafting laws on commune administration and elections in anticipation of organizing commune elections in the near future.

Transforming defense and security forces in postconflict Cambodia

One of the most critical issues in Cambodia is transforming the country's huge defense and security forces into ones suitable for a postconflict society. There is no longer a protracted civil war to justify the huge presence of defense and security forces at wartime levels. The Government recognizes the importance of this fact and has launched a national reform program for defense forces under the lead of two high-level, interministerial councils. So far, no ministerial-level body has been created to address issues of reforming security forces, in particular the police.

The downsizing of military and the police is an urgent issue. Its implications for public finance, development, and the Rule of Law are substantial, given that the military and security forces annually receive nearly half of the government-funded national budget.

There are, however, a few other issues of at least equal importance that remain neglected. The first is the lack of vision for defense and security forces in the next millennium. What role should defense and security forces play? What are the appropriate sizes

in terms of staffing and budgets necessary to perform these roles properly? Without answering these questions, it would be difficult to assess the relevant size of the military and security forces, and the number of potentially demobilized soldiers. Second is the lack of professionalism in the military and security agencies. The roles and responsibilities of the military and security forces must change in postconflict Cambodia. How will they be retrained to carry out their new mission in the new millennium? What organizational structures are needed? The next chapter examines reforms of the armed forces from these perspectives.

The Judiciary

The presence of an independent, capable, and uncorrupted Judiciary is the foundation of the Rule of Law and underpins the development of a market economy. Unfortunately, the Cambodian Judiciary does not yet meet acceptable standards in terms of independence, capability, and integrity (i.e., lack of corruption). Although a daunting task, Cambodia has no alternative other than to overhaul the current judicial system if it is to lay a strong foundation for the nation's future development.

Lack of independence

From a governance point of view, an independent Judiciary is vital to a working system of "checks and balances" among government branches. If the Judiciary is susceptible to pressures from the other branches of power, the Legislature and the Executive are left unchecked, and are unlikely to be accountable to people. The public loses trust in the Judiciary, creating incentives to resolve conflicts in other ways. The Rule of Law will erode. The development of a market economy will remain shallow and superficial. Transformation from a socialist to a modern market economy will be stalled as a result.

Although the Government recognizes the problem and initial steps have been taken, serious discussions at the national level are needed.

Lack of Human and Financial Resources

Judicial independence will not contribute much to the building of a nation if the judicial system is incapable of handling its work. The capability of the Judiciary is closely associated with the availability of human and financial resources.

As discussed more in detail in Chapter V, Cambodia's Judiciary is seriously lacking in human resources. To highlight the extent of the problem, it is perhaps sufficient to mention that among 171 judges and prosecutors in the whole nation only 33 percent have received any formal legal education. The Faculty of Law itself suffers from weak human and financial resources.

The Judiciary also suffers from a shortage in financial resources. The budget line for the courts falls under MOJ. MOJ itself received only 0.3 percent of total national budget in 1997. By implication, the budget for the Judiciary represents a much lower amount. The salary scale for judges, prosecutors, and court officials is comparable to that of other civil servants, averaging around \$24 per month. Thus, it is not surprising that corruption is a widespread phenomenon in the judicial system.

Key Structural Issues for Civil Society

Private Sector

Cambodia's dramatic transition to a market economy has occurred in less than a decade. Its political transition from mono-party socialism toward a multiparty democratic system took place simultaneously. These political and economic transitions had to proceed as former warring parties from decades of civil war sought reconciliation and trust-building. It is thus not surprising that development of a market economy has not been matched by institutional development to facilitate private sector growth. Indeed, some foreign investors come to Cambodia precisely because of its unregulated, free market economy.

Cambodia's private sector has developed in a narrow segment of sectors such as garments and tourism. Its structure still remains largely agrarian; its industrial base is very narrow. A major challenge in the new millennium is how to expand the private sector, especially domestic companies, so that Cambodia can transform into a modern market economy. One important role of the State is to develop the institutional framework that is conducive to private sector growth.

The need to develop a legal framework
One essential prerequisite for private sector growth is a sound legal framework. The private sector mobilizes human, physical, financial, and technical resources to make profits and accumulate wealth. Businesses need rules that guarantee property rights, regulate anticompetitive conduct, resolve commercial disputes, and limit State interference. The experiences of many developing countries suggest that the absence or inadequacy of laws and enforcement discourage and distort trade and investment, raise transaction costs and risk, foster corruption, and generally hinder private sector development.¹³⁵

In particular, a legal framework contributes significantly to the development of small-scale business. Small businesses are typically run by relatively poor people, particularly in developing countries such as Cambodia. They are vulnerable to abuses of power and the predatory behavior of large-scale businesses or powerful authorities. A legal framework that ensures fairness and competition can protect small business from those threats, nurturing their development, and ultimately reducing poverty.

Interviews with business people revealed that the absence of a legal framework is one of the most serious problems encountered by the private sector in Cambodia. Land disputes and open theft of intellectual property indicate Cambodia's inadequate legal framework, in this case for security of property rights. Land disputes are also an example of how an inadequate legal framework and poor regulatory supervision foster abuses of power and destructive behavior by big business and powerful persons, and squeeze out small businesses and the poor.

The Government and the Legislature appear to recognize the problems caused by an incomplete legal framework for the private sector. Although interrupted by the July 1997 events, legislative reforms related to the private sector gathered renewed momentum after the formation of the second government in late 1998. Some important laws related to business and financial institutions have already been enacted. More are expected to be adopted in 2000. Ongoing legal reforms for the private sector framework are discussed in detail in Chapter V.

¹³⁵ For the importance of laws and legal institutions in development, see ADB (1999), *THE ROLE OF LAW AND LEGAL INSTITUTIONS IN ASIAN ECONOMIC DEVELOPMENT* (Manila: Asian Development Bank).

Promoting fair and consistent application and enforcement of laws

Laws positively impact private sector development only if they are applied and enforced. Fair and consistent application and enforcement of laws require a competent, independent Judiciary. This highlights the importance of judicial and institutional reforms progressing in tandem with legal reforms.

The experiences of other transitional economies, for example in Eastern Europe and Central Asia, parallel the situation in Cambodia. Focusing on new laws without adequate attention to implementation creates problems. New laws and decrees may contradict each other or ignore the implementation capabilities of enforcement agencies. They often deal with issues in isolation, and sometimes reflect transplanted concepts alien to a country's legal tradition.¹³⁶ Developing mechanisms to coordinate legal reforms in different sectors is critical. Other transitional countries set up monitoring systems for enforcement of newly enacted laws and regulations and strengthened enforcement capacities of relevant agencies.

Cambodia faces similar challenges to those faced by other transitional economies. The incomplete independence of the Judiciary, lack of professional competence, weak capabilities in handling commercial cases, difficulties in getting copies of laws and regulations (even for the Judiciary), and the absence of monitoring mechanisms for enforcement are only a few key issues to be addressed. Judicial reform and institutional development in the context of private sector development are discussed in the next chapter.

Increasing transparency in laws and regulations Access to information is vital for efficient planning and implementation of business activities in a competitive market economy. Information about laws and regulations is particularly important because they set "the rules of the game" for all players in a market economy. It is extremely costly if each company must visit all ministries and authorities to identify the laws and regulations related to its business. The burden of gathering information is prohibitively high for poor people trying to set up and sustain new small businesses. This only forces small enterprises into the informal economy. Thus, transparency in laws and

regulations greatly reduces transaction costs for business, provides a level playing field for all players including small business, and facilitates private sector development.

Interviews with business groups made clear that Cambodia's public sector has paid insufficient attention to improving transparency in laws and regulations. As discussed in the next chapter, companies have encountered major difficulties in acquiring information about laws and regulations. The difficulty appears to be particularly severe with regard to the numerous administrative orders (subdecrees, decisions, circulars) issued by the Government. New administrative orders are typically issued without prior notice to affected persons or the public. Chapter V discusses this issue in more detail in the context of legal reforms.

NGOs

Emerging role of civil society

The UNTAC period from 1992 to 1993 was a watershed in the emergence of civil society in Cambodia. Beginning in late 1991, large numbers of international NGOs began work in Cambodia, and local NGOs sprang up rapidly, many would say more in response to the availability of funding from aid agencies than due to genuine grassroots efforts. The Government's liberal approach also provided NGOs with political space for their emergence.

However, there was unanimous agreement among NGO interviewees that Cambodian civil society is at an early stage of development. They note several indicators of this fact. First, the concept of civil society is still new and foreign to most Cambodians. An observer described the current situation of civil society by saying, "civil society exists primarily in NGOs, not among the people." Second, the financial position of Cambodian NGOs is generally weak, and depends almost entirely on foreign sources of funding. Sustainability is a question for many Cambodian NGOs. In a mature civil society, contributions from private persons and the Government represent a large share, if not all, of NGO funding. This is not the case for civil society in Cambodia at the moment. Whether or not Cambodian NGOs have firmly taken root in the soil of Cambodian civil society remains to

¹³⁶ World Bank (1994), GOVERNANCE: THE WORLD BANK'S EXPERIENCE WITH GOVERNANCE (Washington DC: World Bank).

be seen. Many of them face challenges in improving transparency and accountability in their organizations and activities.¹³⁷ Finally, it was noted that some Cambodian NGOs appear to be under the strong influence of political parties, and some reportedly abuse their NGO status for income and profit-seeking purposes. However, many others are providing much needed development services and are appreciated in the communities where they work.

Increasing participation of civil society in the decision making of the public sector

In order for public sector institutions to more fully represent the Cambodian people, they need to incorporate people's voices into their decision making to a greater degree. This requires a change in attitude. The political regimes before 1993 were not democratic in this regard. The Government established under the 1993 Constitution inherited the legacy of previous regimes, and has yet to significantly change this situation. Many people, including some public officials, characterize decision making in Cambodia's public sector as "top-down" or "ruling, not serving, the people." Senior public officials, on the other hand, appear to maintain deep skepticism about the true motivations of NGOs, suspecting that some seek to substitute themselves for public administration.

The emergence of civil society, however, appears to be gradually influencing the dynamics of decisionmaking in the public sector. NGOs point out some good examples that indicate recent positive changes. For instance, the recent draft of a land law emerged from collaborations, negotiations, and dialogues between the Government and NGOs in consultation with the aid community. NGO efforts to raise awareness about landgrabbing motivated the Government to address this issue at the national level. NGOs working on advocacy and education in human rights, in collaboration with the international community, have had positive impacts on the awareness not only of private citizens but also government officials. Public awareness of social issues such as HIV/AIDS would not have emerged without the advocacy of NGOs. NGOs also played an important role in observing the 1998 national elections. Although more needs to be done, these are seen by ob-

servers as good examples of participation by civil society in public decision making.

Some NGOs have been directly involved in promoting good governance in Cambodia. For instance, the Cambodian Institute for Human Rights (CIHR) provided a series of training courses/workshops of good governance to provincial and district officials during the last two years. CIHR also organized a national seminar on good governance in early December 1999. The Center for Social Development (CSD) has been actively involved in research and advocacy on good governance and anticorruption in the public sector. CSD published Cambodia's first survey on public attitudes toward corruption in 1998.¹³⁸ It also reports its research on the accountability and transparency of the public sector in a monthly bulletin. On the advocacy front, CSD has been advocating for an anticorruption law. It also organized a national workshop to draft a national anticorruption action plan in September 1999 in collaboration with the Ministry of Parliamentary Affairs and Inspection.

Some NGOs engage actively in the promotion of good governance at the grassroots level in the context of the upcoming commune elections in 2001. As will be discussed more in detail in the next chapter, MOI is drafting two laws to govern the commune elections: (1) a commune election law, and (2) a commune administration law. Three NGOs—Committee for Free and Fair Elections in Cambodia (COMFREL), Coalition for Free and Fair Election (COFFEL), and Neutral and Impartial Committee for Free Election in Cambodia (NICFEC)—formed a working group to take part in the drafting of the commune election law. Another working group, coordinated by the NGO Forum, was also formed to examine the commune administration law. Furthermore, the Cambodian Center for Conflict Resolution (CCCR) has been taking initiative to create a mechanism for the prevention of conflict for commune elections. Since August 1999 CCCR has been facilitating monthly roundtable meetings, Conflict Prevention for the Commune Election (COPCEL). COPCEL offers a forum for dialogue among main stakehold-

137 Khus, Thida C. (1999), COUNTRY STUDY: NON-GOVERNMENTAL ORGANIZATIONS IN CAMBODIA (Phnom Penh: SILAKA, November).

138 CSD (1998), NATIONAL SURVEY ON PUBLIC ATTITUDES TOWARDS CORRUPTION: SUMMARY REPORT (Phnom Penh: Center for Social Development, August).

ers in the election process, such as government ministries and civil society organizations, governing political parties and the opposition, and representatives of the media and the international aid community.

Debates on the need for a legal framework for NGOs

Currently there is no law regulating NGOs. A few versions of draft NGO laws have come and gone over the last few years, though it appears a “final” draft has been completed.

No consensus has emerged as to whether or not such legislation is a high priority issue. On the one hand, the lack of a law may allow some NGOs to abuse their status, or gives government officials discretion to issue arbitrary interpretations on the status of NGOs. Thus, there are developmental reasons for having such a law. On the other hand, NGOs in general appear to maintain a certain level of public confidence and trust and have not been much criticized by the public so far. As one NGO commentator put it, “If a pot is not cracked, why is it necessary to fix it?” In addition, NGOs are subject to all laws generally applicable to all citizens in Cambodia. NGOs are required to register with relevant government authorities; NGO staff are subject to income taxes; NGOs and their employees can be prosecuted for criminal acts; NGOs must comply with the Law on Audit when it is passed. Finally, it was pointed out that there are more pressing issues for the public sector to worry about than the regulation of NGOs.

Nevertheless, many interviewees maintain that if a new NGO law is drafted, prior consultations with NGOs would help ensure that the law provides an environment that maintains the momentum behind development of civil society in Cambodia.

Key Structural Issues for the Media

Vagueness of Articles 12 and 13 in the 1995 Press Law

Cambodia’s Law on Press Regime, adopted in 1995, includes important provisions protecting the freedom of press. Some experts see the Law guaranteeing more

freedom than such laws in other countries in South-east Asia.¹³⁹ There also seems to be a general consensus that the Law is more liberal than any other domestic press laws since Cambodia’s independence.

Cambodia’s Press Law, for example, prohibits censorship by the authorities prior to publication (i.e., no prior restraint) in order to maintain the independence of the press.¹⁴⁰ Press organizations have the right to protect the confidentiality of sources of information used for their publications.¹⁴¹ Furthermore, the Press Law makes no reference to jail terms, only to the imposition of fines, the confiscation of offending newspapers, or the suspension of publication for no more than 30 days. Finally, the establishment of press organizations does not require *ex ante* permission.¹⁴² The only requirement is to notify the Ministry of Information of establishment by submitting certain information.¹⁴³

Journalists and others, however, have raised concerns about Articles 12 and 13 in the Press Law. Article 12 reads: “The press shall not publish or reproduce any information which may cause harm to the National Security and Political Stability.” The law, however, does not explain what concrete actions could cause harm to “national security and political stability.” Article 13 reads: “The press shall not publish or reproduce false information which may lead to humiliation which affects the national organs.” What words would “humiliate the national organs” is not indicated in the law. As one expert noted, “there is a danger that any old excuses could be trumped up to say a newspaper is in violation of national security, is affecting political stability or humiliating national institutions.”¹⁴⁴

The Ministry of Information drafted a subdecree to clarify those vague terms in Articles 12 and 13 in 1997.¹⁴⁵ While clarification of these terms was

139 Mehta, Harish, C., *CAMBODIA SILENCED: THE PRESS UNDER SIX REGIMES* (Bangkok: White Lotus Co., 1997).

140 Law on Press Regime, Art.3.

141 Law on Press Regime, Art.2.

142 Law on Press Regime, Art.8.

143 Law on Press Regime, Art. 9. The information required are: (1) the identity of the press; (2) names and addresses of the employer and editor; (3) name and address of the printing house; and (4) certification of past criminal record of the employer and editor.

144 Kanter, James (1997), *THE FUTURE OF THE MEDIA IN PEACE BUILDING IN CAMBODIA* (Phnom Penh: Cambodian Institute for Co-operation and Peace), CICP Distinguished Lecture Series Report, Issue No. 13.

145 Draft Sub-Decree on the Implementation of Press Procedures. This draft sub-decree is reprinted in Appendix 5, Mehta (1997), *ibid.*

well-received by journalists, the draft subdecree also raised concerns. The draft subdecree imposes new conditions for the establishment of press organizations such as educational requirements for editors (university diploma, certificates of press training course for at least three months, etc.). Journalists raised these concerns to the Ministry of Information, claiming that the subdecree is unconstitutional and resurrects proposals that were already raised during the debate on the 1995 law and rejected by the National Assembly at that time.¹⁴⁶ The draft subdecree appears to be at a standstill and has not been submitted to the Council of Ministers.

The Need for a Broadcast Law

As discussed in the previous chapter, Cambodia's broadcast media have expanded rapidly since the UNTAC period. A number of TV and radio stations were established in a relatively short period of time. In particular, FM radio stations not only operate in Phnom Penh but have established bureaus in at least five provinces.

The expansion of broadcast media has not yet been matched by legislation. Cambodia's National Assembly and Senate have not passed any laws to regulate TV and radio stations. It is evident that the need for clear rules and regulation increases as more broadcast media organizations, including foreign corporations, enter Cambodia's media market. In addition, from the perspective of good governance, the presence of a good broadcast law that sets clear rules and regulations will contribute to the promotion of free and balanced broadcast media. Furthermore, Cambodia's integration with the regional and world economies will require a transparent regulatory framework that is comparable to regional and international standards for broadcast media. It is encouraging that the Ministry of Information has already initiated the process of drafting a law on broadcast media. It is highly recommended that the draft law be discussed thoroughly with the private sector and civil society to develop more free and balanced broadcast media.

Promoting Professionalism and Ethics among Journalists

Although the number of media organizations expanded rapidly, several experts pointed out that

improving the quality of journalists is a major challenge in Cambodia. It is widely believed among Cambodians that many, if not most, journalists lack professional skills. Nor do they appear to follow any code of ethics set by journalists associations. For instance, accepting bribes is a common and widely tolerated practice. Unprofessional behavior, unsubstantiated reporting and overly personalized attacks presented as news are common. The level of professional responsibility among the media is low.

The lack of professional skills among journalists must be looked at in context. Few professionally trained journalists survived the Khmer Rouge regime in 1975-1979. In the 1980s, media were used for propaganda by the political party ruling the Government in Phnom Penh and resistance forces along the Thai border. There were few chances for Cambodian journalists to be trained or experience an environment of free media until the UNTAC period. The lack of compliance with the codes of ethics should be viewed in context as well. Two journalists associations were established in 1993 and 1994. The concept of self-regulation appears to be new to Cambodian journalists. Membership in these associations is still very small. In addition, codes of ethics set by those associations have no binding force and carry no disciplinary provisions such as the suspension of reporters. Unfortunately, the one journalists association still in existence suffers from a lack of funding due to the withdrawal of some external aid agencies after the July events in 1997.

One expert observed some positive changes in professional skills among journalists in recent years. First, media organizations have increasingly featured similar news coverage, regardless of their political background. For instance, a Khmer-language newspaper scooped the incident of the dumping of 3,000 tons of mercury-laden toxic waste at Sihanoukville in December 1998. A number of other press and broadcast media reported the story with few political slants. Here, Cambodia's media played an important role in bringing the incident to the attention of the public in the whole country. Second, Cambodia's press has broadened its coverage beyond exclusively political, toward more social and developmental issues, although the quality of reporting needs to improve further. Finally, the pool of young journalists

¹⁴⁶ Kanter (1997), *ibid.*, p.7.

with professional training and experiences is growing gradually.

In recent years, journalists have had more opportunities to receive professional training in journalism. The Cambodia Communications Institute (CCI) has been offering a series of professional training courses mainly for working journalists.¹⁴⁷ More than 3,000 journalists and information experts attended CCI's training courses, seminars, and workshops as of November 1999.¹⁴⁸ CCI also provides workshops for government officials in charge of information at ministries to improve trust, understanding, and communication between government spokespersons and the media, and build an environment in which accurate information is available to the public. Other institutions have also trained journalists. For instance, the Royal University of Phnom Penh established a journalism training program in 1995. However, despite such efforts, programs available at the moment tend to be short-term and ad hoc. Opportunities are in short of supply, according to the director of the CCI. In addition, many of those journalists most in need of such training are not participating.

147 The Cambodia Communications Institute was established in 1994 with technical support from the UNESCO and funding from DANIDA and the French Government.

148 This figure includes participants who attended more than one training course/workshop. The figure was quoted by Sek Borisoth (1999), *Media and Good Governance in Cambodia*, paper presented at a Conference on Media and Good Governance, held in Vientiane, Lao PDR, 10-12 November 1999.