

KINGDOM OF CAMBODIA

UNITED NATIONS DEVELOPMENT PROGRAMME
EXTERNAL EVALUATION MISSION

**PROJECT IN SUPPORT OF GOVERNANCE,
DEMOCRACY AND HUMAN RIGHTS**

CMB/95/007

JUNE 1999

DEPARTMENT OF ECONOMIC AND SOCIAL AFFAIRS
UNITED NATIONS

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CMB/95/007

Mission Report

by

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Dimitri Argyriades
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JUNE 1999

DEPARTMENT OF ECONOMIC AND SOCIAL AFFAIRS
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Executive Summary

After the General Elections, conducted under the aegis of the United Nations, in May 1993, the Royal Cambodian Government paid particular attention to the tasks of reconstruction and national development. To move its programme forward the Government established a Supreme Council of State Reform (SCSR) to coordinate activities in five (5) priority areas:

- Armed Forces Demobilisation;
- Administrative Reform;
- Reform of the Armed Forces;
- Economic, Financial and Fiscal Reform, and
- Judicial Reform

Specifically in the area of administrative reform, the Government laid stress on the rule of law (*etat de droit*) and good governance. In a recent official report the latter was defined in terms of bringing government and the administration closer to the level and concerns of the ordinary citizen making both approximate to "the model of supplier to client". In his statement to the donor community on 14 June 1999, H.E. the Senior Minister of the Presidency of the Council of Ministers also reiterated the importance of developing "a culture of respect for law" and of embedding "neutrality and transparency in public administration". Conceived in this perspective, **Programme Support to Governance, Democracy and Human Rights in Cambodia (CMB/95/G07/A/01/31)** had the following areas of focus:

- To strengthen the capacity of the Secretariat of the National Assembly in drafting legal texts, in managing complaints received by its Commission on Human Rights and in monitoring the implementation of laws;
- To strengthen the capacity of the Commission on Human Rights in investigating complaints, of which about 2000 are received every year;
- To strengthen the technical capacity and independence of the Judiciary, both of which are very weak;
- To strengthen the investigative capacity of the Ministry of Interior, which has been poorly equipped for a demanding job and develop sensitivity for human rights among security officers; and
- To strengthen the capacity of NGOs to monitor performance on human rights and the administration of justice and to disseminate information on human

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rights, notably in the provinces, both among security officers and the population at large.

As such, the programme converged with two other projects: one on Public Administration Reform (CMB/94/501 and CMB/95/008) and another of support to the SEILA CARERE programme (CMB/95/001). The Governments of Norway and the Netherlands contributed, through Trust Funds, to financing the activities, which were effectively launched in January 1996. The overall objective has been defined as systematically raising the issues of legality and of the rule of law. It was pursued primarily through hands-on assistance and guidance to the justice system; capacitybuilding activities for the National Assembly; support of human rights chiefly in the form of help for NGOs and human rights offices in selected provincial capitals; and some help in the field of criminal investigations.

Part of the programme period (1996 - 1998) was marked by political turbulence and a high degree of uncertainty. Elections which took place in the summer of 1998 resulted in the formation of a new government, only shortly before the programme itself came to an end. Although on this account, the legacy of war and the ravages perpetrated by the Pol Pot regime, it would not have been possible to expect decisive results in such a short period of time, the programme nonetheless accomplished certain tasks and met with a degree of success in some areas, thus justifying to donors the need to go on.

This measure of success, in spite of the complexities of the national work environment, the programme owes in part to sound management, a good cooperation among the main stakeholders, but also to the strategy that was adopted, which proved well-suited to the purpose of promoting governance and human rights. The strategy consisted in attacking the problems at hand both from the apex of the institutional pyramid and from the grassroots; from the top down and from the bottom up.

The programme support document targeted three broad though closely interrelated sets of objectives (governance, democracy and human rights), but pursued those objectives by means of capacity-building activities in institutional areas independent of one another (the National Assembly, the Judiciary, the Ministry of Interior and Civil Society actors). The overall intention was to strengthen operational capacity, particularly in areas touching on human rights.

A needs assessment mission to help determine requirements in the Forensics Department of the Ministry of Interior received no follow-up action from the national authorities. Thus this activity lapsed. At the National Assembly, most of the programmed activities did take place, with little lasting effect, however, on account of the national elections, which caused a large turnover of personnel and failure to confirm the appointment of the counterparts that had been trained. Equipment was provided and a manual was prepared for the Human Rights Commission on the handling of complaints.

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Most successful perhaps was the Judicial Mentor Programme (JMP), in an area of activity where needs are both massive and pressing. Judicial mentors were hired to assist prosecutors and judges, not often trained in law, in carrying out their functions. Assistants to those mentors were also trained, as well as the clerks of selected courts. The training and mentoring process proved an effective method of transferring knowhow.

When the programme came to an end, in December 1998, the Ministry of Justice pressed for an extension. This has now been made possible, with help from the Netherlands Government, through the end of 2001.

The Judicial Mentoring Programme has certainly contributed to raising public confidence in the justice system and in reducing the incidence of flagrant human rights abuses. Another major factor in this regard is the presence in Phnom Penh of the United

Nations Centre for Human Rights. In the framework of this programme, the UNCHR acting as implementing agency, has opened six offices establishing a network, which is its eyes and ears in key provinces and helps to build capacity in grassroots institutions. The offices are still in existence. The cause of human rights has also been championed by NGOs some of which received assistance and small grants under the programme in question. Six of these major human rights NGOs continue to cooperate with UNCHR.

A visibly malfunctioning justice system and the related problem of human rights abuses are likely to remain a major area of need calling for donor assistance. The causes of malfunctioning are several, including the absence of proper legal frameworks, trained judges and law enforcement officers, as well as endemic corruption. The victims in most cases are members of society's most vulnerable groups: the women and the children; the peasants and the poor. The plight of such victims, as much as the need to persevere with the reform of the system itself justify continued action by UNDP on this and related fronts.

In its recommendations, the evaluation team has built on the positive aspects and outcomes of the programme, which has now been concluded. Especially, it supports the programme approach in addressing issues of governance, administrative, justice and human rights, which are closely interrelated. It also recommends the adoption of programme designs and implementation strategies that foster complementarities and synergies among programme components and donor preferences, but also comparative strengths. The evaluation team considers as priorities the continuation, expansion and consolidation of the activities begun around the justice system and human rights, notably the mentor programme, assistance to NGOs and grassroots organisations. To expand the programme's outreach, but

also to promote national ownership of its objectives and outcomes, the evaluation team has recommended creation of **a mobile unit** for the justice programme and **a NGO Resources and Training Centre**. These are expected to deepen and broaden the impact of what is being accomplished and secure sustainability of results. As for the legislature, the team has taken note of the recent establishment of a Senate, and presence in Phnom

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Penh of a team from IPU, which will conduct a detailed needs assessment survey. Pending the outcome of its mission, the evaluation team proposes:

- a) the establishment of a **Policy Research and Development Unit** to assist both Chambers in their tasks; and
- b) a survey to ascertain the feasibility of an Ombudsman institution under a Joint Commission on Human Rights, or other forms of support to this Commission for their investigation of the complaints they receive from citizens.

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INTRODUCTION

The External Evaluation Mission for Project CMB/95/007 "Support to Governance, Democracy and Human Rights in Cambodia" carried out its activities from 16 June to 29 June 1999, in Phnom Penh, Cambodia.

This mission was organized by the United Nations Department of Economic and Social Affairs, and was composed of

Jeanne-Marie Col, Interregional Adviser, Team Leader

Dimitri Argyriades, Consultant

Walter Guevara, Consultant

The terms of reference (TOR) are found in Annex 1 at the end of this report. Annex 2 contains a list of the persons met and interviewed.

The mission organized its evaluation around four methodologies:

- I. Interviews with key stakeholders in the Government and the international community (especially UNCHR, which implemented a sub-contract for project activities)
- II. Small group interactive meetings (Topics, Annex 3)
NGOs involved in the project
National and international project staff related to judicial matters
- III. Field visit to a province (Kampong Chain)
- IV. Content analysis of English language papers concerning governance, democracy and human rights (Content, Annex 4)

The mission suggests that evaluation of any project involving citizen-stakeholders include a citizen survey. This suggestion would apply to any project involving governance, democracy, human rights or service delivery from key operational line ministries or local government and local administration. For CMB/95/007, such a survey was designed "on the spot". But without prior organization, the mission lacked time to implement the survey.

The mission was able to meet with two simultaneous "justice sector" missions; namely, that of Canadian International Development Agency (CIDA) and that of the Asian Development Bank (ADB), thereby enabling the sharing of impressions, recommendations and timetables for likely future activities.

The mission especially benefited from the presence of Mr. Keith Hargreaves, former Coordinator of the Project, who although busy with the election process in Indonesia, was brought by UNDP/Phnom Penh for consultation with the Evaluation Team. Mr. Hargreaves' perspectives and advice were invaluable to the work of the

mission. We are grateful for UNDP/Phnom Penh's foresight in making his services available to the mission.

The mission appreciates the extensive initial briefing by the UNDP Resident Representative a.i., the Assistant Resident Representative i/c Governance, as well as the Programme Officer. These officials assisted the mission throughout its activities, as well as reviewing conclusions and recommendations during a preliminary debriefing and a final presentation of the report.

The mission notes that Mr. Guevara joined the mission a few days into the mission and is extending his fact-finding on the legislative portion of the project until 2 July 1999. His additional observations and recommendations will be appended to this report in July.

The mission expresses its sincere appreciation to the entire staffs of UNDP and UNCHR for their warm welcome, continuous support for appointments and arrangements, and heartfelt good wishes for governance, democracy and human rights in Cambodia.

29 June 1999, Phnom Penh

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2. 3. 4.

9.

10. 11.

***PROJECT EVALUATION INFORMATION SHEET**

PART I: BASIC PROJECT INFORMATION

- | | | | |
|----|-----------------|---------------|--|
| 1. | Project Number: | CMB/95/007* 1 | Use the format
GUY/81 /003
* 1 signifying the
number of times the
project has been
evaluated. |
|----|-----------------|---------------|--|

Project Title	PROGRAM TO SUPPORT DEMOCRACY GOVERNANCE, AND HUMAN IN CAMBODIA	(150 characters limit)
Executing Agency:	OPS	Use English acronyms only (e.g. ILO rather than OIT).
Budget at the time of Evaluation:	2,021,995	To the nearest thousand, no dollar sign or punctuation marks.
UNDP Contribution:	1,472,326	
Cost Sharing:	549,669	
ACC Sub-sector:	1410	(Four digits)
Current Phase of the project:	PHASE 1	
Scheduled completion date of the project:	Day 31 Month 12 Year 98	
Project approval date:	Day 01 Month 11 Year 95	
Regional Bureau	RBAP	
Year of Evaluation:	99	(Two digits)

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12. Type of Evaluation: 2E 1 E = Mid-term 2E = Terminal 3E = Ex-post

13. Functional Descriptors: Primary: FP01, FP05, FP15 See descriptors list at the end of this information sheet.
Secondary: FP25

14. Thematic Descriptors: UNDP projects focus on building and strengthening national capacity in one or more of the following thematic areas. Use 7A for "Yes", 1B for "Partially", 6B for "No"..

Poverty Eradication and grass-roots participation 7A. Environment and natural resources management 6B. Management development 7A. Technical cooperation among developing countries 6B.

Transfer and adaptation of technology for development 6B.
Women in Development7A

- | | | | |
|--|--|-----------|--|
| 15. | Project Descriptors PDA017 | PDC019 | See descriptors list at the end of this information sheet. |
| | PDDO1 O | PDIOO1 | |
| | PDM005 | PDNOO1 | |
| | PDNO05 | PDPO 10 | |
| | PDR009 | PDSO1 O | |
| | PDWO04 | | |
| | | | |
| 16. | Report Descriptors RD0002 | RD0003 | See descriptors list at the end of this information sheet. |
| | RD0005 | RDDOO1 | |
| | RDD002 | RDGOO1 | |
| | RDG002 | RDIOO 1 | |
| | RD1002 | RDL002 | |
| | RDMOO 1 | RDNO02 | |
| | RD000I | RDPOO 1 | |
| | RDP002 | RDROO 1 | |
| | RDR002 | RDSOO 1 | |
| | RDS002 | RDS004 | |
| | RDTOO1 | RDT002 | |
| | RD WOO 1 | | |
| | | | |
| 17. | Cluster Evaluation: | 6B | 7A = Yes; 6B = No |
| | | | |
| 18. | This project is the lead project in the cluster? | ID | 7A = Yes
6B =No
1D = Not applicable. |
| | | | |
| 19. | For Cluster Evaluations list projects, starting with the lead project. | ID | ID if not applicable. |
| | | | |
| Representation on the evaluation mission | | | |
| | | | |
| 20. | UNDP | 6B | 1 S = Consultant |
| 21. | Executing Agency | 6B | 2S = Staff |
| 22. | Government | 6B | 3S = Both consultant and staff |
| 23. | Others | 3* | 6B =No |
| | | | Mark with an asterisk the groups in which a woman participated |

PART II. TERMS OF REFERENCE (TOR) OF THE EVALUATION MISSION.

- | | | | |
|----|--------------------------------|----|-----------------|
| 1. | Were the TOR project-specific? | 7A | 7A = Yes 6B= No |
| | | lo | |

Did the TOR require assessment of:

- | | | |
|-----|---|----|
| 2. | Project design? | 7A |
| 3. | Personnel? | 7A |
| 4. | Equipment? | 6B |
| 5. | Training? | 7A |
| 6. | Management? | 7A |
| 7. | Results? | 7A |
| 8. | Effectiveness? | 7A |
| 9. | Capacity building? | 7A |
| 10. | Environmental impact? | 6B |
| 11. | Women in development? | 7A |
| 12. | Impact on the beneficiaries | 7A |
| 13. | Sustainability? | 7A |
| 14. | Coordination with other development efforts in the country? | 7A |

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PART III. PROJECT DESIGN.

All questions in this section refer to the current design of the project. In other words, if the original objectives, outputs, inputs and activities of the project have been modified, the questions refer to the modified versions.

- | | | | |
|----|------------------------------------|----|--|
| 1. | How well was the project designed? | 2A | 1A = Very good
2A = Good
6A = Satisfactory
4B = Poor. |
|----|------------------------------------|----|--|

Please respond to this question only after answering the following questions:

- | | | | |
|-----|--|----|---|
| 2. | Has the design of the current phase built on the results of previous phase(s)? | 4N | 7A = Yes
1 B = Partially
6B =No
4N = Current Phase is Phase 1. |
| 3. | Was the project linked to important national/sectoral objectives? | 7A | 7A = Yes
1B = Partially
6B = No |
| 4. | Was the project designed within the approach? | 6B | 6B framework of a programme |
| 5. | Did the project have linkages with other projects funded or not by UNDP? | 1B | |
| 6. | Did the project design take account of socio-economic factors? | 1B | |
| 7. | Were the beneficiaries/target groups identified? | 7A | |
| 8. | Were the beneficiaries/target groups ? consulted in the formulation stage? | | |
| 9. | Were the immediate objectives clear? | 1B | |
| 10. | Were the immediate objectives internally consistent? | 1B | |
| 11. | Do the outputs and activities logically lead to the achievement of the immediate objectives? | 7A | |
| | | 12 | |
| 12. | Did the results include success criteria? | 6B | |
| 13. | Are the immediate objectives still relevant? | 7A | |
| 14. | Were the immediate objectives overly ambitious? | 7A | |
| 15. | Were the external assumptions optimistic? | 7A | |

- | | | | |
|-----|--|----|----------------------------------|
| 16. | Did the project have a realistic time frame? | 1B | |
| 17. | Was the institutional arrangement appropriate? | 1B | |
| 18. | Was the design of the project (objectives, outputs, inputs and activities) modified during project implementation? | 7A | |
| 19. | Did the mission draw any major findings or lessons? | 7A | 7A = Yes (see part X)
6B = No |

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PART IV: PROJECT PERSONNEL

- | | | | |
|----|---|---|---|
| 1. | Main composition of international personnel | 6 (1P)
0 (2P)
11 (3P)
0 (4P)
0 (5P) | 1 P = Long-term experts
2P = Short term experts
3P = Consultants
4P = Associate experts
5P = UNVs |
| 2. | Appropriateness of international | IA | 1A = Very good personnel
2A = Good
6A = Satisfactory
4B = Poor |
| 3. | Performance of international | 1 A | personnel |
| 4. | Was there a shortage of international personnel? | 6B | 7A = Yes
6B = No |
| 5. | Were there delays in the arrival of international personnel? | 6B | |
| 6. | Was the international personnel fully utilized? | 7A | |
| 7. | Was the international personnel involved in training staff counterpart? | 7A | |
| 8. | Did the project make use of | 6B | |

national experts?

- | | | | |
|-----|---|----|--|
| 9. | Appropriateness of national experts? | 1D | 1A = Very good
2A = Good
6A = Satisfactory
4B = Poor

1D = Not applicable |
| 10. | Degree of utilization of national experts? | 1D | |
| 11. | Professional competence of national experts? | 1D | |
| 12. | Selection of counterpart staff? | 1A | |
| 13. | Professional competence of counterpart staff? | 2A | |
| 14. | Were there too few counterpart staff? | 6B | 7A = Yes
6B = No |
| 15. | Were there delays in the appointment of counterpart staff? | | |
| 16. | Did the international personnel include women? | 7A | 7A = Yes
6B = No |
| 17. | Did the national personnel include women? | 7A | |
| 18. | Did the counterpart staff include women? | 7A | |
| 19. | Did the project suffered from high national staff turnover? | 6B | |
| 20. | Did the mission arrive at any major findings/lessons? | 6B | 7A = Yes (see part X)

6B = No |

PART V: TRAINING.

- | | | | |
|----|---------------------|----|---|
| 1. | Fellowship training | 6A | 1A = Very good
2A = Good
6A = Satisfactory
4B = Poor |
|----|---------------------|----|---|

3.	Was there a shortage of fellowship training candidates?	6B	1 D = Not applicable
4.	Were there delays in fellowship training?	7A	
5.	Were the fellowship trainees fully utilized?	7A	
6.	Did the fellowship candidates have language problems?	7A	
7.	In-service training	1 A	1 A = Very good 2A = Good 6A = Satisfactory 4B = Poor 1D = Not applicable
8.	Was there a shortage of in-service trainees?	6B	7A = Yes 1B = Partially 6B = No 1D = Not applicable
9.	Were there delays in-service training?	6B	
10.	Were the on-the-job trainees significantly utilized?	7A	
11.	Was the training methodology appropriate?	7A	
2.	Did the fellowship trainees include women?		
6B 7A = Yes 6B = No			
12.	Did the mission make any major findings	7A	7A = Yes (see part X) 6B = No

PART VI. EQUIPMENT AND INFRASTRUCTURE.

1.	Overall assessment of the	2A	1 A = Very good
----	---------------------------	----	-----------------

	contribution of the equipment to project results		2A = Good 6A = Satisfactory 4B = Poor 1D = Not applicable
2.	Were there delays in the procurement of the equipment?	1B	7A = Yes 1B = Partially 6B = No 1D = Not applicable
3.	Was the equipment of suitable quality?	7A	
4.	Was the equipment appropriate?	7A	
5.	Was the equipment significantly utilized?	7A	
6.	Was there a shortage of spare parts?	?	
7.	Was the equipment properly maintained?	7A	
8.	Can the use of the equipment be sustained after project completion?	7A	
9.	Were there problems with the provision of physical facilities?	6B	
10.	Were there problems with transport facilities?	1B	
11.	Did the mission make any major findings or draw any major lessons related to equipment?	6B	7A = Yes (see part X) 6B = No

PART VII. MANAGEMENT

1.	How well was the project managed on the whole?	2A	1A = Very good 2A = Good 6A = Satisfactory 4B = Poor
2.	Was the project managed by only a National Project Director?	6B	7A = Yes 6B = No

- | | | | |
|-----|---|----|---|
| 3. | How well was the project monitored? | 2A | 1A = Very good
2A = Good
6A = Satisfactory
4B = Poor |
| 4. | Assessment of UNDP field support | 2A | |
| 5. | Agency backstopping | 6A | |
| 6. | Coordination among Government, Agency and UNDP? | 2A | |
| 7. | Coordination with other development efforts in the country. | 2A | |
| 8. | Was the work plan realistic? | 7A | 7A = Yes
6B = No
6D = No work plan exists |
| 9. | Did the project experience overall delays? | 6B | 7A = Yes
6B = No |
| 10. | What was the overall impact of the delays? | 1D | 3C = Potential setbacks were overcome
4C = Permanent setbacks
8B = None significant
1 D = Not applicable |
| 11. | Did the mission make any major findings? | 7A | 7A = Yes (see part X)
6B = No |

PART VIII. GOVERNMENT SUPPORT

- | | | | |
|----|--|----|---|
| 1. | Overall government support for the project | 6A | 1A = Very good

2A = Good
6A = Satisfactory
4B = Poor
1 D = Not applicable |
|----|--|----|---|

Please characterize, when applicable, the effect of the following government policies on the project:

2. Personnel 2C 1 C = Positive

2C = Negative

1D = Not applicable

3. Training 1 C 4.

Research

2C 5. Procurement 1 D

6. Pricing and Tax ID 7. Foreign trade 1D 8. Sector policy

1C 9. Region policy 1D 10. Participatory development 1 C

11. Gender consideration 1 C 12.

Environment

1 D

- | | | | |
|-----|--|----|--------------------------------|
| 13. | Others (specify) | | 7A = Yes (see part X) |
| | decentralization | 7A | 6B =No |
| | capacity building in courts | | |
| | 7A coordination between government and | | |
| | NGOs 7A | | |
| | capacity building in NGOs | 7A | |
| 14. | Did the experience of this particular | 7A | 7A = Yes (see part X) |
| | project highlight a need for a change in | | 6B |
| | = No government policy? | | |
| 15. | Did the mission make any major findings | 7A | 7A = Yes (see part X) |
| | or draw any major lessons? | | 6B =No |

PART IX. RESULTS

NB: Complete either part A or part B depending on the type of

evaluation. A. MID-TERM EVALUATION.

- | | | |
|----|--|---------------------|
| 1. | What is the overall achievement of the | 4A = Exceeds target |
| | project at the time of the evaluation? | 8A = On target |
| | | 3B = Below target |

Please before responding to this question, keep in mind the guidance provided in pages 22 to 25 of this chapter and try to respond first to the following questions:

2. Was the project purpose relevant?
7A = Yes,
1 B = Partially
6B =No
3. Was the project approach appropriate?
4. Was the modality of execution adequate?
5. Have the beneficiaries of the project been reached or are they likely to be reached?
6. Have the target groups (end-users) of the project been reached or are they likely to be reached?
7. Is a mid-course change in the project design necessary?
8. Are the overall achievements likely to be sustained after project completion?
9. To what extent the institution building component will be achieved?
10. Is the project performing well?
11. Is the project likely to be successful?
12. Recommendation of the mission for future assistance

5A = Significant 6A = Satisfactory 4B = Poor

7A = Yes
1B = Partially 6B =No

1 M = Extension
1 Mn= Extension for n months, e.g, = 1M9 = extension for 9 months

2M = New project phase
 4M = Project Termination
 5M = No recommendation

B. TERMINAL AND EX-POST EVALUATIONS

- | | | | |
|----|---|----|--|
| 1. | Describe the overall achievements of the project at the time of the evaluation? | 3A | 3A = Successful
2B = Partly successful
7B = Unsuccessful |
|----|---|----|--|

Please before responding to this first question, keep in mind the guidance provided in pages 22 to 25 of this chapter and try to respond first to the following questions:

- | | | | |
|-----|--|-----|---|
| 2. | Was the project relevant? | 7A | ⁱ
7A = Yes
1B = Partially
6B = No |
| 3. | Was the project efficient? | 7A | |
| 4. | To what extent were the outputs achieved? | 6A | 5A = Significant
6A = Satisfactory
4B = Poor |
| 5. | To what extent were the immediate objectives achieved? | 6A | |
| 6. | To what extent were the development objectives achieved? | 6A | |
| 7. | Did the <i>project</i> perform well? | 1B | 7A = Yes
1B = Partially
6B = No |
| 8. | Was the project cost effective? | 7A | |
| 9. | To what extent has capacity-building been achieved? | 5A | 5A = Significant
6A = Satisfactory
4B = Poor |
| 10. | Have the beneficiaries of the project been reached? | 1 B | 7A = Yes
1 B = Partially
6B = No |
| 11. | Have the target groups (end-users) of the | 1B | |

project been reached?

- | | | | |
|-----|---|-----|---|
| 12. | Did the project make a positive or negative impact on the target groups? | 1 C | 1 C = Positive
2C = Negative
6C = No impact |
| 13. | Did the project make a positive 1C or negative impact on gender issues? | | |
| 14. | Did the project make a positive 6C or negative impact on environment? | | |
| 15. | Did the project make a positive 1 C or negative impact on the institution? | | |
| 16. | Are the overall achievements likely to be 1 C sustained after project completion? | | |
| 17. | What are the views of the following parties on the project? | | |
| | - Government | 1 C | 1 C = Positive
2C = Negative
5C = No views |
| | - Recipient institution | 1 C | |
| | - Beneficiaries | 1C | |
| | - Executing agency | ? | |
| | - Implementing agency | 1 C | |
| 18. | Recommendations of the mission for future UNDP assistance | 2M | 1M = Extension
1Mn= Extension for n months, e.g, = 1M9 = extension for 9 months
2M = New project phase
4M =Project Termination
5M = No recommendation |

PART X. TEXTUAL INFORMATION

NB: This section of the project evaluation information sheet must be filled in by the evaluation team and given to the Resident Representative prior to leaving the country where the evaluation takes place.

1. Summary of immediate objectives and outputs (summarize what is stated in the project document)

The development objective was to contribute to the strengthening of national governance through selected institutions and capacity building. In the long term, the objective was " increased participation of society in the governing process and recovered confidence in the public institutions.

The two immediate objectives were:

- Building and consolidating legal, judicial and social structures
- Increasing awareness of Human Rights activities including by strengthening the capacity of grass roots organizations

The main outputs were to have been:

- Enhanced capacity to review and draft legislation by the National Assembly
- Strengthened capacity of the seven member commission on human rights and reception of complaints by the National Assembly to handle social and legal service delivery
- Strengthened capacity of the judicial system through continuation of the existing Judicial Mentor Programme
- Consolidated implementation capacity of the Ministry of the Interior in the area of forensics
- Strengthened capacity of selected NGO's to promote and protect human rights and improve operational efficiency
- Strengthened capacity of the provincial/national network of existing grass roots institutions through UNCHR regional offices

2. Findings on project identification and design (provide a summary of the evaluation findings on project identification and design)

The identification and design of the project was satisfactory, given the bi-cephalous governmental situation and the war-torn society continuing to exist in 1995. Based on several somewhat related windows of opportunity, the project format sought, above all, to point out the importance of transparency, efficiency, effectiveness, participation and respect in the areas of law, justice and human rights. While the several elements were not organically related, they represented the most important governmental and civil society institutions at the time; namely, the National Assembly, the Courts, and Human Rights NGO's. Within the context of greater political and institutional stability in 1999, the mission believes that a programme approach would better serve this complex subject, attract more bi-lateral support, and encourage capacity building of "programme management skills" in the Government.

3. Findings on general results of the project (include findings on relevance, performance and success)

The strengthening of a culture of "governance, democracy and human rights" was in 1995 and continues to be in 1999, a high priority in Cambodian society. Success can be

measured at the policy level and the community level, but is still wanting at the institutional level. Since the second post-UNTAC election in 1998, the Government has

shown increasing resolve in these areas; namely, in prosecuting some Government officials involved in serious crimes, in creating greater focus on separation of powers (especially somewhat greater reliance on functioning of the legislative and judicial branches), and particularly in the Cabinet's 25 June 1999 decision to amend Article 51 of the civil service code, thereby requiring the courts to notify, rather than seek permission from, Ministries in order to charge a civil servant in the judicial courts. At the community level, people in project-intense provinces, districts and communes are more aware of their right to life, right to property and right to recourse through the court system. Data shows that the poor in villages and municipalities are more likely to attempt to use the court system to resolve issues. Opinion indicates reduction in infractions of human rights by Government officials trained by the project.

4. Main problems faced by the project (summarize the main problems previously and currently faced)

Lack of consistent direction from the Government in the areas of judicial reform, legislative empowerment and observance of human rights

Lack of qualified, trained and motivated counterparts at the institutional level (not a serious problem at the policy or grass roots level)

Lack of commitment from the Government in the area of Forensics (evidence); a situation likely to change with the Amendments to Article 51 of the civil service code (essentially granting immunity to all civil servants)

Lack of full utilization of project-generated expertise and capacity building in the legislature; a situation likely to change given the development of the Senate, along side of the Assembly, with increased emphasis on separation of powers between the executive and legislative branches

Lack of independence of the judiciary; a situation likely to change with the Amendments to Article 51 of the civil service code (Article 51 required the courts to seek permission of the ministry involved before accusing a civil servant of an infraction of law)

Lack of articulated coherence among the project elements (largely overcome through guidance of the project coordinator); likely to be overcome, in the future, through application of the programme approach

5. Summary of recommendations (provide a summary of the main report recommendations and indicate to whom they were addressed)

Programme Approach, thereby building synergies / complementarities and facilitating coherence, multi-bi support, and capacity building in "programme management skills (annual PSIA review and revision, results-orientation, formulation, articulation, budgeting and accounting skills)" in the Government.

Conceptual division of the project into *one Governance Programme* and, if necessary, *one project* to support the work of the CHR in provincial centers/networks and in the Judicial Mentors Programme (if other donor support is not forthcoming). The Governance Programme should be seen as support to the Government's judicial reform programme, and not confused with the CHR's watchdog functions.

Support to the Judicial System (given the importance of independence of the judiciary). Support to the legislature (given the importance of separation of powers).

Linkage with the process of developing the communes as a level of governance and the communal elections.

Mobile training units to facilitate recognition of and compliance with "rule of law" (circulating among provinces, districts, communes and villages; perhaps based in a focal province and travelling within several provinces). Each unit is suggested to contain a law library in Khmer, representatives of key ministries (such as Interior and Justice, as well as the Constitutional Council, the Faculty of Law, key "justice" NGOs, etc.). Each unit would be facilitated by representatives of the International Association of Facilitators (or people trained by them) in order to create a completely neutral process of discussing justice issues within a "community" and in order that participants will be honest and complete with each other, will begin to serve as a "mutual reference group" for good governance and justice, and will begin to function as "community monitors" encouraging transparency, accountability, responsiveness, and service delivery.

NGO Resource and Training Center to encourage and support "indigenization" of NGO movement and development of capacities for creative new departures.

6. Lessons learned (List all lessons learned from the evaluation that may be applied to other projects and programmes)

Ownership and commitment. It is useful in the programme approach formulation process for the Government to have designed already its own Programme in the subject. Without such a Government-designed Programme, the UN System, of necessity, must design a project document to address windows of opportunity.

Holistic and integrated approach to institutional change. Synergies can establish irreversible momentum and consistent and concerted structural change. ***Management of Change.*** Structural (institutional) changes need to go "hand in hand" with behavioral change. Institutionalizing change provides sustainability. Establishing new behaviors can progressively push the boundary of "what is acceptable behavior" into new "standards of behavior or ethics". Synergies can establish irreversible momentum.

Consistent and. Long Term Project Management. Identifying potential synergies and maintaining commitment to integration of activities requires continuity of international and national staff.

Proper Selection of international and local staff, as well as local counterparts, with emphasis on capacity building of local counterparts.

Combination of Top Down and Bottom-Up Approaches. This combination relates to the supply side and the demand side of service delivery. Reliance on either one or the other takes no advantage of the synergies of governance, which encourages both government and civil society participation.

Linkage of grass roots institutions and people. Linkages to encourage expectations to generate and sustain momentum for reform.

Professionalism. Especially in transitioning situations, the building of professional

behaviors, values and standards both contributes to sustainable reforms and to the institutionalization of "rule of law".

SECOND PART

Introduction

The evaluation mission was conducted, as requested, from Wednesday 16 to Tuesday 29 June 1999. The evaluation team was composed of Ms. Jeanne-Marie Col, Interregional Adviser of the United Nations Department of Economic and Social Affairs, as Team Leader, and Mr. Demetrios Argyriades and Mr. Walter Guevara, Consultants, as members. A fourth member, Mr. Michel Lesage, desisted at literally the last hour; however, the team compensated for the missing expertise. The mission received, from all concerned, the cooperation it needed to carry out its tasks. In the time at its disposal, the team was able to meet many senior Government leaders, more than twenty representatives of the NGO community, representatives of donor agencies, staff members and consultants of the UNDP, UNCHR, UNOPS and other units of the United Nations System with a record of activities and interests in governance, democracy and human rights. Not content to limit itself to the capital area, the team conducted a field trip to Kampong Chain at a distance of 200 kms. from Phnom Penh, where it visited the provincial courts, the provincial office of the Center for Human Rights, the offices of NGO's active in the human rights.

The team places on record its deep appreciation of the excellent arrangements made by UNDP and UNCHR in support of the mission. It was especially pleased to have had the benefit of the presence in Phnom Penh for two days of Mr. Keith Hargreaves, former Coordinator of the project. It is also very grateful to the Royal Government of Cambodia, the United Nations agencies and the NGO community for their welcome and cooperation throughout. Responding to this trust with a set of useful findings and constructive recommendations has been uppermost on the minds of the evaluation team, as it comes to the conclusion of its two-week exercise.

I Context of the Project

After the General Elections, conducted under the aegis of the United Nations in May 1993, the Royal Cambodian Government paid particular attention to the institutional basis of national reconstruction and development. A National Rehabilitation and Development Programme was then elaborated and submitted to the international donor community. The Programme's main objectives were the following:

- Reform of the State apparatus;
- Strengthening the service delivery functions of key operational ministries
- Creation of an investment-friendly legislative environment;
- Restoration of the national infrastructure networks;
- Human resources development; and
- Integration of Cambodia into the regional and global economies.

More than twenty difficult years of internal upheavals and wars left the country's institutional framework in substantial disarray, with the country's resources depleted, its reservoirs of skills at an all time low, and its social capital reduced in solidarity and effectiveness. The tasks of reconstruction, accordingly, became second only to peace and

stability, the major concerns of the Government, notably after the elections of July 1998, which restored domestic tranquility after the eruption of violence exactly a year before.

To move its renovation and development programmes forward, the Royal Government of Cambodia, firmly in place in 1998, established a Supreme Council of State Reform (SCSR) with the task to coordinate activities in five (5) priority areas:

- Armed Forces De-mobilisation;
- Administrative Reform;
- Reform of the Armed Forces;
- Economic, Financial and Fiscal Reform; and
- Judicial Reform

Highlighted as priorities once more during the Consultative Group Meeting in February 1999, these areas were accorded special prominence at the Donor Monitoring Meeting, which took place in Phnom Penh on Monday 14 June 1999 (see statement by H.E. Sok An, Senior Minister in charge of the Presidency of the Council of Ministers). Specifically in the area of Administrative Reform, the document prepared by the General Secretariat of the Council on Reform identified four areas as needing close attention and urgent action:

- Area 1: The Rule of Law;
- Area 2: Good Governance;
- Area 3: Enhancement of Human Resources; and
- Area 4: Managing Change

The programme of reform underlined the country's commitment to achieve a fair, just and peaceful society and, in His Majesty's words, to establish and consolidate an *etat de droit* in Cambodia. This has been taken to mean improvement of the working of public institutions and development of their legal capacity. The principal objective, according to the Government's own recent report (op. cit.), is to strengthen the rule of law, without which democracy could not be sustainable.

Good governance, in turn, has been defined in terms of bringing the administration closer to the concerns of the ordinary citizen and changing its configuration to approximate the model of a supplier to client. Deconcentration and decentralisation have also been proposed with the same aim in view (Report p.3).

In his statement to the donor community on 14 June 1999, H.E. Sok An, the Senior Minister in charge of the Presidency of the Council of Ministers and Permanent Member of the Supreme Council of State Reform, reiterated the importance of developing "a culture of

respect for law" and of embedding "neutrality and transparency in public administration". He insisted on the need of disseminating legal information to people and added: "The Council of Judicial Reform will be established soon by the Government and the coordination between the judicial reform and administrative reform will be undertaken through the Supreme Council of State Reform".

It can be seen, accordingly, that the objectives of **CMB/95/007.- Governance, Democracy and Human Rights** continue to coincide with the major policy objectives of the Government of Cambodia in the broad field of governance. The project's main objectives were:

- The development objective was to contribute to the strengthening of national governance through selected institutions and capacity building. In the long term, the objective was "increased participation of society in the governing process and recovered confidence in the public institutions.
- The two immediate objectives were:
 - Building and consolidating legal, judicial and social structures
 - Increasing awareness of Human Rights activities including by strengthening the capacity of grass roots organizations

The main outputs were to have been:

- Enhanced capacity to review and draft legislation by the National Assembly
 - Strengthened capacity of the seven member commission on human rights and reception of complaints by the National Assembly to handle social and legal service delivery
 - Strengthened capacity of the judicial system through continuation of the existing Judicial Mentor Programme
- Consolidated implementation capacity of the Ministry of the Interior in the area of forensics
- Strengthened capacity of selected NGO's to promote and protect human rights and improve operational efficiency
 - Strengthened capacity of the provincial/national network of existing grass roots institutions through UNCHR regional offices

The project was congruent with two other UNDP projects: one in support of the Government's Public Administration Reform (CMB/94/501 and CMB/95/008) and another in support of the SEILA CARERE programme (CMB/95/001). The former has been placed under the supervision of an Inter-Ministerial Technical Committee on Administrative Reform at the Presidency of the Council of Ministers. The latter was assigned to the Ministry of Interior with a view to helping it function and implement a policy on local participation in the development process.

The Governments of Norway and the Netherlands contributed through Trust Funds to financing some activities of CMB/95/007; namely, the Judicial Mentor Programme (JMP) and the Provincial Offices of the Center for Human Rights. Indirectly, the project

benefited from parallel activities conducted under the auspices of other multilateral, but mostly bilateral donors. Thus, Australia has provided support to the media, prison administration, criminal justice and the courts; France has helped with expertise in legal education, training of the judiciary, drafting the code on penal procedures, and training the police and gendarmerie. Aid from France has been extended mostly through the Ministries of Justice and Interior. USAID, either directly or through NGOs, has supported capacity building at the National Assembly, the Judiciary and human rights NGOs. The World Bank has provided assistance to the National Council of Jurists and the publication of the Government Gazette (Journal Officiel). The European Union has focussed its attention on legislative texts and support for NGOs.

In project CMB/95/007, while the overall programme objective could be defined as that of raising systematically the issue of legality and of the rule of law (also *etat de droit*), assistance to NGOs played an important part in furthering this goal, by helping civil society to set relevant expectations and to develop perceptions about performance. However, as already shown, the project concentrated on strengthening the capacity of three principal institutions in

human rights promotion, namely the National Assembly and the Ministries of Justice and Interior.

The project benefited from the UN System's credibility in areas of governance and human rights, and its role as a fair, neutral, participant in the promotion of governance and human rights. The United Nations Transitional Authority in Cambodia (UNTAC) created a positive impression concerning its role in restoring peace, security, administrative and judicial law and procedure. Various UN projects and programmes address other priority areas; such as grass-roots participation in democratic processes (especially electoral assistance and observation), women's and children's rights, protection of the environment and poverty alleviation.

Some specific features of the justice system in Cambodia are currently functioning poorly; such as courts, police investigation and evidence, as well as legal aid to the poor and a mechanism for public registration of complaints with capacity and will to, investigate these cases. The current malfunctioning may be attributed to several decades of neglect. In particular, the excesses of the Pol Pot regime resulted in all but a handful of lawyers and judges perishing and critical records vanishing. It is no exaggeration that, after the Paris Peace Accords in the early 1990s, a new justice system had to be built literally "from scratch".

The effects of this predicament are general inadequacy of the institutional capacity and qualified and / or trained skills. On the one hand, there is a relative lack of public trust in the system; on the other hand, the primary victims of this situation are the weaker and the poorer segments of the population: the women, children and peasants, and those who either lack the means to "buy their way out" of a confrontation with the police authority, or lack the connections required to influence a decision in their favor. The plight of the weak

and the poor is greatly aggravated by pervasive corruption and a related goal displacement, which greatly undermines the role of the security forces as guardians of the law.

II Project Document

Manifestly the project was pitted against one of the most intractable problems of Cambodian public life; that is, lack of consistent rule of law and justice. The solution requires both structural reform and a profound change of the prevailing culture and individual behavior.

Although it would be difficult to expect decisive results in the short period (three years after decades of erosion of rule of law) covered by the life of the project, its modest successes in certain areas confirms that the project was designed with the practical and actual conditions of war-torn Cambodia in mind. From 1995, the Government, albeit bi-cephalous, emphasized the rule of law in their documents, but often individual civil servants, military and police, breached the spirit of the law. As well, Cambodia's society suffered from a lack of consistent laws (a few prior to UNTAC, the skeletal UNTAC "regulations", the haphazard application of international standards, and the *ad hoc* formulation and passage of specific laws, especially commercial and investment, rather than comprehensive civil and criminal law and procedures. Within this context, it is no wonder that private conflicts were settled with minimum application of law and maximum application of influence. Thus, there emerged the obvious necessity to address the rule of law

from a top-down (policy perspective of the supply of legal services) and from a bottom-up (grass-roots clientele perspective to generate the demand side of legal service delivery).

As its very title suggests, the project document targeted three broad though closely interrelated sets of objectives (governance, democracy and human rights), but pursued those objectives by means of capacity-building activities in institutional areas independent of one another (the National Assembly, the Judiciary, the Executive Branch of Government and Civil Society actors). The intention was to strengthen the operational capacity of strategically located newly established bodies; the Commission on Human Rights of the National Assembly, the provincial courts; the Forensic Department at the Ministry of Interior; and nongovernmental organizations, particularly those active in the field of human *rights, lato sensu*.

Such a dispersion of effort had the effect of not only spreading the risk but also reducing the comprehensive scope and potential for synergies among the various areas of concentration. The Government's commitment to open governance, democracy and human rights was constant during the period under review and may indeed have increased as a direct result of the project activities. However, the upheaval of July 1997 and the subsequent elections in 1998 have meant that, for at least a year during the life of the project, the necessary conditions of normalcy and stability were only partially present. In light of its discussions, the evaluation team has reason to believe that this situation may have minimized the activities in at least one area of focus, namely the National Assembly.

The 1998 national elections produced a stable government and put an end to the "*bicephalisme*" that prevailed for a substantial period of time. However, these elections also accounted for a substantial turnover in the membership of the National Assembly and its staff, with certain repercussions on the project, which came to the end of its term soon after these elections, and the formation of a new government.

To be sure, these circumstances could not have been foreseen at the time of preparation of the project document. The evaluation team believes that, on the whole, the document was well conceived in terms of trying to address certain pressing major concerns, although it may be argued that at the inception stage, the national institutional capabilities, may have been overestimated. Capacity building, however, was one of the main goals of the project, and the principal area of focus, notably in the fields of the judiciary and human rights continue to display serious judicial service delivery needs.

Special concerns of women, who lack adequate educational opportunities, access to humane employment and a respected position in the most vulnerable sectors, have been addressed throughout the project. The failures of the justice system weigh most heavily on women, and that the rights of women constitute a high priority for the human rights NGOs.

The project logical framework was clearly stated and, although widely ranging, the project objectives were well set. It should be said, however, that governance, democracy and human rights do not lend themselves automatically and sufficiently to the identification of outcomes that can be verifiable in quantitative terms. This is particularly true of a country with Cambodia's troubled past and only brief experience of democratic normalcy.

III Project Implementation

Activities

Project support to Governance, Democracy and Human Rights in Cambodia (CMB/95/007) was, as its title suggests, a composite of congruent, but still distinct activities, whose principal stakeholders and target groups in Cambodia belonged to different areas, indeed separate branches of government, as well as civil society. Considering the fact that timely implementation of these distinct activities depended very largely on the cooperation of multiple actors, it would be fair to argue that the delivery of the inputs has been well organised and broadly proceeded on schedule.

As previously discussed, the project's main activities lay in five (5) principal areas:

- Enhanced capacity to review and draft legislation and to implement the same. Two UNDP-funded experts were recruited and delivered approximately on time (output 1.1);
- Enhanced capacity of the seven-member Commission of the National Assembly on Human Rights and Reception of Complaints, to handle complaints. A UNDP-funded

expert was fielded and conducted training activities, approximately on schedule. Training of some assistants was also organized abroad and an operational manual prepared (output 1.2);

- Enhanced technical skills of judges and prosecutors and a greater degree of adherence, on their part, to an independent judiciary. (Judicial Mentor Programme - output 1.3) A total of ten (10) consultants were recruited, with only minor delays, to serve as mentors of judges and prosecutors in various provinces throughout the country. They have trained judicial assistants and, with their help, conducted a number of activities, which have been calculated to enhance the public confidence in the judicial system, safeguard the rights of prisoners and detainees, promote an open justice and human rights, and educate the members of the security forces (police, gendarmerie and the military) in aspects of human rights;
- Consolidated implementation capacity at the Ministry of Interior in the area of forensics (output 1.4). A short-term UNDP-funded consultant performed a needs assessment mission, which was completed approximately on schedule. From the national side, however, there was little follow-up on this mission. Accordingly, the projected equipment component for the forensics laboratory was never purchased nor delivered.
- Enhanced capacity of selected NGOs to promote and protect human rights including women's rights (output 2. 1). Selection and training of a first batch of NGOs for work in human rights work was completed on schedule. Some funding of NGOs - including US\$ 55,000 for a women's project, was also delivered on time.
- Promotion and protection of human rights has also been supported in the framework of the project through the establishment of a network of six (6) provincial offices whose task is to train members of the security forces, monitor their respect for human rights, liaise with local grassroots organisations etc. All the local offices were set up and made operational on schedule, with the help of the UNCHR Office in Phnom Penh.

The project, which concluded at the end of 1998, was executed by UNOPS. The activities relating to human rights and enhancing the capacities of the judicial system were locally supported and technically backstopped by the UNCHR office in Phnom Penh. From talks with

all concerned, it would appear that the project benefited from close cooperative relations between the UNDP, UNCHR and OPS, with minor procedural problems arising as a result of internal organizational arrangements in UNOPS. It would appear, accordingly, that in spite of

devolution of functions to the office in Kuala Lumpur, many issues were referred back to New York, with consequent delays.

Also on the positive side, was the presence "on the spot" of a Project Coordinator, whose organisational competence was matched by knowledge of the country and sound interpersonal skills. The evaluation team received, from all concerned, a positive

assessment of his role and contribution to the success of the project. On the side of the national Government the picture is more complex, though positive on the whole. The project depended for success on the active cooperation of a range of different actors. Their support has varied from case to case,

but also from time to time. Thus, apparent lack of interest at the Forensics Department accounted for the absence of any follow-up to the initial needs assessment mission. After a good beginning at the National Assembly, interest in the activities for outputs 1.1 and 1.2 diminished considerably, when the outcome of the elections of 1998 modified the composition of the legislature. Injustice and human rights, progress has been predicated, to no small an extent, on the personal and institutional relations that were developed between the project staff, on the one hand, and the national counterparts, (judges, prosecutors, NGOs) on the other.

The project has attained a high delivery rate (95%). The measure of success and cost-effectiveness of its various activities can be gauged by the readiness of donors outside the UN system to step in and support the continuation of such activities into the future. Thus, Dutch counterpart funds, using the same criteria as those previously applied, will make possible an extension of the Judicial Mentor Programme through the end of 2001.

Arguably, the Judicial Mentor Programme (JMP) represents the most successful and creative strategy for the transfer of know-how that was applied with significant long-term potential. The JMP represents a useful combination of training, advisory services, and institution-building, with assistance to individuals on a one-to-one basis. It avoids the obvious

pitfalls of formal training exercises or study tours, whose beneficial effects may be soon dissipated for lack of systematic follow-up. One other example of creative training was carried out by one of the JMP mentors, who noticing a lack of practice in applying certain laws, organized an ad hoc "moot court" in which various staffs in the provincial court participated, although the judges themselves observed and commented from the sidelines. The nature of the JMP is also in line with the Government's wishes and its need to secure the longterm development and consolidation of basic institutions, notably in the Judiciary.

The empowerment of civil society, through the institution-building and capacity reinforcement of NGOs, has been another strategy with positive results. It represents a departure from the common practice of focusing attention exclusively on the agencies of the State, notably the Executive Branch of Government. The executive branch-only strategy seldom produces the hoped-for results. Instead, an approach that includes civil society encourages expectations on the level of civil society so that it may, in turn, bring pressure to bear on Government to raise the level of its performance, quantitatively and qualitatively. The importance of this strategy to this specific programme and to Cambodia at large appears all the greater considering the country's recent past and the relative absence of a strong tradition of social activism. The strategy shows signs of having been successful. NGO activity in

support of human rights, due process, gender issues and allied causes has grown significantly, both in numbers and effectiveness

All indications point to a strong level of commitment to the objectives of the programme, on the part of both the Government and civil society actors, with whom the project authorities had the occasion to cooperate. They include recent pronouncements of the Government (e.g., during the quarterly meeting of donors in Phnom Penh on 14 June 1999), as well as the apparent effectiveness of civil society actors in enlisting police cooperation in sensitive cases. The involvement of national staff, by contrast, has been variable, oscillating both in time and by programme component. All indicators show consistency of involvement among the national staff of the Judicial Mentoring Programme and the six provincial offices on human rights. Such consistency, however, is less apparent at the National Assembly where, after a good start, the National Assembly did not retain or hire the two national lawyers, who had worked as counterparts in legislative drafting.

The programme objectives converged with those of other projects, notably SEILA/CARERE and administrative reform. The programme activities also supported mainstream action of the UNDP and UNCHR.

The programme was well managed and appears to have received, from the UNDP, UNCHR and UNOPS, all necessary technical and administrative support. There has been broad agreement that the type of expertise that was procured and the quality of technical inputs were satisfactory, on the whole. The nature of constraints to effective implementation pertained either to circumstance or to systemic weaknesses in the Cambodian pattern of governance. Thus, the trouble that erupted in July 1997 and the long period of uncertainty that followed, until a new and stable government was formed in November 1998, did not help consolidate the outcomes of the activities that had taken place. This is especially true of training activities for National Assembly staff, where high turnover rates appear to have taken their toll.

Quality of Monitoring and Backstopping

Given its brief time span, the programme in question appears to have received adequate monitoring and evaluation, internally and externally. Project Performance Evaluation Reports were prepared at a two-year interval, in November 1996 and November 1998. The project steering committee did not meet in 1997 or 1998. This was due in part to the events of July 1997 and subsequently to UNDP's reevaluation of its assistance in the area of governance. The project document was rewritten several times, apparently in response to rapidly changing circumstances. The programme of activities, such as it has developed, appears to have been able to generate support among the donor community, notably the bilateral programmes of the Netherlands and Norway. Its relative effectiveness has also been enhanced by complementary programmes of other donors (e.g. France, Japan, USAID, and World Bank), that have promoted purposes supportive of the programme's objectives. This is true of USAID's indirect support of Legal Aid Societies, the French contribution to the reform of the criminal law and procedure, the ongoing Japanese effort to prepare a civil code and the World Bank activity in the Commercial Law area.

IV Project Results

Relevance and

Efficiency

Overall, the purpose, approach and modalities of execution of the programme in question maintains its relevance to date. It tried to address the problems of governance, by moving on a broad front, advancing initiatives not only on the level of Government alone, but also of civil society. The lifetime of the programme was probably too short and part of it was lost as a result of political turbulence, over which the programme could have little control. The programme gained considerably in relevance, efficiency and effectiveness from the presence, on the spot, of competent management and of hands-on advice, support and cooperation from the implementing agency. This is especially true of the areas of the programme (human rights, the justice system and NGOs), that absorbed two thirds of the funds and registered a measure of palpable success.

Objectives and Outputs

Of its expected outputs, the programme did not have much to show for in one (output 1.4: capacity reinforcement in the area of forensics of the Ministry of Interior). It scored very modest results in two (1.1 and 1.2: capacity-reinforcement in legislative drafting and handling human rights or other related complaints). After an early good start, those outputs lost effectiveness, in part as a result of inescapable changes in the political sphere, but also due to failure of the National Assembly to follow up on the work that had been accomplished by the international experts.

By contrast, in three areas, including those that absorbed two thirds of the budgeted resources, the set objectives and outputs were very largely accomplished. Output 1.3 called for "strengthened capacity of the Judicial System through continuation of the Judicial Mentor Programme". While it cannot be affirmed that the Judicial System is in satisfactory shape, most knowledgeable observers agree that an improvement directly attributable to the programme has taken place. Output 2.1 called for "strengthened capacity of selected NGOs to promote and protect human rights and improve operational effectiveness". This output has been accomplished, to a very large extent. Much of the same can be argued of output 2.2, which called for "strengthened capacity of the provincial/national methods of existing grassroots organisations". In both cases the number, credibility, activity and effectiveness of those organisations has increased considerably and they have spread their scope to cover much of the country.

Impact and Sustainability

Human resources development and institution building have been the common thread running throughout the programme. In all of the components, capacity building represented a major objective. Respect for human rights, the growth of civil society and the consolidation of an *etat de droit* with democratic governance represented the other objectives.

Unlike some other projects, this programme pursued its objectives not only by building new structures or rather by reinforcing existing ones, but also by endeavouring to inculcate and spread a culture of respect for human rights, a culture of civic initiative and a culture of respect for due process and for the rule of law. Precisely on this account, this programme may have gained a greater measure of impact, than would have been secured by a different approach exclusively reliant on legislative blueprints.

Mentoring backed by training and the availability of technical advice upon demand on a continuous basis has proved a useful strategy for the transfer of know-how, as well as the development of some public trust in the judicial system and self-confidence among the magistrates. There is reason to believe, in light of the evidence gathered, that the programme has been able to achieve a measure of impact in these regards, especially in so far as the Justice System, human rights and civil society institutions are concerned.

Whether these modest but undeniable gains are sustainable is certainly more problematic. Much of the progress made has been donor-driven and largely predicated on national perceptions of the value of a donor connection. All NGOs interviewed and others, who were questioned on this point, noted that, in their view, their success and influence was assisted by their association with either foreign governments or INGOs. While this may be acceptable in the short-run, it does not ensure sustainability, or even sound democratic governance in the long-run.

V Conclusions

As the assumptions underlying the current programme suggest, any project for sound governance rests on the synergy and effectiveness of two major factors or groups of factors. The State apparatus is one; a vibrant civil society is the other. The programme sought to reinforce a part of the State apparatus that does not often get the attention it deserves, but most of its resources and effort were devoted to strengthening civil society and helping to develop a healthy *modus vivendi* between the State apparatus, on the one hand, and civil society on the other.

By focussing attention on NGOs the programme demonstrated the very great potential, but also limitations of foreign donor assistance in this domain. With small amounts of help from international sources, a relatively small group of organisations has been empowered to play a rather significant role in educating citizens, asserting human rights and challenging the notion that "justice can be bought" and that "might is right". Small grants have made it possible for sound innovative projects (e.g. a women's project) to be born. Competition among NGOs, have forced them to organise, to specialise in areas in which they may possess a comparative advantage and also do their homework in order to perform creditably and win additional grants.

However, the downside of this trend is that the NGO movement might well end up being

supply or donor-driven, cut off from the society, which it is there to serve, and overly dependent on foreign sources for financial and moral support. There is reason to believe that, if this were to happen, NGOs would soon lose credibility and might indeed bring discredit to the causes which they seek to promote.

One of the positive aspects of the movement in Cambodia is that, unlike what happens in several other countries, NGOs are not overly concentrated in the capital area. They have also spread to the provinces. There can be little doubt, on the other hand, that few could claim to be grassroots organisations, truly representative of a segment of public opinion or a community. Whatever their present success, having a long-term impact and being an agent for change may well be predicated on those organisations striking deeper roots into their local environment.

Sustainability, which is the hallmark of a successful UNDP programme, may suggest an alternative strategy. It is one that fosters partnership among NGOs and weans them from dependence on foreign donor assistance, by building their capacity and their intrinsic merit or worth. Rather than giving assistance to individual NGOs, the strategy would focus on helping the community of NGOs meet their development needs by collectively providing certain essential services, such as logistical support, training, legal and management advice, library facilities, and Internet access.

The local human rights officers established through the project, have striven to develop and spread a culture of peace and tolerance, together with respect for due process and the rule of law. After more than two decades of war and tyrannical rule, it should come as no surprise that signs of such a culture are still few and far between. According to most people that have been interviewed, the absence of a culture of peace is highlighted by, on the one hand, widespread corruption and abuse of power, and on the other hand, the relative passivity of citizens confronted with such phenomena. For its success in making a difference, the programme illustrates a strategy combining educators and activism at the grassroots level. The evaluation team was fortunate to visit a provincial human rights office and to observe its work involving cooperation with local NGOs. There was general agreement that while progress had been made, the road ahead is uphill and long. As someone aptly remarked, "l'état de droit c'est avant tout un état d'esprit". A change of culture is an ambitious project, which cannot be accomplished overnight. Still, it represents a critical need and an essential precondition for the consolidation of democracy and good governance in Cambodia.

In a related area, the Judicial Mentor Programme appears to have accomplished many of its set objectives. Its success is probably attributable to a number of factors: a definable and small target group of judges, prosecutors and court clerks; a heavy stress on training, advice and logistic support; but more than anything else proximity and accessibility of much needed, user-friendly services combined with a low-profile on the part of those providing them.

Notwithstanding such progress, however, most people interviewed appeared to take the view that the task was far from complete. There was mention of ten further years as the period of requirement of the mentors' services. However great the long term need may be,

there certainly is need for the programme beyond 2001. Additionally, steps will have to be taken to address related requirements of the relatively small corps of national judges and prosecutors on whom so much depends: a better set of law and court procedures; greater scope for specialisation; brighter career prospects and professionalisation of their work.

During the final debriefing, the team further noted that its findings and recommendations were particularly strong as regards the Judicial Mentoring Programme (JMP) and support to NGO's. JMP and NGO components represent two distinct yet also complementary activities. Experience in the Project has amply demonstrated that those two activities have very great potential for convergence and synergy. These components targeted two separate objectives:

- One was to enhance the skills of judges and prosecutors, promoting in the process a greater degree of professionalism and independence, among the people concerned; and
- The other was to enhance the capacity of selected NGO's to promote and safeguard respect for human rights, including women's rights.

Although protection of individual rights against the abuse of power and the miscarriage of justice provides the common ground on which NGO cadres and Judicial Mentors meet, in terms of approach to their respective tasks, their paths diverge. Advocacy, publicity and activism are the NGOs proper tools. On the other hand, the JMP's provide advice, upon request, and do so privately on a one-to-one basis. To generate requests for guidance and suggestions, the mentor must earn and maintain the judge's trust. A low-key, low-profit demeanor and approach is essential for continued JMP effectiveness.

Although both components, as well as the entire project's objectives, are palliative and no substitute for long term institutional and behavioral reform, the project has amply demonstrated the importance of short-term solutions in difficult situations. Eventually, and the sooner the better, reforms involving policy, structure and practice are needed in order to endow Cambodia with a modem, fully-fledged and effective justice system. Concerted action is needed to remedy defects, of which the absence of proper laws and legislative frameworks, dearth of judges trained in law, poor equipment and facilities, poorly paid and poorly trained law enforcement personnel combined with endemic corruption are only the most glaring. The outcome of decades of war and brutal repression, such defects will not disappear overnight.

Capacity building: JMP, NGOs, and Ombudsmen-like institutions

Pending such major reform and the time that it will take before they can bear fruit, some action must be taken to right the worst abuses, which probably are as often the result of ignorance, as of apathy, or malevolence. The Judicial Mentor Programme is such action. It responds to a pressing need, which cannot be met cost-effectively in other ways, at least in the foreseeable future. In underscoring its value and importance to Cambodia, most people interviewed agreed that the justice system would be much worse without it, and that

the JMPs would be required in place for some time to come (a 10 year minimum was volunteered by one individual).

The JMP offers guidance and advice on the interpretation of law and on legal procedure to public prosecutors and magistrates; training of clerical staff in the courts; and some documentation on legal matters. It also builds a presence in the courthouse which, although it is discrete, cannot be ignored and which has been conducive to increasing public confidence in the justice system. When citizens avoid the court system and / or are sometimes intimidated by law enforcement, any increase in public confidence in "due process" is welcome.

This perceptible change owes probably almost as much to NGO's as to the JMP programme. NGO's have helped citizens and court administrators through advocacy and by offering publicity to cases involving gross cases of denial or of miscarriage of justice. Furthermore, by making legal aid available to the poor, they have made the justice system more accessible to all. A more sophisticated, proactive and self-confident citizenry results when people are better-informed, less passive and less tolerant of shoddy justice.

The prospect of being exposed to criticism on those counts is beginning to weigh on the minds of judges and prosecutors. It makes them more amenable to seeking training, professional guidance and advice. Accordingly, the need for the JMP is bound to continue and grow in the measure that more judges may, in future, feel inclined to solicit its help. Other contributive factors pointing to increased need for the JMP is the volume of legislation, which

is growing, and will bring in its wake a requirement for greater specialization in the handling of the cases and the dispensation of justice.

The new codes, which are currently under preparation will generate a need for more systematic training of judges on the job, thus creating new demands on the JMP, which in any event now covers only a small part of the country. If it is not possible to increase the number of mentors too far above their present level (6), it has been recommended in the mission report, to establish one or more JMP mobile unit's, depending on the availability of added financial resources. Each team would be composed of 2-3 mentors each preferably specialized in one of the principal branches of law (e.g. civil, criminal, labour, family, and / or commercial). Based in the capital district, or in one of the main provincial centres, the JMP teams would cover the countryside provinces and thus endeavour to cover the whole of Cambodia.

These mobile teams, perhaps rotating to spend a week in each area, will give generic advice, as at present, but also be prepared for more specialized training and guidance, once the country moves beyond its present phase of what may be described as an undifferentiated justice system, where the same personnel and procedure are used in civil, criminal, labour, family, administrative and commercial law cases. Equipped with mini-libraries of books and CD-ROMS, the JW mobile unit(s) could foster a more studied, professional approach to a magistrate's work and a greater concern for authentic and

exemplary justice.

Not unlike the JMP, albeit in more visible ways, the NGO's have served as "the eyes and ears" of the donor community in Cambodia. This role has had its advantages and it is freely conceded by NGO's that it has provided access, credibility and even effectiveness. NGO's have benefited from certain project conditions requiring some donors to disburse funds through no-governmental channels. In Cambodia, such disbursement has generally followed transparent procedures and strict selection criteria. It is noted that grants to NGOs were initially small and well monitored. One NGO that did not perform adequately was removed from the eligible list. This has been certainly true of this UNDP project. It should be said, however, that this strategy of "handouts" to NGO's, whatever its advantages in the present circumstances, has some drawbacks.

First, it creates dependencies that are self-perpetuating;

Second, it makes for programmes that tend to be supply- and donor-driven; and

> Third, and most importantly, it does not create conditions that lead to sustainability, and a truly indigenous, national NGO movement.

Rooted in the community, rather than "parachuted" onto the scene, a national NGO movement carries the seeds of a potentially vibrant and proactive civil society. The growth of civil society should be the final output and developmental objective of a project or programme component assisting NGO's. In this light, the present strategy of offering "handouts" for mini-projects is an effective launching phase in a country without a long history of NGO / civil society activity. Eventually, what is required is an institution-building strategy that weans the NGO's out of their present dependency, helps them stand on their feet, pushes them to cooperate, as well as to compete in achieving excellent results and outcomes, and most of all, empowers them to play their role of watchdog, advocate, trouble-shooter and vehicle of reform.

This is precisely the goal of an NGO Resource and Training Centre that has been recommended in the mission report. The functions of this Centre have been described in some detail). The Centre will create an enabling environment for judicial excellence, demanding justice and the rule of law. The Centre would assist in transforming a fragmented NGO movement into a veritable civil society, which is absolutely necessary for democracy and sound governance, as well as to serve as leaders in the "management of change". In summary, this report suggests the creation of a NGO Resource and Training Centre as an umbrella organization, through which the bulk of donor funding for this programme component could be channeled. Strict accountability mechanisms need to be built to ensure that the funds disbursed are properly managed and used.

As for the JMP, we suggest continuation of the activity broadly in its present form, but with emphasis on the establishment of mobile unit(s) in order to secure greater impact and outreach in the dispensation of advice and training, and greater specialization in due course.

A parallel recommendation is the creation of an Ombudsman-like institution. Apparently, indigenous regional culture supports the notion of an institution to receive, investigate and resolve complaints concerning the actions and decisions of government officials. Whether such an institution is situated in the legislature, the Prime Minister's Office, the courts, or as an independent body, its establishment and functioning would instill citizen expectation of timely, honest, effective service.

Other project areas

The limited success in other programme areas highlights the importance of accurately assessing not only the country's priorities, but also its absorptive capacity, the availability, in other words of adequate counterpart staff and commitment of the Government to use their services on a continuous and productive basis. Project objectives must closely correspond to both needs and resources on the national level. In this particular case, this consideration may have been overlooked. Hence the paucity of results in some areas of the programme (outputs 1.1 and 1.2) at the National Assembly and the Forensics Department of the Ministry of Interior.

For the National Assembly (now a bi-cameral Parliament made up of the National Assembly and the Senate), the emphasis on bill drafting and review might be enhanced by the broader ability to analyze policy options. Bill drafting by itself is not enough to improve legislative output. Members of Parliament (MPs) need training in policy analysis, methods of deliberation, and the estimation of consequences of legislative intent.

Workshops for assistants, staff and MPs were conducted, as were reviews of the internal rules of procedure, preparation of a bill drafting manual in Khmer, and establishment of a legal data base within the Center for Legal Research and Documentation, composed of a legal office, a library, and a branch on general research and international affairs, whose acting director provided documents and comments.

The international bill-drafting expert provided by the project was fluent in Khmer and apparently gained the trust of the leadership of the Assembly. He prepared a training plan and delivered bill-drafting training to assistants. Training included an observation trip to the Philippines. In addition the expert worked directly on draft bills under the direction of the Assembly leadership. He wrote a scholarly legal analysis of treaty-making powers under the Cambodian constitution. In this paper he notes that he will "analyze Article 26 and Paragraph 5 of Article 90 in the context of modern international law and practice, and suggest a uniform approach to treaty-making for the Kingdom of Cambodia."

Another intended outcome was to strengthen the capacity of the Commission on Human Rights to process complaints. The Assembly Chair, along with another Khmer speaking international expert, provided leadership. Two reports concern the launching of the component activities, and the other concerns work done through September 1997.

A training program was designed and delivered to carefully chosen assistants who were graded after receiving the training; a manual on the Commission's work was drafted; and a study of the legal powers of the Commission was conducted, thereafter serving as the conceptual and legal basis for the assistance. The assistants divided human rights work under the rubrics of land disputes, killings and torture, trafficking and sexual exploitation, labor rights, and problems under the justice system. Several two-person teams covered most provinces in a systematic attempt to receive complaints, gather evidence on pending cases, speak on behalf of victims, network with local human rights organizations, and report back to the Commission.

The bill-drafting expert reviewed the constitutionality, legality and language of proposed laws in the Khmer language. He suggested the best ways to make proposed legislation come up to international standards.

The training expert recruited and trained a team of human rights investigators to receive, assess, and process complaints. In the words of one of the participants, this expert was "the best person the Commission could have utilized." The group agreed that he employed sound criteria to recruit assistants. Recruitment was done by open competition to the extent possible. UNCHR contributed to the training of these assistants, which was very thorough and proceeded for over one month. The trained assistants were deployed over the provinces. The Human Rights Commission of the National Assembly has the records of their work. These records show a technically sound, meticulous operation.

Since the establishment of the Senate in November 1998, the Human Rights Commission of the Senate has received 25 complaints and held 3 hearings. It has sent communications to various ministries. The Secretary General of the Senate noted that the Senate started its work on March 25, 1999. The SG of the Senate worked with the Chair of the National Assembly during 1981-2, and in 1987 became Chief of Cabinet at the National Assembly. Consequently SG of the Senate is quite familiar with legislative procedure, and proved this point by explaining in detail the steps involved in the current issue of whether the Minister of Woman Affairs should be a woman by express mandate of the law.

Further, the Senate had considered 12 laws and rejected only the one providing that the Minister of Woman Affairs should be a woman. As to the budget law, the SG of the Senate indicated that the budget is due in December, and therefore the Senate has not acted on this bill yet.

A former Secretary of Finance is the Chair of the Senate's Finance Commission and he has a team of financial experts.

The Senate to establish an Advisory Legislative Research Center to serve the Senate alone. He believes it is too early to consider a single such center serving both the Senate and the Assembly. With a small budget he believes he can set up an office with computers to establish this center. He has asked the Asia Foundation for support to establish the Senate Legislative Research Center, but apparently has been informed that at present they have no funds for this purpose.

The office of the SG has a council of three full-time lawyers to assist his work. The SG pointed out that under King Norodom Sihanouk there was a Senate (1947-1975). Unfortunately, due to war and political violence, all Senate documents were lost. Not even the Senate logo survived destruction. For this reason the new Senate has to start from a blank slate and needs much assistance. The current mandate of the Senate is for the period 1999-2004. The mandate of the current Senators derives from an appointment process. The next mandate of the Senate, 2004-2009, will consist of elected Senators.

In the case of bill drafting there was an unrecognized need for an institutional recipient, such as the Center for Legislative Research or the Commission on Legislation, to become the official home of bill drafting, regardless of changes in incumbents or in political coalitions.

1. Institution building in parliament requires much more than a one-year time frame to take hold. Future programmes should anticipate 3-5 years assistance to parliament.
2. Bi-cameral or multi-party modernization commission mandated by bicameral resolution to steer all legislative improvement programmes.
3. New services recommended for inclusion in future programmes in the Assembly include:
 - a) fiscal analysis to exercise the power of the purse, b) bill drafting in the context of policy analysis to improve the quality of bills approved and their ultimate impact as laws, and c) systematic support for enhanced representation of their districts by MPs.

General comments

Experience - mostly positive, but also partially negative - strongly highlights the value of a global governance programme approach for the purpose of building capacity, but also a disposition and culture for democracy and human rights. A governance programme approach

sees necessary to emphasize complementarities between bottom-up and a top-down directions, between the establishment or strengthening of institutional structures and legislative frameworks, on the one hand, and the spreading or reinforcement of ideas and values, on the other. A governance programme approach builds on synergies and complementarities between:

- related projects on focused objectives, indeed time-bound activities;
- donors with diverse interests, agendas and constraints;
- implementation strategies, which may not be the same, but need to be well-suited to the institution, services or the objectives pursued.

Experience demonstrates that even, under the most adverse conditions, some activities are possible and have indeed succeeded given a proper strategy and sound, proactive management. This particular programme has amply demonstrated the value of good management, a proper understanding of the local circumstances and political culture, and

close cooperation among the donor community, the executing agency, the implementing agency and UNDP.

VI Recommendations

From the lessons of experience and a current assessment of needs, the following recommendations flow:

Firstly, as regards the structure, organisation and management of programme activities the evaluation team believes that the programme approach is especially well-suited to the objectives of developing democracy, governance, human rights and the *etat de droit*. A programme approach tries to capitalise on complementarities and synergies between distinct components, activities, donors and strategies. However, the success of this approach is largely predicated on sound design, programming, planning, and hands-on management at the duty station(s). Mechanisms for consultations and coordination among donors, or indeed the beneficiaries, are also very important. Given the particularities and special circumstances of Cambodia, attention must be paid to:

- Matching programme objectives not merely with priorities, but also with the country's available counterpart resources in skills and its absorptive capacity, at any given time;
- The need to have recourse to international, as well as national expertise, on a longer basis than is currently the practice in most countries. The role of national expertise and its relation to international expertise is especially essential for the JMP, where knowledge of the local scene and a relation of trust between mentor and client are key.
- The need to safeguard proper technical backstopping, as well as organizational and administrative support⁶ for all major programme components. In this particular project, a country-based office of a technical agency (UN Centre for Human Rights) was effective in providing catalytic input.

Secondly, as regards the scope of a programme of actions in governance democracy and human rights, the evaluation team believes it should encompass all three branches of government to avoid a lack of valance. So far, the Executive Branch has been the beneficiary of most UNDP assistance, as well as that from other donors, both bilateral and multi-lateral. The overall objective has been to put some order into the public service and to create or reinforce the structures of a working and effective administrative system. At the time of this report, a needs assessment mission of the Inter-Parliamentary Union (IPU) is conducting an analysis of the requirements of the Parliament. Since UNTAC, the Judiciary has been the target of attention of bilateral and multi-lateral agencies. The evaluation team suggests better coordination in assistance to these three branches of government. As well, the team suggests attention to civil society, grassroots organizations, and the role to be played in "developing the demand-side of governance."

Thirdly, regarding priorities for a programme of action in governance, democracy and human rights, the evaluation team recommends continuation of actions and consolidation of outputs that were initiated under the previous project, notably those that registered a measure of success. Of these, the Justice System, Human (and Women's) Rights and help

for most vulnerable groups represent three closely interrelated priority areas of need. Attention to those needs calls for concerted action to raise performance levels in three institutional clusters, which take on strategic importance for society as a whole.

- Essential institution-building for the Judicial System, which should include the courts, the office of the public prosecutors, the police, the prison system and the Ministries of Justice and Interior.

Note: as mentioned in this report, the Government only recently reiterated its determination to proceed with the reform of the Judicial System on a priority basis. There is general agreement that such reform is difficult and very time- consuming. This reform must address and remedy profound, systemic defects, of which absence of laws and legislative frameworks, dearth of judges trained in law, poor equipment and facilities, poorly paid and poorly trained law enforcement personnel, combined with endemic corruption are only the most glaring. The fruits of many years of war and brutal repression, these defects will not disappear overnight. To establish or restore the rule of law will require sustained multi'- faceted action over a period of time. Pursuit of such a course, however, must go in tandem with measures to alleviate the plight of the most vulnerable segments of the population - the poor, the women and children, who have been and still are the main victims of this injustice. The evaluation team will recommend below a set of interrelated activities to address this pressing need.

- Closely tied to the malfunctioning of the judicial system is the issue of human rights and human rights violations. Over the past few years, in part as a result of activities under this project, some progress has been made, chiefly through
 - a) sensitising the law enforcement officers on human rights
 - and; b) exposing violations and pressing for their redress.

The principal agencies engaged in the drive to prevent and to correct human rights violations are:

- a) the United Nations Centre for Human Rights and its six local offices and;
- b) the local NGOs active in human rights, gender issues and legal aid for the poor. As a result of their effort, pressure has been generated and a momentum gained in favour of containing the spread of rights abuse and pushing, for reform. The evaluation team strongly recommends continuation, expansion, consolidation and "indegenisation⁷ of this activity. Specifically, the team recommends the following measures:
 - b) concerning the NGOs, establishment of a **NGO Resource and Training Centre**. Originally focused on human rights, this NGO Resource and Training Centre could and would soon encompass all other NGOs active on governance issues, democracy and reform. Its main responsibilities and contribution might be:

- policy advice and training in programme design and planning, management, budgeting and accounts, fund-raising etc;
 - technical and logistic support, namely the operation and maintenance of a library facility, an information clearing house on issues that are targeted by NGOs (e.g. governance, human rights), computers with internet access, a small printing press, training equipment and meeting facilities;
 - a trust fund to reward innovative thinking and projects by local NGOs; networking with NGOs at home and abroad;
 - advocacy on behalf of the NGO movement and civil society, as a whole;
- and
- collaboration with the SEILA CARERE project towards the development of community-based activities at the grassroots level.

Funded under a UNDP umbrella programme to which other bilateral and multilateral donors would be welcome to contribute, the NGO Resource and Training Centre would be open to membership, initially *gratis* but later for a small fee. It is hoped that, in this manner, the Centre will become progressively independent financially and its activities sustainable in the long run. More importantly, it will contribute to the "indigenisation" of those activities and "ownership" of NGOs by the national community.

- c) concerning the defence of the most vulnerable groups, establishment of a fund under UNDP sponsorship to expose and to combat some of the worst violations against women and children, especially the trafficking, abuse and exploitation of women and children on which legislation has been established, but apparently is not systematically enforced. The fund could also be used for the legal defense of women, the children and the poor;
- d) concerning the local or provincial offices on women's rights, which have come into existence only recently, the evaluation team recommends continuation and expansion of their activity, notably through the establishment of similar centres in other major provinces, particularly in areas where human rights abuses are known to be rampant. As stated elsewhere in this report, so far the "UN - connection" has proved a source of strength in the fight for the protection of human rights: the presence of an office at a provincial capital has been a vehicle of influence in the right direction. There can be little doubt, on the other hand, that "indigenization" and "ownership" of this activity by the local community constitutes the only avenue towards sustainability. In the long run, accordingly, either those offices and their activity could become part of a larger civil society movement for the promotion and protection of human rights, or be summed in a network of offices operating under a State institution, for instance an Ombudsman and/or a Joint Commission on Human Rights of the National Assembly and the Senate-, therefore,
- d) concerning the Committees on Human Rights and Reception of Complaints of the National Assembly and the Senate, the evaluation team recommends the

reinforcement of their investigatory capacities initially at the centre and later in the periphery, conceivably through the provincial human rights offices referred to previously. A feasibility study will be required to explore alternative cost-effective ways of institutionalizing this activity and optimizing its impact and sustainability. *Prima facie*, the establishment of an Ombudsman institution under a Joint Committee of the National Assembly and the Senate appears the best way of creating the foundation of a structure and a system that not only will address and remedy violations of rights, but may also serve as catalyst for democratization and reform of governance and administration.

Fourthly, regarding the activity of the Judicial Mentoring Programme (JMP), the evaluation team would strongly recommend continuation, expansion and consolidation. The team notes that in recognition of success in response to a visible need, a Netherlands Trust Fund has been established to finance this continuation through the end of 2001. Thus, the JMP is a good example of donor coordination in an essential area of citizen need. Further, the team notes that the JMP still reaches only a small part of the total population of judges, responds to only a portion of the issues, and may not build sufficiently on cumulative experience.

Therefore, the team recommends creation of a mobile JMP unit to reach out to the rest of the country not adequately covered under the present network. The composition of the unit optimally would reflect all main branches of law, including labor law, an area in which disputes affect substantial numbers of poor or disadvantaged women. Several specialists with an equal number of national assistants would constitute a team based in Phnom Penh, available to travel to different parts of the country upon request. Its main tasks might be:

- D To provide advice on the law and issues of legal procedure to judges in parts of the country that are not covered under the JMP
 - D To share expertise and accumulated experience with the mentors presently engaged in the programme
 - D To organize training workshops, in which the lessons learned can be shared by all, notably programme assistants and national human rights officers (also court clerks if requested)
- ¶ To organize a mobile library in CD-ROM and book form and to facilitate shared legal documentation (currently, not all judges have the necessary texts to carry out their functions)
- To cooperate with the NGO resources and training centre, as appropriate--in legal matters especially--while maintaining a law-profile, advisory and non-advocacy role

Fifth, concerning the needs of the National Assembly in capacity building, the evaluation team has taken note of the fact that a needs assessment mission is being conducted by the Inter-Parliamentary Union (IPU) to determine the requirements of the national legislative bodies in this regard. (A member of the evaluation team extended his stay in Phnom Penh in order to strengthen contacts with both Chambers. His comments have been edited and incorporated into this document). The team also notes that the country has now moved to a bicameral structure and that, arguably, the needs of the

National Assembly and the Senate should, therefore, be viewed as a whole. Subject to this provision and pending the outcome of the IPU mission', the evaluation team would recommend the establishment, with UNDP assistance, of a **Policy Research and Development Unit** to assist both Houses of Parliament, in the discharge of their functions. This, rather than legislative drafting skills, is what in the view of this team the legislature requires in order to perform its role of oversight and thinking forward critically on policy options and issues. While the need for legislative draftsmen is undeniable, it is a broader requirement of all branches of government, notably the Executive, from which most bills emanate. Meeting this need, however, is best done with the help of the Faculty of Law and of the Royal School of Administration, in the hope that people chosen to take part in this form training have been properly selected, recruited and prepared for public service. If these conditions are not met, it is likely that such training will not yield the hoped for results and that the beneficiaries will once again be lost through failure to recruit them.

Lastly, the team considers that in all programme areas, it will be important to build performance indicators that are made known to counterparts as well as to all donors. The building of performance indicators should be led by national counterparts, with advice from international staff and / or advisers. It is useful in the long-term to devise a scheme whereby creative thinking and high performance standards can be recognised and rewarded in appropriate ways.