**Cambodia Program Presidential Portfolio Review**

**16 October 2015, London**

**“Inclusive Development” –Towards more just, transparent and accountable development that respects, protects and progressively fulfils the rights of the Cambodian people**

**I. Introduction**

This is a review of OSF’s work in Cambodia from 2010 through 2014 with respect to grants in the areas of access to justice, empowerment and access to information aimed at promoting socially sustainable, transparent and accountable development, and seeking redress for rights abuses associated with development. Over the five years, the then Southeast Asia Initiative – and now the Cambodia Program - made a total of 38 grants to 12 organisations – eight domestic organisations and four international organisations, spending a total of $ 1,566,301.60.[[1]](#footnote-1)

**II. Context in 2010**

Cambodia in 2010 was a “country for sale”,[[2]](#footnote-2) with its ruling elite and foreign investors exploiting the country for personal profit and uprooting people from their homes, farmlands, and waterways in the name of “development.” By 2007 alone, the richest 10 percent of the population owned 64 percent of the land and the top 1 percent an estimated 20-30 percent.[[3]](#footnote-3) Under a system of patronage, land was used as political currency, with public revenues from foreign investment and profits from natural resources were allowed to be captured and controlled as personal assets by powerful patrons who helped Prime Minister Hun Sen and the ruling Cambodian Peoples’ Party (CPP) maintain and entrench their position and influence by combining political, military, economic and administrative power that extended control over all arms of the State.

Land concessions were having a destabilizing effect on the country. People living on land leased to private entities were being pushed out, sometimes from nominally protected areas, and being plunged deeper into poverty and social exclusion. Forced eviction and natural resource exploitation were directly feeding into a dilution of civil, political, economic, social and cultural rights. The absence of freedom of information laws, weak implementation of legislation and the opacity of institutions ostensibly in place to deal with land disputes, particularly a politically pliant judiciary, exacerbated the problems, further disenfranchising households.

When considering the context at the time, one could not ignore the role of international development partners in the development dichotomy that had emerged. Years of donor dependency had indirectly created structures that inhibited true transparency. Donors such as the World Bank were engaged in technical reforms such as the Land Management and Administration projects aimed at reducing poverty, promoting social stability and stimulating economic growth. However, they had failed to truly acknowledge the lack of Government will to implement these projects. One of the positive legacies from the two decades of donor funding however was Cambodia’s vibrant civil society who increasingly began working on these issues. INGOs began collaborating with Cambodian NGOs to help communities submit a complaint to the World Bank with respect to the Boeung Kak Lake in Phnom Penh. Around the country rising social discontent was mounting in the form of protests which were often violently halted by police and private security hired by the companies. For those who dared to speak out and demand redress and accountability, judicial processes were manipulated to bring politically motivated cases against community leaders in an attempt to “decapitate” the movements.

**III. Our Ambitions**

In this context, the Southeast Asia Initiative believed that the promotion of socially and environmentally sustainable development, and transparency and accountability for rights abuses associated with development was fundamental for a peaceful and stable Cambodian society. For this to happen, all members of society needed to be active and informed agents in the development process and hold those in power to account for their decisions. We found that communities threatened with forced displacement faced formidable barriers to accessing critical information about their rights and avenues for defending those rights. These were usually the most vulnerable citizens who operated outside formal legal and economic structures and did not have the education, access or means to navigate their way through state bureaucracy. Impacted communities were often unaware that companies, donor agencies, multilateral institutions and the government had obligations to protect and respect their rights. We also found that many Cambodian civil society organisations needed greater support to help access and use different tools and strategies to support communities. With the convergence of big business and the State there was an inherent asymmetrical power dynamic in this context. Our theory of change was thus predicated on shifting power towards those adversely affected by development, and those working to help them, so that they were active agents for change, empowered to promote socially sustainable solutions.

The first prong of our strategy was aimed at building the field. We believed that our funding would help increase civil society’s ability to seek redress for abuses, and to systematically examine and participate in the policy discourse. Our strategy therefore included supporting a few international organisations to work in collaboration with local groups to build their capacity to raise concerns about projects, monitor impacts as they occur and access redress mechanisms where appropriate, specifically with respect to international finance institutions (IFIs). We also felt these partnerships could offer a degree of protection to local groups. The focus on IFIs came from our belief that not only did IFIs have tremendous influence over governments in Southeast Asia, but in countries where access to information and justice were limited, such as Cambodia, IFI transparency and safeguard policies often provided citizens with the only opportunities they had to exercise their rights. We also believed that these cross border legal advocacy could positively impact behaviour and approaches in Cambodia, helping to empower civil society to strengthen domestic protections for communities facing forced evictions.

The second prong of our strategy was built on this concept of empowerment and access to justice. We sought to improve access to justice through both top-down and bottom up approaches. From the top down, we sought to enhance legal skills and professionalism through supporting communities of practice as noted above. From the bottom up, we saw investment in low-cost-justice delivery models through community paralegals as an important intermediary between marginalised populations and the state apparatus. We were drawn to the approach of empowering marginalised communities to exercise their rights through community legal education as a means of enhancing their agency. This included increasing community understanding and use of administrative laws and procedures to resolve land conflicts. We were also keen to support new initiatives making alternative tools available in order to help direct community driven efforts to realise their rights. These included support for communities at risk of forced relocation in skills like community mapping, obtaining land titles and negotiating compensation packages as a means of lessening conflicts.

The third and final prong of the strategy was focused on information and participation. In order to address the information deficit, and to take advantage of Cambodia’s burgeoning online space, we sought to support efforts to explore how the online space could be utilised to increase documentation, and transparency and accountability around land evictions and development projects. We believed that data on development practices, and engagement with this data would help feed both the demand and supply side of access to information, and foster greater participation. A country with a young population, we were hoping to support the next generation of NGO leaders and activists in these efforts.

**IV. Our Place**

The Southeast Asia Initiative began its engagement in Cambodia off the back of OSJI’s work with the Khmer Rouge Tribunal. In 2008 we began to support public engagement in the process of the Tribunal, and broader outreach activities on justice and basic rights. As our engagement in country increased, so did our interaction with civil society groups who were asking us to look at more society driven initiatives outside of the Tribunal. These were increasingly focusing on the intersects between land rights, development and human rights. The local conversations were a reflection of larger regional conversations and strategizing from the Southeast Asia Initiative with international and regional groups such the Bank Information Center, Bridges Across Borders, EarthRights International and Mekong River Watch with regards land and environmental rights in the region. There was this growing sense that land rights were at the apex of many other rights abuses, and particularly affecting political and social rights, contributing to an increasingly volatile and dangerous environment in Southeast Asia. As a grant making program with a sub-regional remit, the Southeast Asia Initiative had started supporting some regional efforts particularly around building capacity and protection in the field. The discussions with Cambodian groups, in particular locally based outfits of some of the INGOs such as Bridges Across Borders Cambodia (now Equitable Cambodia), became an opportunity to look at this regional work with the lens of how this could be translated into specific localised initiatives and interventions that we could support in Cambodia itself.

Cambodia in 2010 had quite a dense donor landscape made up of multilateral donors, government donors and bilateral donors, including AusAid, Diakonia, the EU, East West Management Institute (EWMI), SIDA, The Asia Foundation, and USAID. These donors were involved in land rights issues in a variety of ways, with many of them occupying a dual role of providing technical support to the Government and Ministries whilst funding civil society initiatives as well. Some of these donors were in awkward positions with allegations of complicity of their wider institutions in ignoring rights abuses (for example, during the course of this review period, the EU’s “Everything But Arms” preferential trade tariff was connected to forced evictions and rights abuses meaning some groups chose not to apply for EU grants). In this sense, OSF’s position was unique in that our work was driven by our conversations with civil society, with there also being a greater level of trust in us because of our independence and disassociation from the politics of the donor-government / donor-civil society dichotomy. Furthermore, we were seen as flexible, open to funding smaller, informal organisations that usually did not meet the minimum thresholds of some of the larger multi-lateral and bilateral donors. Our position was also unique in our ability to leverage our sub-regional presence and sub-regional grant making to help strengthen the work in country.

**V. Our Work**

***Surprises and Successes***

*Supporting and incubating local public interest law firms has helped progress positive implementation of laws and broader participation in legislative and policy reform*

One of the main successes of our work has been the funding and seeding of public interest law firms who have played a positive role in the progressive implementation of laws and legislative reform. We were first approached in 2009 to provide general support to a newly formed public interest law firm, the first of its kind in Cambodia, made up of young lawyers who wanted to focus on land right issues but to disassociate legal advocacy from legal case work, a model that had become prevalent in Cambodia. We found the approach a refreshing alternative to the monitoring and advocacy work that was generally being undertaken by NGOs, and the work of the NGO legal community which was often used as a tactic to support broader advocacy objectives. This resulted, more often than not, in the legal work being consumed by the combative relationships these NGOs tended to have with Government and State institutions. As such, with three other donors, we began supporting Samreth Law Firm. However, from 2012, cracks were appearing within the law firm as a result of differing opinions on the firm’s structure and a shift to undertake more training and capacity building work with officials. OSF attended donor meetings to discuss the division that was emerging and decided, together with EWMI, to also provide seed funding to the new public interest law firm formed by the lawyers that left Samreth, Vishnu Law Group.

Vishnu Law Group has been a particular success both from the perspective of building the field and incubating a new type of civil society actor. While the government, ministries and local authorities tend to see NGOs as opposition supporters, they appear to perceive Vishnu in a slightly different way, providing it with more opportunities to work on legal and policy issues. Our support for Vishnu in Cambodia’s heavily NGO dominated civil society landscape has shown that this model can enable law firms to play an important role in bridging the gaps between NGOs, the private legal community, the judicial sector and Ministries, feeding a wider socialisation and institutionalisation of democratic practices and rule of law. For example, through bringing stronger legal arguments and cases through the courts, the law firms are, in some instances, strengthening judicial practices. Vishnu has received great success in a case of collective land rights of an indigenous community in Mondulkiri province. This is the first time such a case has been brought before the courts, and Vishnu took this opportunity to present legal arguments on implementation which was accepted and which have the potential of having positive implications for future cases.

Equally this law firm model has allowed for the building of connections with reform minded pockets of government on important policy and legislative issues. While the run up to the 2013 National Elections was a factor in increased cooperation, as means of stemming simmering discontent and to show that the ruling CPP was committed to change, there was a feeling that genuine reform sentiments were at play. With the CPP seeing its control of seats in the National Assembly slashed from 90 to 68, land reform was pushed to the fore as a means of appeasing constituent frustrations. Vishnu’s work with the Ministry of Environment on a new Environmental Impact Assessment Law and an entire suite of environmental related legislation is an example of the potential to work with reformists within the Government. In this capacity, our support has helped the firm decentralise participation in legislative reform by bringing together community networks, civil society, representatives from business and investment companies, and various government ministries for the drafting process. It has also resulted in the inclusion of some progressive provisions in the law with regards to information disclosure, public consultations and community consent measures, to name but a few.

*A dual approach of supporting both international groups and local groups has increased capacity of Cambodian civil society to address abuses and achieve accountability*

Our support to increase the capacity of civil society groups and communities to address abuses and accountability has been important in building the field. Our dual strategy of working with international NGOs and local groups has had long term benefits in shifting approaches from simple advocacy to more evidence based advocacy, and a greater exploration of different avenues for redress.

While our support was mainly through grant making, we worked with the international groups and participated in strategic discussions about the work to ensure that our Cambodian grantees and partners were included in the trainings and other pan-regional networks. While important knowledge exchange happened through attendance at meetings, conferences and trainings, one of the most important legacies has been the partnerships and mentorships that were cultivated and have translated into some ground breaking work (see *Transboundary collaboration has achieved landmark decisions in seeking accountability* below for more concrete examples). The longer term legacy of this engagement is evident in the legal work that has been undertaken. For example, engagement with Bridges Across Border Cambodia and the Bank Information Center has increased understanding on the use of the World Bank and other IFI complaint mechanisms that continue to be utilised by groups today. For example, our support to Equitable Cambodia’s Community Empowerment and Legal Awareness Program has seen the organisation work in the remote province of Rattanakiri in the northeast of Cambodia to increase legal knowledge, and support community led advocacy and networking among indigenous communities adversely affected by a land concession granted to a Vietnamese company. The company’s investor is owned in part by the private sector lending arm of the World Bank. Following workshops held by Equitable Cambodia, community representatives held consultations with more than 600 people in 14 villages which resulted in the communities deciding they wanted to proceed with a collective complaint to the Complaints Advisor Ombudsman (CAO) of the World Bank. The Vietnamese company ultimately agreed to engage in a voluntary dispute resolution process to be facilitated by the CAO.[[4]](#footnote-4)

In the last few years, the engagement of local groups with international groups has also facilitated a greater examination and analysis of the supply chains as a means of putting pressure on companies benefitting and profiting from rights abuses, and bringing cases to national courts abroad, such as a case against Tate & Lyle in the UK courts. Equitable Cambodia encouraged Coca Cola to undertake a supply chain audit of Mitr Phol Sugar Corporation’s - Asia's largest sugar producer - three plantations in Oddar Meanchey province following years of criticism over alleged illegalities and human rights abuses at the concession site.[[5]](#footnote-5) As a group that localised during this portfolio review period, Equitable Cambodia itself is an embodiment of the benefit of thoughtful international and local collaboration and how this has ushered in new and innovative approaches to the field. Its localization has been incredibly important in strengthening its role in leading local capacity building amongst communities and civil society groups in a number of areas, and being at the forefront of supply chain work in Cambodia and the wider Mekong region.

*Transboundary collaboration has achieved landmark decisions in seeking accountability*

As noted above, the dual approach of providing grants to international/regional groups and networks, and local organisations has strengthened collaboration and resulted in some important transboundary work that has had a huge impact of rights redress for Cambodians. The period 2010-2014 was marked by recognition of important shifts in the funding for large scale development projects away from IFIs to companies and financial institutions from within the region being the key drivers of investment. We began to recognise that networks such as EarthRights International’s Mekong Legal Network (MLN) were playing an increasingly more important and relevant role than say groups like the Bank Information Center in terms of building a regional community of practice. While it has been difficult to see how to strengthen Cambodian civil society efforts where growing Chinese investment is concerned, with respect to other regional investment, particularly around the transboundary impact of certain large scale development projects, collaboration has been important in exploring new avenues for accountability. This is best evidenced with the work that was done by our grantees in filing a complaint before the National Human Rights Commission in Thailand (NHRCT) with respect to Khon Kaen Sugar Ltd. (KSL), a Thai sugar corporation whose subsidiaries in Cambodia received land for a sugar plantation and factory through an economic land concession after hundreds of Cambodian families were illegally and violently expelled from the land. Our grantees accompanied the NHRCT on their investigation and facilitated community meetings with members of the Commission. In mid-2012, the NHRCT released a preliminary statement finding evidence that KSL was responsible for human rights violations against the affected communities through the actions of its Cambodian subsidiaries.[[6]](#footnote-6)

While the NHRCT does not have the authority to grant remedies to the communities in Cambodia or to penalise KSL, the decision has important reputational implications. Furthermore, the use of the NHRCT has shown its existence as a venue in which transboundary complaints can be heard and is an example of newly created space for demanding accountability. Exposure to the work undertaken by the Cambodian groups has encouraged others to look at the possibility of bringing cases to other national human rights institutes in the region.[[7]](#footnote-7) Again, while the main tool for our support was grant making, program staff worked closely with the EarthRights International team based in Chiang Mai to ensure Cambodian attendance at MLN meetings. The support for INGOs and regional networks has been played an important part in the success that Cambodian groups have achieved in obtaining accountability, and at times redress. Our investment in these approaches has seen the Cambodian groups often being called to attend regional events to share their successes and experiences. It is worth noting that having a sub-regional program made it easier to connect partners from the Mekong in particular. With the Southeast Asia Initiative now divided into country programs, going forward there are important conversations and strategising that needs to happen amongst the country programs to build on the progress that has been made.

*Community voices are increasingly become prevalent in the demand land rights and redress for abuses*

The community empowerment programs have been particularly successful in helping to build the confidence of communities by providing knowledge and information on rights, to give a voice to their grievances, and ownership to protect and promote their own rights. However, what has been the most surprising part of our grant making in this area has been the investment in the less conventional empowerment programs that focused on the use of innovative pro-poor technical methodologies and tools for creative community participation in the local planning process itself. We began funding groups like Community Empowerment Development Team that represented a growing decentralised and informal human rights sector, and who had gained legitimacy by ensuring community ownership of all the tools they helped developed. We supported a new initiative whereby communities were supported in the preparation of hand drawn and GIS maps outlining the physical layout, territorial boundaries and basic services offered in their respective communities. These were then used to develop community profiles and community action and investment plans to be submitted to local authorities. Through this process, invisible families and communities were made visible. For example, in 2013, these maps formed the basis for community developed proposals to local authorities which saw a total of 1,041 family books and 2,000 identification cards issued to families in seven communities in Phnom Penh. This was an important step in not only formalising their relationship to the land and their tenure situation, but also in helping families access a whole raft of other rights that were tied to their formal identity, such as being able to register to vote. What has been particularly interesting has been to see how this work on empowerment has coalesced into movements around the “right to the city”, a new framing of democratic questions around urban development in Cambodia. This has been an unexpected trajectory for this work and as a Program we have to think about if we need to recalibrate our inclusive development work around this emerging discourse.

*The demand and supply of information related to development is increasing*

Our support for open data and crowd-sourcing platforms is impacting both the demand and supply of information. The online platforms have brought new perspectives to accessing and using information, through encouraging ordinary citizens to be part of the information supply-chain that feeds accountability through crowd-sourced information initiatives that share data on pot-holes, electricity blackouts, garbage pick-up etc. Of particular success has been our support of Open Development Cambodia, an open data platform started by EWMI operating as a “one stop shop” on economic and social development. The idea that information could be presented objectively was one we felt was important in a country where young people were now demanding more participation in their own governance and where credible information was key to their exerting a reasonable and responsible voice. When ODC launched its time lapse forest cover maps at the beginning of 2014, for example, which contradicted government data, the Ministry of Agriculture, Farming and Fisheries publicly critiqued the maps from a technical basis. However, they also offered explanations as to why they had not released forest cover maps and stated they would do so by 2015. This suggests officials may be becoming more attuned to the idea that public expectations regarding access to information are increasing. It also suggests that the provision of information by an independent organisation can “prime the pump” – increasing public demand and government response. When this information is made available, questions about development policy direction, and posited alternatives, can be advanced.

We were approached by EWMI in 2011 to fund ODC, and very deliberately, and insistently, chose to only provide funding for the platform to operate in Khmer. This was important for our theory of change as part of shifting power towards those adversely affected by development through ensuring that the platform was accessible to all and a tool that could genuinely be used by all segments of society. That process of ultimately localising information, systems and organisations has been an important thread in our work, as shown above with Equitable Cambodia, and to this end we continued to provide support to ODC as it moved towards localisation itself.[[8]](#footnote-8)

**VI. Disappointments, Failures and Lessons Learned**

*Insufficient progress in developing the youth component of the strategy*

With a young population we saw that there was a demographic dividend that had yet to be reaped in Cambodia with regards to the power of the youth in engaging and participating on transparency and accountability around development. We saw this young population as being an important constituency whose futures were very much being impacted by the development model being pushed forward but who equally represented the next generation of potential NGO leaders and advocates. However, our grant making did not build on this notion in a strategic or systematic way. There were some direct grants focused on training on transparency and governance of land and natural resources as a way of counteracting the limited opportunities to access this kind of information. For us, to some extent, this supplemented the support of the OSF Scholarships Program in providing further education opportunities to the next generation of civil society actors in Cambodia. There was also some support that indirectly engaged youth – for example, young urban Cambodians who were more technologically astute were a key target audience for the crowd sourcing initiatives. However, overall our investment lacked direction. Many of the youth groups we had been engaging with were pushing training and capacity building that ended up being too generalised and at times felt like training for training sake. We also found that these organisations were headed by an older generation of rights activists with sometimes archaic methodologies and approaches to youth, and with no youth representation amongst the management or leadership. Young people were instead finding less formal ways of organising and we were slow in responding to these trends and thinking more dynamically about how to engage with this population group. One particular area which we did not leverage was the burgeoning alumni group from the OSF Scholarship Program, some of whom began working in fields directly related to the issues we were exploring. They have been an under-utilised resource which could have served as an important gauge on how to better support and open the space for the next generation of leaders and activists in this field.

*Assessing the impact of “low cost” justice models such as the paralegal networks has been difficult*

Looking back at the work around redress and access to justice in this portfolio, support of community legal education and empowerment tools that gave communities agency to navigate their way through procedures and processes (i.e. helping indigenous communities with documentation that needs to be filed to claim collective land rights) were much more successful than general investment in what we termed “low cost justice delivery models”. Outside of these clearly delineated roles, we have found it very difficult to measure the effectiveness of paralegals and their impact in terms of helping facilitate access to justice vis a vis land and natural resource rights.

With the strong power dynamics that are prevalent in land disputes, usually between a powerful or well-connected company/individual and marginalised/vulnerable individuals and families, we have in the last two years in particular grappled with the question of the merits of methods of alternative dispute resolution such as mediation that the paralegals seemed to be increasingly using in the context of land disputes. Our difficulty in measuring and understanding what was in fact happening was not helped by limited time program staff from the organization running the paralegal network was able to spend with the paralegals and poor record keeping on the part of paralegals. Case intake forms had very limited information with cases marked as either successful or unsuccessful with no explanation of what was considered to be a successful outcome. With the paralegals generally coming from the marginalised communities affected by land disputes, it was hard to see the extent to which the results of mediation were directly or indirectly being affected by inherent power dynamics. The paralegal network was something that the Southeast Asia Initiative worked with OSJI and Namati in developing and strengthening, with Yeng Virak, the then head of the Community Legal Education Center, emerging as a key leader and advocate of legal empowerment methodologies in Cambodia. As such, we were able to work closely with OSJI, particularly in 2013/14, to help improve documentation methods and to support closer collaboration and oversight between paralegals and legal officers. However, this engagement was limited and we did not have the staff time and capacity to explore this more as a program. We also failed to think through how an external consultant could have perhaps been used to look very specifically at the types of results that the paralegals were in fact obtaining. As such our evaluation continues to lack some substantive data to inform the analysis.

*Investment in civil society has not been as diversified as imagined*

Our attempts to diversify our funding support to new actors and the informal human rights sector has been disappointing with these groups very much a minority in our portfolio. The lack of a full time staff member dedicated to Cambodia until 2013 made it hard to spend significant time to understand new actors coming into play. Once a dedicated member of staff was appointed, we were able to identify potential new partners through attendance at events and from connections made through our existing network, however, internal changes in the structure of the program from the Southeast Asia Initiative to the Cambodia Program meant that we chose to adopt a slower approach to bringing on new groups. The removal of the bi-annual open call for proposals in 2013 perhaps also limited our awareness of emerging groups. While the aftermath of the 2013 National Elections saw a number of new movements and groups emerge, many of these were so invested in the post-election fallout that they were not looking for funding. For those who did seek funds, this was often with respect to things outside of our mandate (e.g. a youth group that sought to increase awareness and engagement on political issues amongst young people over coffee was looking for contributions towards a coffee shop through which it could generate income but where it could also hold its meetings). It has also taken us time to explore what other support these groups may need. For some of these groups, we have begun to realise that we needed to undertake further work with regards to how we could actually fund them. We started to realise that this may require us continuing to support and collaborate with the more established NGOs who could partner with informal groups as a means of channelling funds and for them to perhaps play more of a sub-grantee role – something that we have been careful in exploring because of potential power dynamics that can affect these relationships.

It has also been disappointing that we have not been able to work with groups that we helped get up and running to find ways in which we could support very clear organisational needs that they had. We found that the groups that we supported through a first year of localisation from an international entity or who had an international advisor on board to support organisational development issues have tended to be more successful. Where we have tried to support organisations without these elements, it has been much more difficult due to staff and management being overstretched and lack of will. One of our partners in the public interest law field very clearly said to us that the firm was overwhelmed by donor reporting and requirements, and would much prefer to operate with a small budget made from their own, very small, self-generated income and focus on one or two cases. Despite our best efforts in trying to help institutional strengthening to increase its presence, the firm did not apply for funding at the end of 2014. It continues to be involved in an important case and gets a lot of in-kind support from a regional partner, but ultimately without the buy in of the partners of the firm, it has been difficult to build and strengthen our engagement with them.

*The difficulty balancing empowerment and participation with the physical needs of the communities that emerge when they have successfully participated*

As noted above, the community mapping work that we supported was hugely important, and a surprising success, in not only empowering communities but actually making them more visible. However, we have found that sometimes this work can create expectations that then become difficult for us to continue to support because of our mandate. For example, we found that the work that we supported in community led mapping while contributing to increase community participation and interaction with local authority, was also resulting in these communities being given the opportunity to pursue some of these housing solutions themselves. The needs of the community thus shifted from empowerment to ones of more financial support for onsite upgrading to obtain tenure security. Unable to support this next stage of work has been awkward and in hindsight the increased investment and expansion of this work in the 2013 grant was something that was not properly thought through at the time. This experience raises an overall question about how we marry the intersection of work on increasing participation with respect to land rights and development with some of the more “right to the city”, pro-poor, housing solution orientated work that can emerge in connection with this, which is what the communities themselves are asking for.

*Leveraging of OSF programs and network of networks has been limited*

While we were good at leveraging the regional networks and international organisations we were working with in pursuit of the goals of this portfolio, we fell short in terms of leveraging OSF programs and the wider network of networks. When looking at the portfolio, there were a number of technical areas where it would have been helpful to have connected more with these programs as part of reflecting on our grant making and providing better support to our grantees. The best relationship for the program was with OSJI on the access to justice and legal empowerment work, which perhaps stemmed from OSJI’s on the ground presence and our early collaboration on the paralegal network. However, we subsequently needed to do more to build on this relationship.

When reflecting back on the portfolio, the value of leveraging the wider OSF network would really have been to supplement areas where our program had limited technical knowledge that was needed. For example, while we recognised strategically that it was important to think through how new technologies and tools could be used as part of demands for transparency and accountability, the program’s own experience with the open data movements and the technical side of these efforts was limited. When it came to helping grantees, we tended to revert to hiring technical consultants. Quite often both we and the grantee were unsure if the terms of reference for these consultants were in fact addressing the precise need that had been identified. Ultimately, these consultancies had varying degrees of success. Similarly, with advocacy opportunities that our grantees were engaged in, particularly with respect to the EU and the impact of its “Everything But Arms” preferential trade tariff, we were slow to leverage OSF presence in Brussels or connect our grantees to individuals based there as thought partners to discuss strategies and strengthen more direct routes of advocacy, where we ourselves had gaps in our knowledge. Thinking through how the wider OSF network could have been used as thought partners, advisors, collaborators and/or co-funders would have been one way to help bolster our partners’ efforts.

1. During the course of this review period, one international group, Bridges Across Borders Cambodia, localised to become Equitable Cambodia. [↑](#footnote-ref-1)
2. See Global Witness, *Country for Sale,* 2009. [↑](#footnote-ref-2)
3. Caroline Hughes, “Cambodia in 2007: Development and Dispossession”, *Asian Survey* 48, no. 1 (Jan – Feb 2008): pp. 69-74, at p.71. [↑](#footnote-ref-3)
4. In September 2015, an agreement between Vietnamese plantation firm and three indigenous communities in Ratanakkiri was reached, prompting hope for an amicable conclusion to the years-long dispute. See:  <http://www.phnompenhpost.com/national/hagl-pact-hailed-good-step>; <https://www.equitablecambodia.org/website/index.php?option=view_detail&id=156>. [↑](#footnote-ref-4)
5. In May 2015, Mitr Phol Sugar Corporation announced that it was pulling out of its three concessions: <http://www.phnompenhpost.com/national/sugar-company-pulls-out> [↑](#footnote-ref-5)
6. Nearly ten years after the abuses occurred, the NHRCT ruled in June 2015 that the land seizures were in violation of Cambodian law and international human rights standards, and that KSL bears responsibility for the violations due to its decision to receive and benefit from the land concessions, even if the company did not itself commit the abuses. [↑](#footnote-ref-6)
7. In 2014, a coalition of Cambodia, Thai and US NGOs filed a complaint with the Malaysian National Human Rights Commission (SUHAKAM) calling for investigations into the social and economic impacts of the Don Sahong Dam being built in Laos by Malaysia’s Mega First Corporation Berhard on Southeast Asia’s key artery the Mekong River just two kilometers (1.2 mile) north of Cambodia. Environmentalists, rights activists and communities have said the dam will block migratory fish routes, negatively affecting nutrition and livelihoods across regional boundaries. [↑](#footnote-ref-7)
8. ODC completed its registration as a local NGO in August 2015. [↑](#footnote-ref-8)