

**FINAL REPORT**

**Contract Nr 2009 NCDD/PST/CON/025**

**Extension of the Contract for the Design of the  
Complaint Investigation Handbook and Training for the  
Accountability Working Groups  
To include  
Assessment of National and Provincial Accountability  
Working group and its Complaint Mechanism**

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## **Abbreviations**

|                |   |
|----------------|---|
| <b>AWG</b>     | <b>Accountability Working Group</b>                   |
| <b>C/S</b>     | <b>Commune/Sangkat</b>                                |
| <b>C/S</b>     | <b>Fund Commune Sangkat Fund</b>                      |
| <b>CC</b>      | <b>Commune Council</b>                                |
| <b>D&amp;D</b> | <b>Decentralization and Deconcentration</b>           |
| <b>DoLA</b>    | <b>Department of Local Administration</b>             |
| <b>ExCom</b>   | <b>Executive Committee</b>                            |
| <b>LAU</b>     | <b>Local Administration Unit</b>                      |
| <b>Mol</b>     | <b>Ministry of Interior</b>                           |
| <b>NAWG</b>    | <b>National Accountability Working Group</b>          |
| <b>NCDD</b>    | <b>National Committee for Democratic Development</b>  |
| <b>NGO</b>     | <b>Non-Governmental Organization</b>                  |
| <b>NSG</b>     | <b>National Support Group</b>                         |
| <b>PAWG</b>    | <b>Provincial Accountability Working Group</b>        |
| <b>PSDD</b>    | <b>Project in Support of Democratic Development</b>   |
| <b>PSG</b>     | <b>Provincial Support Group</b>                       |
| <b>RGC</b>     | <b>Royal Government of Cambodia</b>                   |
| <b>RILGP</b>   | <b>Rural Investments and Local Government Project</b> |
| <b>SOP</b>     | <b>Standard Operating Procedures</b>                  |
| <b>SPPA</b>    | <b>Senior Provincial Program Advisor</b>              |
| <b>TOR</b>     | <b>Terms of Reference</b>                             |

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## **Layout of this report**

This report is divided into 6 Parts, each dealing with clearly defined aspects of the assignment, as follows;

**Part 1** Executive Summary

**Part 2** Introduction, Background and Methodology.

**Part 3** Summary and Assessment of the Structure, Responsibilities and Operations of the PAWGs

**Part 4** Statistical Analysis

**Part 5** Perceptions by respondents

**Part 6** The Way Ahead

Each Part contains conclusions and discussion of the subject matter contained within it.

## **PART 1**

### **1. Executive Summary**

#### **Opening comments**

1.1 Sub-national accountability in Cambodia exhibits three basic principles, which are common to many anti-corruption strategies elsewhere in the world. They are awareness/education, prevention, and enforcement (investigation/sanction). The same three principles underpin the Cambodian national anti-corruption plan.

#### **Background**

1.2 This assignment is twofold: first, to design and create a Handbook on Complaint Investigation to be used in three training sessions at regional level and, second, to assess the capability of the Accountability Working Group mechanism. The Handbook was produced on 24 October, agreed on 6 December, has been translated into Khmer, and is being used to train investigators. Training commenced on 13 December.

1.3 The assessment of the Accountability Working Groups has been carried out three years after an earlier assessment was made. It has been produced by research of relevant papers, meetings and discussions with those involved in the process whether in the course of their public duty or as contributors/beneficiaries, and by the collation and comparison of statistics collected from written and oral answers to questionnaires and by interviews. Fieldwork started on 7 November and was completed on 30 November.

1.4 Some of the more general data relied on was produced in the course of research for the Handbook on Complaint Investigation.

#### **Aim**

1.5 The aim was:

to review the performance of the Provincial Accountability Working Groups (PAWGs) to assess their operational and administrative effectiveness as currently structured, and to present options for future development.

## **Findings**

### **Plus factors**

1.6 The increase in the use of Accountability Boxes to make complaints confirms that the mechanism is working. The number of complaints to the end of the second quarter 2010, has increased to 781 with 337 under the resolution process. Other “plus” factors noted by respondents are:

Accountability is known about (but not entirely understood).

The Accountability Working Groups (AWGs) at national and provincial level are established and performing.

Citizens know about the complaint system and use it in growing numbers

Investigations are being done.

Wrongdoers are being sanctioned/disciplined.

Operational procedures have improved.

Procedures for the prevention of corruption are being put in place.

Some information on the results of investigation and sanction is getting down to the people (but not all understand it).

The public is being served and assisted.

The problems of corruption and mal-administration/misconduct at provincial level and below are being addressed.

1.7 The PAWGs are working as intended. After a shaky start, and some problems along the way, they are carrying out their Mandate.

### **Minus factors**

1.8 This is not to say that perfection has been reached or that AWGs perform at anything like the desired capacity. If perfection is the goal, there is a long way to go. The essential is to build confidence and trust. Among the most important “Minus” factors reported are:

#### Institutional issues

- a. Other organizations with similar mandate impinge on the PAWG Mandate
- b. No apparent interface with central associated government departments
- c. Districts left out of the accountability chain

#### Budgetary issues

Insufficient budget

Lack of incentives

#### Policy issues

Misunderstanding and inconsistent interpretation and application of the PAWG Mandate

Little or no interface or collaboration between PAWGs

Insufficient leadership/control/monitoring by the NAWG

Systemic/administrative issues

Lack of leadership at PAWG level (some)  
Staff with two sets of responsibilities/allegiance  
Insufficient staff  
Inadequate training  
Insufficient technical and equipment support

Procedural issues

Inefficient procedures for collecting/assessing complaints  
Lack of Standard Operating Procedures (SOP) for Accountability programme participants as a whole.  
Narrowly based fields for statistical collection  
Poor investigation  
Unwillingness to authorize sanctions  
Inadequate monitoring of sanctions authorized and complaints referred

Awareness/education issues

People do not understand accountability  
People do not trust the system  
Too many boxes serving other organizations have similar appearance  
Illiterate and uneducated people cannot write complaints  
Insufficient information passed down to villagers  
Posters not distributed  
Leaflets not replaced when used and beyond understanding of villagers  
Insufficient feedback on sanctions, investigations and complaint disposal.

**The Way Ahead**

1.9 The following recommendations are made to develop capacity:

Budgetary

Ensure realistic operational and staff budget for 2011 and beyond

Institutional

Create and establish a national organization/secretariat for the control and coordination of all community complaint investigation bodies.  
Consider the subordination of the PAWG in the light of changes in structure at provincial level under Organic Law  
Establish small AWGs at district level, subordinate to PAWGs

Policy

Strengthen NAWG policy making

Establish lines of communication laterally between PAWGs and exchange operational information

Re-interpret, clarify and re-publish the PAWG mandate

#### Systemic/administrative issues

Improve command and control functions at NAWG

Improve monitoring by NAWG.

Include District Governors in PAWG membership

Re-establish incentives

Recruit staff specifically to serve in the NSG and PSG, if necessary on formal secondment from other departments

Increase dedicated strength of the NSG and PSGs

Use professional trainers from local sources to train NSG staff who then train PSG staff

Provide training for all PAWG members before first attendance and regularly thereafter on selected topics

#### Procedural issues

Revise and re-publish procedures for collecting and assessing complaints

Draft Standard Operating Procedures (SOP) for Accountability programme participants as a whole, including NAWG.

Create procedures for collection of data and statistical collation for performance comparison

Carry out a survey of public perception of accountability to provide a baseline for future statistical comparisons

Improve PAWG knowledge of the sanction process and the need to enforce monitoring of authorized sanctions and complaints referred.

#### Awareness/education issues

Broaden the ongoing media campaign to promote understanding of the accountability programme

Redesign the accountability box to make it eye catching and its purpose self explanatory by promoting a nation-wide competition to design a logo

Improve the image of the PAWGs and people's trust in the system by ensuring the results of complaints are passed down

Ensure posters are displayed in the most appropriate places and are co-located with the boxes to which they refer

Ensure leaflets are replaced whenever boxes are emptied

#### **Next Steps**

1.10 To maintain momentum and to ensure continued success, **funding** provision is an **urgent priority**. Without it, the majority of the improvements found to be necessary by this assessment will not be implemented.

1.11 However, many of the fundamental **Way Ahead** recommendations listed above can be dealt with by the simple improvements indicated. They require only firm leadership by the NAWG at higher level to ensure compliance with directives issued. At the lower

levels they require the determination to follow the approved procedures correctly, and to amend those requiring improvement.

1.12 The advent of changes in structures and responsibilities coming into effect under the Organic Law may require additional institutional adjustment in the way the PAWGs are positioned. These issues should be considered now.

1.13 In the fullness of time, the performance of the fledgling national Anti-corruption Unit will be capable of measurement and its relationship to the accountability programme will have to be assessed.

1.14 Meanwhile, the AWGs must continue, as now, to play their part in tackling corruption and malpractice at the sub-national level.

1.15 To ensure that happens, the following **First Steps at the national level** should be taken as soon as practicable:

Arrange continued funding and increase budget to workable level

Create and establish a national organization/secretariat for the control and coordination of all community complaint investigation bodies.

Reinforce the image of the NAWG as the leader of the Accountability effort in Cambodia by exercising its command, control, and monitoring functions.

Consider giving the PAWGs independence at the provincial level, responsible to the Provincial Council.

Consider including district governors as members of the PAWG

Re-interpret, clarify and re-publish the PAWG mandate

Consider the advisability of creating sub-groups at district level to ease the burden of work at provincial level and to improve complaint collection and resolution

Consider creating a small force of expertly trained investigators at provincial level responsible for dealing with all complaints, without recourse to use of untrained members of the AWG.

Continue with and expand the ongoing media campaign to raise awareness in the accountability programme and citizen's trust in the procedures.

Draw up Standard Operating Procedures for the Accountability program as a whole

Increase staff in Support Groups

Consider a national corruption perception survey and a logo competition

1.16 At the appropriate time, consideration should be given to the following **Second Steps**:

- a. Creating membership on the National Council Against Corruption for the Chairman NAWG
- b. Establishing a national organization/secretariat for the control and coordination of all accountability/community complaint investigation bodies, including anti-corruption.

## **PART 2**

### **2. Introduction and Background**

2.1 Efforts to establish and bring into effect a new legal framework for sub-national governance based on decentralization and de-concentration have reached a critical stage. 1621 Commune/Sangkat Councils have been democratically elected and the indirect election of Councils at Capital, Provincial, Municipal, District and Khan levels in 2009 gave them a mandate under the organic law. Transparency and good governance are lynchpins of the decentralized system and accountability by officials is essential to its success.

2.2 Improper, including corrupt, use of the Commune/Sangkat fund at lower, decentralised, levels has caused concern. To improve accountability, and effective use of the fund, PAWGs were established in all 24 Provinces in 2005, overseen at national level by the NAWG. Membership of the NAWG is drawn from key ministries in the public sector and at PAWG level a mix of both public and private sectors is established.

2.3 The PAWG is required to collect all reports and complaints on the misuse of funds and malpractice by public officials, to review them and to organize investigation of those falling within the PAWG mandate. The PAWGs are authorized to recommend sanction for persons involved in the misuse of funds or in misconduct while in office. Yet, PAWGs are not law enforcement agencies, have no legal power, and deal with specific complaints from members of the public concerning corruption, abuse of funds, administrative injustice, mal-administration by public agencies and misconduct by their staff. They are established by and work according to a mandate provided by administrative decision at national level.

2.4 In 2008, NCDD revised the guidelines to expand the mandate and functions of the AWGs to strengthen their effectiveness. Staff were established to support the AWGs at national and provincial level. In 2009 a Manual on Complaint Investigation and Resolution was prepared which prescribes the work of the PAWGs and the procedures for investigation. This Manual remains the template for PAWG performance.

#### **Background to the assignment**

2.5 The Investigation Training consultancy began on 25 September 2010. The TOR for this is attached at Annex A. The outputs required were to Design the Complaint Investigation Handbook and Training for the Provincial Accountability Working Groups with related training materials, a brief training curriculum, and the members of the investigation teams of the PAWGs trained. The Handbook design was to be completed by 10 November 2010, with training to follow and be completed by 15 December.

2.6 However, during the Inception Phase in early October, research for the production of the Training Needs Assessment (TNA), which formed a preliminary to the training outputs of the requirement, revealed that another assignment "Follow Up to the Accountability Study", had many similarities with the Investigation Training consultancy. It required an assessment to be made of the same complaint mechanism on which the Handbook and Training were to be based. The interviews and discussions that were part

of the research for the TNA also raised other issues, which were seen to have the capability to improve the efficiency and effectiveness of the complaint handling mechanism. Additionally, it revealed measures which may need to be taken to address the interface and interdependence of the accountability procedures contingent upon the establishment of the national anti-corruption agency, the broadening of the Ombudsman responsibilities, and the growth of other inspection and monitoring organizations at various levels.

2.7 Agreement was therefore sought from the World Bank to extend the Investigation Training consultancy to include the Follow up to the Accountability Study and to contract it to the same international consultant. This was agreed and the second half of the extended consultancy commenced on 15 November. It is to be completed by 21 December. The TOR for the resultant combined and extended consultancy lie at Annex B.

2.8 This report, therefore, describes the methods used to meet the revised TOR and presents the results of both the Investigation Training requirement, as it presently stands, and the Follow up to the Accountability Study. It contains the consultant's assessment of the situation. The measures that need to be taken and the plan to implement them are set out in the latter part of the report in the chapters entitled **The Way Forward** and **Next Steps**.

## **3. Methodology**

### **Investigation handbook and training**

3.1 The production of the Complaint Investigation Handbook required an in-depth look at the present capability of the staff of the National Support Group (NSG) and the Provincial Support Groups (PSG) to investigate complaints in accordance with the existing Procedural Manual. This was achieved by a detailed critical analysis of the procedures contained in the Manual to obtain an assessment of the requirement they place on investigators to achieve competent and professional investigation. The result was then tested against actual capability by a study of the performance statistics contained in the National Accountability Working Group Reports for the First and Second Quarters of 2010 and by visits to three Provincial Accountability Working Groups, and their associated Support Groups, with whose members discussions were held to establish the level of competence existing. A comparison of the level of expertise required to meet the demands imposed by the Manual against the actual competence of investigators created the Training Needs Assessment, from which the training requirement was developed. The Training Needs Assessment is at Annex C.

### **Production of the Complaint Investigation Handbook**

3.2 The Complaint Investigation Handbook was designed to fit the Procedural Manual's requirements. The types of complaint to be investigated were established by a study of the complaints received. The procedures required to investigate them and to present the results of investigation to the PAWG were established by a study of the Manual and by discussion with investigators at three PAWGs (Kg Cham, Kg Thom, and Prey Veng). The Consultant's experience of international best practice for the investigation of corrupt-

ion crime, modified to suit the PAWG mandate, underlies the guidelines. Internationally accepted procedures to fairly investigate complaints from members of the public against administrative injustice and mal-administration and misconduct by officials, were also taken into account.

3.3 As required by the TOR, the Handbook describes and prescribes techniques which “do not have to be followed to the letter”, and which “encourage creative thinking during investigations”.

3.4 The Handbook, translated into Khmer, was field tested in a workshop with members of the Kandal PAWG on 8 November, and feedback from that meeting and from the NAWG staff was incorporated into the Handbook where appropriate. A note on the workshop lies at Annex D. Thereafter, members of the NSG sought comments from selected provinces and arranged for a Khmer translation to be used during training sessions.

3.5 The Handbook, in English and in Khmer, was approved and accepted on 6 December.

### **Training**

3.6 Three regional training sessions were arranged to run from 13 December to 22 December 2010. The National Consultant, assisted by the NAWG, developed a training plan to ensure:

Understanding of the techniques provided by the Handbook

Practice of the investigation procedures required by the Manual and developed in the Handbook, and

Practice of the interview and statement taking techniques in the Handbook.

3.7 Matters arising were referred back to the International Consultant for advice. The National Consultant will make an assessment of the value of the training provided and will raise matters for improvement on completion of the three sessions. An interim report produced at the end of the first session indicates that the time allocated for this important training is likely to be insufficient and that more detailed training for both PAWG and PSG members is required.

### **Accountability Study**

3.8 To facilitate comparison of statistics, the methodology used to assess the state of the accountability program was, in part, similar to that used in an earlier 2007 assessment (Knowles 2007). Pre-coded questionnaires formed the basis for interviews with participants at village, commune, district, and province level. These were collated later to form an impression of the interviewee’s knowledge and perception. Guided interviews were the method used to collect and collate at district level and above. All data collected was collated, assessed, and where appropriate compared with other data, before recommendations were made. Written questionnaires for completion by PAWG members were distributed through Senior Provincial Project Advisors (SPPA) to six PAWGs and individual interviews were conducted with some members. The sample size compared to that used in 2007 is shown at Annex E.

3.9 Additional interviews were requested with senior members of the Anti-corruption Unit (ACU) and the Cambodia Police to discuss training and operational interface. The police refused the request on the ground that the accountability programme is unknown to them! That with the ACU could not be arranged during the time span of the assignment.

3.10 The results of the assessment exercise were placed before an NCDD Workshop on 16 December. 35 participants attended, including the SPPAs of the provinces visited during the interview/collection programme, a member of each of the participating PAWGs, DoLA staff, NCDD, and PSDD actors and other interested parties.

3.11 A note on the results of the workshop is presented at Annex F. The views expressed generally confirmed the conclusions reached in this report and additional data raised has also been incorporated.

## **PART 3**

### **4. Summary of the Structure, Responsibility, and Operations of the Accountability Working Groups**

#### **General**

4.1 The Manual reveals that, under the overall control of the NAWG, the PAWG in each province is the focal point for the accountability effort. Information flows down from the PAWG to the districts, communes and villages below and upwards from it to the NAWG at national level. The procedures require that complaints from citizens be placed in written form in one or other of the 2545 Accountability Boxes which exist at numerous locations and levels throughout the provinces. These are collected at regular intervals, are assessed by staff at the PAWG, scrutinized and evaluated, before a summary of their content, with recommendation as to disposal, is placed before the PAWG members at the next monthly meeting. Complaints, made by telephone or personal contact, are reported in writing by the recipient to the PSG and are included in the summary. The mandate of the PAWG largely underlies what action is to be taken. Those complaints which fall within the mandate can be investigated, those which fall outside can be referred to relevant departments/organizations and some defy further action by virtue of their content or quality.

4.2 After investigation, a report is placed before the PAWG by the investigators for a decision to be made as to sanction or punishment for individuals. The PAWG is not the authority for sanction but recommends what action is to be taken. Executive action is the responsibility of the department head. Where the investigation produces no clear evidence of misconduct, referral can be made to the responsible department for improvement of procedures or reprimand. Feedback to the complainant is made where possible and feedback to districts and communes is authorized at the time the decision is taken to investigate or not and after the sanction stage.

4.3 Statistical reports are called for by the NAWG and quarterly reports, on a limited statistical base, are published at that level. The NAWG is responsible for policy and direction.

## **Strength and establishment**

### NAWG

4.4 The NAWG was established by Decision 002 dated 25 January 2005, but it did not meet and had no procedures until Decision 012 dated 23 December 2008. This Decision stipulated the membership. Chaired by the Ministry of the Interior, the working group has 14 other members. All but two, who are Civil Society Organization Representatives, are members of the public service. The appointments they hold are listed at Annex G.

4.5 Support to the NAWG is provided by the NSG. Established by Decision 013 on the same date as the NAWG was given its teeth, its Chief is the Director of Local Administration (DoLA), and five other members are appointed all from the Office of Local Administration. The list is at Annex H.

### PAWG

4.6 The PAWGs are established by Decision 028, dated 15 June 2005, but were given substance by the Guideline issued by NCDD in 2009. This formalised the membership as the Provincial Governor, two Deputy Governors, five members from the Executive Committee, the Chiefs of the Provincial Treasury, National Bank and Provincial Tax Department, two representatives of private contractors, three representatives of the Provincial/Municipal Commune/Sangkat Association, The SPPA and the Chief of the Provincial Local Administrative Unit (LAU), who acts as Secretary. Details are at Annex I.

4.7 Support to the PAWG is provided by the PSG.

4.8 The PSG consists of the Chief of the Support Group (who is also the Secretary to the PAWG), the SPPA, the Chief of Internal Audit, 1 staff member from each of the four Excom Units and Assistants (number unclear) recruited to the PSG directly. The four from Excom have Excom duties to perform as well as their PSG duties and were supposed to receive an incentive above their salary for this.

## **Responsibilities**

### NAWG

4.9 The NAWG performs the role of assisting the NCDD to formulate guidelines, regulations and working procedures for carrying out PAWG activities as well as monitoring and reporting to NCDD about their progress and achievements. In particular, its Articles of Responsibilities calls upon it to coordinate, support, and strengthen capacity of PAWGs to ensure accountability, transparency and effectiveness in carrying out its mandate.

### PAWGs

4.10 The role of the PAWGs is to collect all complaints/issues related to irregularities in all funding source utilization at sub-national level, and the role and duties of departments and staff. They are to facilitate the process of resolution of these complaints and to take

appropriate action against persons who have abused the fund usage or have failed in their duty. PAWGs are also to disseminate all related information to citizens.

## **Operations**

### Making Complaints

4.11 Locked Accountability Boxes are the mainstay of the mechanism for receipt of complaints. They are placed at strategic places around the province from village through commune and district and up to province. Complainants are urged by poster, leaflet and media communication to write their complaints on virtually any matter, but mainly directed to the mandate of financial affairs and misconduct/malpractice, and to deposit them into any box. Complaint by telephone and personal contact is also advertised.

### Collecting Complaints

4.12 Once per month, boxes are emptied by a team, which travels the province. Under the scrutiny of villagers and the commune chiefs, the boxes are unlocked, emptied, and the content transferred to a “big envelope” which is then transported by the team to the PAWG premises. Here it is opened, and the contents are logged in by the PSG. A written summary of the complaint content is made.

### Scrutiny of Complaints

4.13 Complaints are sorted into those, which fall within the PAWG mandate, and those, which do not. The former are complaints “to be solved”, while the latter are “complaints not to be solved”. These may be either:

General requests not capable of investigation  
Information relating to crime, civil offences or domestic problems  
Disputes which fall within the purview of other institutions

4.14 “Complaints to be solved” are then prioritised by order of importance, and a report is placed before the PAWG for agreement. “Complaints not to be solved” may be referred to other departments if the PAWG considers it appropriate.

### Evaluation of Complaints

4.15 The evaluation stage requires investigators to decide which legal or administrative provision is alleged to have been breached, determine which should be investigated or dismissed and provide feedback to citizens as to the result of the evaluation. Cases to be investigated are classified as warranting Full or Partial investigation depending on the content. Recommendations are placed before the PAWG.

4.16 Partial investigation only requires a “brief” look to be taken at the circumstances of the case to enable investigators to decide on its merits and its potential for full investigation. Inevitably, however, this “brief” look frequently develops into a longer look, which actually qualifies as a full investigation for which no statistical benefit is obtained.

### Investigating Complaints

4.17 If the PAWG authorizes an investigation, whether Partial or Full, an investigation team is appointed and the investigation commences. On completion of the investigation, a report is placed before the PAWG for consideration of further action by way of sanction or administrative censure of persons or organizations.

#### Sanction

4.18 Sanction rules are covered in the NCDD Guidelines, which cover almost every eventuality. The PAWG may recommend sanction or discipline or amendment of procedures but the final authority to dispense the result is the unit or department concerned.

#### Feedback

4.19 When referral is made to another unit or department for sanction to be imposed, the PAWG has authority to call for feedback to confirm the action taken. Results of investigation and sanction action are made to communes for downward transmission to villages.

## **5. Assessment of Structure, Responsibility and Operations**

5.1 The assessment of the establishment, structure, responsibilities, and operational procedures of the NAWG and PAWGs was carried out using the research for the production of the Handbook on Complaint Investigation. Scrutiny of the relevant papers, and discussion with those actively involved in four provinces and the national centre were the main sources. Procedures in general, and the role of the PAWG in particular, were the prime subjects for discussion with PSG members. Discussion on investigations was particularly directed at the PAWGs and PSGs in Kampong Thom, Kampong Cham, Prey Veng, and Kandal. Frequent discussion with NSG took place throughout the Training/Handbook production assignment.

5.2 The following compilation from those discussions indicates what actors feel about the system described above.

5.3 All four provinces identified some identical areas in which assistance was considered essential and these are discussed below:

#### The PAWG Mandate

5.4 There is still confusion over the terms of the Mandate and their interpretation.

#### Salary

5.5 Investigators have been without incentive since January 2010. Some have resigned. Compensation of overall cost for a journey and DSA not exceeding US\$80 per month is insufficient incentive for honest work in the anti-corruption/accountability field.

#### Funds

5.6 Funds are insufficient, or if available sometimes arrive too late, for investigators to use vehicles to reach outlying districts. This is pertinent not only to the investigation process itself but also to the monthly collection and central collation of complaints on a timely and regular basis. Investigators often use their own money to provide the support they need.

#### Equipment.

5.7 Insufficient funding is available to provide computer and office equipment support for investigation.

#### Communication.

5.8 Improved communication between the NAWG and PAWGs is required to improve uniformity of performance. Better lateral communication between provinces is required to facilitate exchange of information on sanction authorization and improve investigation techniques

#### Legal books.

5.9 No provision has been made for legal research books either for investigators or for PAWG members use in the investigation process and in authorizing sanctions.

#### Leadership.

5.10 Guidance from the top is required from the NAWG and DoLA to ensure each PAWG understands and carries out its responsibilities properly and uniformly.

#### NAWG

5.11 Control from the NAWG is needed and agendas for NAWG meetings should be published for the information of all PAWGs, in advance.

#### Training.

5.12 NAWG has a responsibility to provide training for investigators and members of the PAWG to perform their tasks and has not provided it in sufficient quantity.

#### Accountability boxes

5.13 Additional boxes are required to replace those now missing/damaged.

#### Complaints

5.14 Frequently complaints are made because the local community does not understand, or is ignorant of, the procedures, which govern private business and the public sector. Better outreach and education is required to reduce unnecessary investigation of complaints, which are based on ignorance.

#### Slowness of complaint resolution

5.15 Collection of complaints, and the scrutiny and evaluation procedures take too long.

#### Institutions

5.16 Local councils outperform the accountability institutions in complaint resolution in the eyes of the public. This perception is largely based on their ability to deal with urgent cases which the PAWG procedures, as yet, are not.

#### Dissemination

5.17 Improved dissemination procedures are required.

#### Frequency of meetings

5.18 PAWGs meet irregularly and not according to the procedural manual. Some SPPAs continue to play a role in urging the groups to meet as prescribed.

## **6. Discussion of the Assessment of Structure, Responsibility and Operations**

### **National Leadership**

6.1 An Interim Assessment was prompted early in the assignment by the issues raised above. This is attached, unchanged, at Annex J. It is a reflection, on 9 October, of procedural and institutional shortcomings perceived by the consultant. Much, but not all, of the content has been supported by subsequent research. That which has been supported is reflected in this assessment.

6.2 The following extract from that Interim Assessment addresses the need for a national accountability authority. The need was perceived as it became apparent that many of the complaints directed to the PAWGs are similar to those being directed to other organizations with responsibility to resolve problems between the public and the authorities. The extract states:

*"It is time for all institutional aspects of the Accountability Program to be re-assessed as a whole with a view to providing the program with the impact and cohesion it needs. Ground level improvement will be difficult to achieve without the demonstrated commitment of the national leaders to the accountability process through policy directives, designed to foster professional performance, and monitoring facilities to ensure their effectiveness. The ground level staff is crying out for such leadership and the support it will bring in terms of incentives and equipment to carry out their tasks. To date that leadership has not manifested itself".*

### **The PAWG Mandate**

6.3 It is apparent from paragraph 1.2 of Section 1 of The Manual that, in the consultant's interpretation, the PAWG has authority to investigate and, if appropriate authorize sanctions from the investigation of, complaints which fall within the following parameters :

- **those which allege malpractice, whether organizational or individual, in the following fields:**
  - (i) **All financial matters under the control of NCDD which are in the hands of the Sub-National Administration**
  - (ii) **Capital, Provincial, Municipal, District, Khan, Commune and Sangkat financial matters, and**
  - (iii) **The role and duty performance of public organizations and staff at Capital level and below.**

6.4 This interpretation was put to members of the Workshop on 16 December. Subsequent discussion made clear that there is confusion. The Mandate given in the Manual must be reworded so that PAWGs and investigators are clear what their role is. This is essential to the proper performance of the Accountability Working Groups as a whole.

6.5 Statistical support for the lack of clarity in the Mandate is given by the NAWG table of "Complaint Resolution by each PAWG" issued in mid 2010. It reveals an anomaly in interpretation of the Mandate in reaching a decision to resolve a complaint or not. For Stuen Treng province, for example, in 2010, of **99** complaints received, **88** were classified "to be resolved" and **11** "not to be resolved". In Kratie, on the other hand, of **122** complaints received, only **15** were "to be resolved" and **107** "not to be resolved". Given that the complaints in both provinces are similar in quality, this disparity can only be caused by different interpretations of the Mandate.

## **Finances**

6.6 Expenditure for each PAWG in the first quarter of 2009 was shown in the NAWG Quarterly Report for the First Quarter of 2010 as \$ 632, broken down into expenses under Incentive, Fuel, DSA, Snacks, Materials and Equipments. This figure says as much as need be said on the subject. It is clearly not enough, contrary to earlier interpretations of these figures that the PAWGs were sufficiently funded and efficiently operated. PAWG respondents interviewed claimed they use their own money to meet expenses, including investigational expenses, incurred by their duties.

6.7 The amount available from donors in 2011, according to the IP3 draft, reflects provision for 2 X NAWG officers at the national level at a cost of \$150 per month each, 1 X National AWG/ ME advisor @ \$ 2500 per month, and, at each province, 2 x AWG staff @ \$115 per month each. No provision is made for operating costs. Better provision must be made either through donor assistance or, if that is not available, from the Cambodian Government.

6.8 The re-instatement of the incentives, withdrawn in January 2010, is essential to recruiting and retaining staff, which is in turn essential to the success of the accountability programme.

## **Equipment**

6.9 The equipment backing necessary to support the PAWGs and the PSG is not great. They have existed for five years now on basic items to do their job. The request for bet-

ter computer support, law books, and communication equipment, is fair and is essential to proper execution of their function. The same might be said of the NAWG and NSG but has not been represented during discussion.

### **Leadership**

6.10 It is clear from respondents that they perceive a lack of support from the top. It is important that political will is evident not only to give credence to the belief that the authorities intend to control corruption and malpractice through accountability, but also to enable the PAWGs to do their job. More frequent contact with NAWG staff in the provinces and regular meetings of the NAWG to monitor and control should do much to improve the situation.

### **Training**

6.11 To its credit, the NAWG has attempted to organize training. In 2009 three training exercises to educate PAWG and PSG staff on the procedures in the Manual were arranged. They lasted three days per session and, judging by the responses of interviewees, were too little and did not reach the right people because of previous commitments. This year, the training programme is arranged for the period 13 – 22 December. It will cover three regional sessions, each of three days. The sessions are designed to educate attendees on the provisions of the new Handbook and will practice the skills listed therein. However, early reports from the first session indicate that this is again likely to be too little and because of pressures of other responsibilities, will not reach those likely to profit most from it. In addition, PSG staff has already been reduced in number by the resignations subsequent to the withdrawal of incentives.

6.12 It is assumed, but cannot be confirmed since arrangements could not be made with the authorities for meetings to take place, that local professionals in the investigation field are available at the Police Academy and the Anti-Corruption Unit. Consideration should be given to using them to train NAWG staff in the appropriate skills, which can then be passed down to the PAWGs. It is normal for crime investigators to receive something in the order of six months basic training, and proper professional training for PAWG investigators should not be much less.

### **Accountability boxes**

6.13 The Accountability Box system seems to suit the needs of the population better than any alternative. However, replacement boxes are required. Observation in the field proves that many are in poor repair and are weather-beaten. They look dilapidated. Padlocks are rusty, cobwebs cover them and some are hanging from their supports. They do not convey the image of a collection device for a high performance accountability organization.

6.14 Although not raised as an issue, the design, and shape and size of the boxes could be improved. Further consideration of this issue is given under Box Design below.

6.15 Alternatives to the boxes are available to make a complaint. Personal approach to the authorities, telephone, fax, Email, all are open to any citizen. The preference for the accountability box stems from the option it offers for anonymity. People do not like the idea that they might be identified as complaint makers. If they are they believe retribution

may follow. This belief is evident in educated people as well as in villagers and seems to pervade the whole complaint process. Until it can be eradicated by better education and awareness of peoples rights, the accountability box should remain an important part of the system for making complaints.

## **Complaints and Complaint Resolution**

### Awareness

6.16 The lack of knowledge at complainant level is one of the reasons for failure to produce complaints capable of resolution. The awareness campaign should be maintained and improved.

6.17 Efforts have been made to make people aware of accountability issues. New posters were available in early October and were distributed shortly thereafter to provinces but at the time the interview team was making its field trips in late November, some had not yet reached local levels. Leaflets for placing beside boxes are available but most boxes seen were without them and anecdotal evidence suggests this is not new.

### Time

6.18 The length of time taken to resolve complaints is compounded of two factors, time and space. Provinces have to cover big areas with boxes and collection from them takes time. A common time scale seems to have evolved:

- In the first two weeks of a monthly cycle boxes are emptied and the complaints taken to PAWG.
- In the second week, the PSG analyses the complaints and presents recommendations to the PAWG.
- In the third or fourth week the PAWG meets inter alia, to authorize investigation and receive results of completed investigations.

6.19 It is clear that complaints cannot reach the point of investigation or other disposal, even in ideal conditions, in less than three weeks from collection. Collection takes place once per month. Investigation may take any time up to a month. If the report misses a PAWG meeting one month it has to wait until the next. Thus, it is more than likely that complaints will not reach the investigation stage for six weeks or more after they are submitted to the box. Resolution may take up to three months. For complainants who seek resolution of their problems and evidence that action has been taken, this time frame is too long. It confounds potential users and destroys confidence in the process.

Two suggested improvements follow.

### Box collection and opening procedures

6.20 Collection of complaints from boxes is a major problem. It would be easy to say that more frequent collections would improve the situation. However, under the present structure of the PAWGs this is simply not possible. Improvements would be possible if a sub-Group at District level is established, and this proposal is further discussed later in this report.

6.21 This improvement was not universally accepted by the 16 December Workshop. Although it was generally agreed that time would be saved, some felt that the structure to support the introduction is not in place and that staffing would be a problem. The counter to this point was made that only a small staff would be required and that the sub-unit would not take over any responsibilities of the PAWG. It would simply assist in the collection and assessment phases of resolution.

6.22 The reasons for the complicated procedures involved in opening Accountability Boxes are appreciated. However, it is highly consuming of manpower and time, and achieves little in confidentiality and security. Some improved procedures are presented for consideration below:

- a. Instead of opening boxes on site and transferring complaints into a Big Envelope, with all the dangers to confidentiality that involves, a simple exchange of boxes would achieve far better results.
- b. The collection team, which could be much reduced in size, would collect the full box and fix another empty box in its place. The full box would then be taken unopened to the PAWG where scrutiny and evaluation takes place (but see below for comments on proposed change to that procedure) and would be emptied and dealt with appropriately. No curious villagers would get sight of any complaint, and complainants would have full anonymity.
- c. The cost of providing duplicate boxes would be offset by the reduction in the high manpower and transport costs, which the present system demands.

#### Box design

6.23 Boxes are far too large. They are made of metal and painted. They are secured to trees, boards, telephone poles etc by screwing into position. It should be possible to design a much smaller box, of lightweight but strong material, which can be slid into and secured to its own support. The support will be permanently fastened to whatever solid object presents itself at the site and the box slid out of it and a new one slid into it at collection time. This layman's description does not do justice to what could be achieved. and Technicians and design experts could produce samples for consideration. The new boxes, adorned in new color and with a new outstanding Logo, will create a talking point, and will enhance accountability awareness. Clearly the cost will be considerable but subsequent savings will reduce the overall cost. The benefit to the system and to complainants will be great.

#### Screening and evaluation

6.24 The English version of the Manual states at page 11 Step 1: Screening Complaints, "At least two weeks after the complaints collection is completed", (which presumably was intended to mean "Not more than two weeks after.....", "the PAWG will take responsibility in screening complaints". This mistake, if it exists in the Khmer version as well, should be corrected since the Manual is followed to the letter. The procedures, which the manual then describes, duplicate the process of Evaluation, which takes place after Screening has been completed. It is proposed that a new simplified procedure should be introduced. After complaints are collected and collated in the PSG premises, each complaint should be serialized by place of collection, chronological number for the

year, and method of complaint. A summary of the content, in sufficient detail to be understood, should be recorded beside the serialization.

6.25 The collated sheet should then be examined by an appointee of the PAWG and the PSG investigators to decide which complaints fall within the mandate of the PAWG and are capable of being investigated, which fall within the mandate but are not capable of being investigated (insufficient detail, no identified complainant etc), which fall outside the mandate and will not be investigated and which should be referred to another organization for consideration. Further details have been incorporated into the Handbook of Complaint Investigation, an extract from which lies at Annex K.

6.26 This log sheet, without further ado, should be placed before the PAWG for approval to proceed as requested. Only when approval is given should investigation be started. No partial investigation will take place. Each investigation will be completed in full and will be reported to the PAWG in detail. No investigation will be laid aside without approval of the PAWG.

6.27 Each complaint capable of investigation will be investigated. No partial investigation will be undertaken (Note: one PAWG has already decided to dispense with partial investigation on the ground that it is a superfluous process). There will be no selectivity. Serious cases require urgent consideration and will be dealt with first. Less important cases will come later, but all will be investigated. Case management will be necessary to allocate investigators to cases as they develop and this is a matter for the PSG investigators to manage.

## **PART 4**

### **7. Statistical analysis**

#### **Selection of sample field**

7.1 A main consideration for sampling was the need to follow the 2007 assessment in order to compare accurately the changes observed. Thus, five of the provinces selected are the same and two have been added. The advice of the NAWG was sought on this matter. In each province, two communes were selected on the basis of a topographical map of the province, - one near the provincial capital and another at a longer distance away (but still within a reasonable travel time). Within the communes, 2 or 3 villages were selected, - one close to the commune office, another one as far away as possible from the commune office, and, if there was time available, one in between. In a number of cases, the villages that were furthest away from the commune office could be considered "quite remote", thereby compensating the more remote communes in the provinces that were mostly not selected. Within the villages, the three interviewers were dropped off in different streets at a random point from where they interviewed an adult person available in every third house.

7.2 As a result, a total of 7 provinces were visited, written surveys were requested from 6, and answers were received from 72 respondents. Representatives from 5 District Councils, 12 Commune Chiefs, 55 Commune Councillors, and 140 villagers were

interviewed. Annex E compares the figures for respondents between the 2007 survey and this one.

## **Survey summaries**

7.3 Summaries of the results of statistical analysis of data collected will be found in the Annexes to this report as follows:

- Annex L - Summary of data from answers to written surveys
- Annex M - Summary of interviews with Commune Councils
- Annex N - Summary of interviews with beneficiaries/villagers

7.4 These have been used to assess the PAWG perception of its own performance and the community perception of the PAWG/accountability mechanism performance. The results and discussion of the statistics appear in the following paragraphs. Percentages have been rounded off to the nearest whole number.

7.5 The written and interview questionnaires concentrated on the following areas:

- General perceptions
- PAWG meetings – frequency and process
- Mechanisms for reporting and investigating complaints
- The dissemination process
- Awareness of PAWG procedures
- Use of accountability boxes
- PAWG functions and mechanism, and
- National support

## **Progress since the 2007 Assessment**

7.6 The 2007 Assessment produced 9 Key Recommendations. These included:

- Strengthen the Government –Citizen link
- Expand the PAWG Mandate
- Expand the PAWG membership
- Expand the role of the PAWG to enable a broader advocate role for citizens
- Provide more channels for citizens to make complaints
- Improve information dissemination of PAWG process documentation
- Create more timely ways to share information
- Make use of NGO actors to strengthen the citizen/government link
- Increase PAWG support staff

7.7 As the replies from respondents described in the paragraphs below indicate, progress in each of these has been made to a lesser or greater extent over the past three years. Much of it stems directly from 2009 when the new Manual of Complaint Resolution and NCDD Guidelines were published. Because the improvement is so recent, the long-term effect has yet to be seen, but it is clear that further improvement is

necessary in many of these key fields and respondents still repeat the same areas as requiring attention. In some areas, like the size of the PAWG and the Mandate, debate continues as to the best course of action, but one thing is universally shared between respondents in 2007 and 2010 – the need for properly trained support staff.

## **PART 5**

### **8. PAWG Actor’s Perceptions of the Structure and Responsibilities of the PAWGs**

#### **Timings of meetings**

8.1 In response to the Guidelines, the PAWG intention is to meet monthly according to a schedule. However, replies to the written questionnaire reveal that the mean falls at only 5.75 times per year. 40% of respondents reported that meetings were not regular. Only 21% attributed that to the overburdened staff, and others believed that a strengthened secretariat, and the regular attendance of the Chairman (Governor) would improve things. Anecdotal evidence from SPPAs indicates that it is very difficult to get a quorum together, because members are busy, and frequent postponements are necessary. SPPAs sometimes still have to play a part in calling meetings, especially if the Chairman is not strong, but Secretaries are becoming more competent.

#### **Process**

8.2 Meetings take place according to the mandated procedures with most preparatory papers sent out a week or less before the meeting. 96% of respondents confirmed that they are encouraged to share ideas at PAWG meetings, that meeting discussion is very helpful in promoting dialog (67%), and that meetings are very useful (22%) or useful (62%) in resolving issues. 82% are satisfied with the decision making process. 87% feel decisions made by the PAWG contribute to the accountability of CS funds.

8.3 Two SPPAs confirm that PAWGs make their own decisions but dominant Governors sometimes over control discussion at the meetings. One SPPA still has to guide the PAWG in the decision making process.

#### **Mechanisms for Reporting and Investigating Complaints**

8.4 72% of respondents are familiar with the complaint reporting process. Only 12 % believe the reporting procedures are very clear, with 47% holding that they are only somewhat clear. Slightly less than half rate the difficulty of complaint investigation as “somewhat hard”, and a similar figure rates it as “adequate” or “average”. 54% believe that inadequate staff skill is the prime cause.

8.5 Making decisions as a result of investigations is described as “somewhat hard” by 71%, but 69% find the guidelines adequate for making an appropriate sanction to the complaint.

#### **The dissemination process**

8.6 The evaluation of distribution of information by the PAWG was divided. Only 12% felt it was very well distributed, 29% felt it to be “somewhat well distributed”, 32% thought the distribution to be “adequate”, and 19% found it to be “not well distributed”. These statistics are not persuasive that dissemination is working well.

### **Awareness of PAWG procedures**

8.7 Replies to the question “To what extent are people aware of the various ways to make a complaint”, reflected another weakness. Only 14% of respondents answered “somewhat aware” and 36% believed the people are “not really aware”. While 58% considered that people feel confident to report to the PAWG, only 42% believe they will report directly to members. The mean for perception of how aware people are of decisions made by the PAWG, fell between 29% who believed they are “somewhat informed” and 35% “not well informed”.

8.8 SPPAs confirm the feeling that direct complaints to members are infrequent but make the point that they are more often made about urgent matters, which cannot await the laborious accountability box resolution system. Such direct complaints sometimes elude the recording system and are dealt with through contact with the responsible department. Other complaint resolution bodies, like the Conflict Resolution Committee at Commune level, often provide rapid service, which the accountability box does not.

### **Use of Accountability Boxes**

8.9 86% of PAWG respondents knew the location of boxes in the town but only 46% were satisfied with those locations. Asked to suggest new locations responses were inconclusive but 28% selected “a public place”. The Commune Council Office and NGO office ranked best of existing locations. As a method for making complaints, the accountability box rated a high 93%, and 77% of respondents were satisfied with the current reporting methods.

8.10 SPPAs believe the boxes provide a good method but collection, collation and investigation procedures take a long time.

### **PAWG Functions and Mechanisms**

8.11 Not surprisingly, 75% of respondents believe the PAWG has played a very important role in ensuring the CS fund is used in a transparent manner, but only 14% rate the actions taken as “very strong”. 71% believe the mandate should be extended to include complaints about contracts involving environmental issues and land contribution projects, but 85% believe the membership should not be expanded.

8.12 SPPAs also generally feel the Mandate is clear and should not be extended. Some, however, believe it is not well understood by members. One believes it already covers complaints under illegal fishing and logging but others do not. There are few complaints on budget and finance matters, one claim, and complaints mainly cover other things.

8.13 SPPAs also commented on the slow execution of recommendations for sanctions authorized by the PAWG. Responses are slow and not always made known to members.

## **National Support**

8.14 Capacity building (69%) and more education about public accountability (15%) were considered necessary support from the national level, but 89% were satisfied with the support provided. NAWG staff members, which presumably includes NSG members, are seen by PAWG members in the provinces twice per year (mean).

8.15 One SPPA believes the NAWG lacks commitment. Leadership is needed and visits by NSG would be welcome. This SPPA believes the PAWG should be placed under the Provincial Council not the Governor.

8.16 Training is an issue SPPAs believe should be provided by the NAWG.

## **SPPA Proposals**

8.17 SPPAs were particularly asked to provide proposals for future improvement. In discussion, the following points were made:

- ~ Establish an independent investigation group
- ~ Make the PAWG an independent body
- ~ Arrange quarterly meetings between NAWG and PAWGs
- ~ Arrange regular liaison visits by NAWG staff to the provinces
- ~ NAWG should exercise its monitoring function
- ~ Train staff, investigators and members better
- ~ Revise form 4 and 5 of the Manual to simplify the process
- ~ Increase funding and staff
- ~ Recognize and make use of NGO assistance

## **9. Main conclusions drawn from PAWG Actor's Perceptions of the PAWGs**

9.1 The following main conclusions are drawn from the perceptions of PAWG members:

- ~ PAWGs are becoming more capable of independent action
- ~ The decision making process is working
- ~ The Mandate requires review
- ~ Increased staff and funding is required
- ~ Regular scheduled meetings should be implemented
- ~ People need to be made more aware of the reporting process and the results of PAWG action
- ~ The prescribed formal procedures should be observed for telephone and personal reporting of urgent complaints
- ~ Procedures for the collection and processing of complaints and investigation require review
- ~ Sanction and referral procedures should be observed
- ~ Increased support from the NAWG is required particularly in leadership, liaison, and training.
- ~ Consideration should be given to making the PAWGs independent of the administration

~ Better use should be made of the NGOs

## **10. District Council's Perceptions of the Structure and Responsibilities of the PAWGs – 22 Councillors (including Governors), two District Governors and two Deputy Governors were interviewed**

### **Awareness of Accountability**

10.1 Accountability of the council to the people and to the Provincial Council were agreed as essential elements, accompanied by honest and responsible behaviour. Achieving accountability in the proper use of C/S funds was seen as the prime district requirement.

### **Training**

10.2 None of the councillors had any formal training, neither related to accountability issues in general nor the accountability boxes in particular.

### **PAWG structure**

10.3 Although not a scheduled part of discussion, this came up at one District Council meeting. It was felt that both the Mandate of the PAWG should be widened and the membership reduced. Councillors were in favour of introducing a district level sub-PAWG support group, independent from administrative structure and staffed by the District Department of Justice.

### **Dissemination**

10.4 Councillors felt that information should be made available to tell people when meetings are planned and about Commune and District projects and their implementation. Information is made available through the Commune and Village Publication Boards and Commune and Village meetings, but radio is also considered a useful tool. Matters such as budgets, finance, PAWG decisions, land and animal matters, ownership rights, and complaints should be communicated. People are invited to attend meetings and they sometimes travel long distances to attend.

### **Accountability Boxes**

10.5 The District Councillors believe that the people know where their local boxes are placed and most of them know how to make complaints. One Council saw the need for more boxes and another recommended boxes in every village. One District Governor felt that 98% of people know about the system and would use it but they have no trust that anything will happen even if they complain.

10.6 Councillors were aware that other boxes exist to serve other organizations and some thought they confuse the villagers. The other boxes may reduce the number of complaints made to the accountability boxes.

### **Leaflets and posters**

10.7 Oddly, very few councillors had seen the leaflets and almost none the new posters. The following points were made:

Many villagers cannot read and some cannot write so use of the leaflets and the complaint system is limited.

Leaflets were seen earlier by some councillors but had disappeared and had not been replaced

Posters should be placed near boxes so people can relate the two.

### **Complaints**

10.8 The councillors believe that complainants do not trust the authorities. They insist, for the most part, on anonymity. Villagers would travel to a box far away rather than be identified making a complaint. However, the box system is preferred to telephone for making complaints, as villagers do not trust the telephone to be secure.

10.9 Urgent complaints, however, are referred by telephone or by direct approach to someone known to be in authority. Examples are the police hotline, the Security Office at District Office, and the Commune Chief, who acts as a direct interface with villagers for domestic matters. The PAWG procedure is slow and not suited to urgent needs.

### **Box opening**

10.10 The councillors believe the procedure is known to villagers. They also believe more frequent opening would speed up resolution. Villagers like to know when the opening day is to be and attend if warned in advance. Commune Councillors should be involved in the process.

10.11 Because the "big envelope" into which complaints are placed is used for a number of boxes and remains unsealed during visits between them, councillors report that villagers believe complaints may be tampered with.

### **Results and sanctions**

10.12 Very few of the councillors had seen the result of investigation or the notification of sanction. They made it clear that complainants need to find out what has happened to their complaint or confidence in the system will not be built up. Even a negative reply would be better than nothing.

### **Improvements**

10.13 The following recommendations were made by the District Councils:

- ~ Empty boxes more frequently

- ~ Improve opening procedures
- ~ Improve time taken to resolve complaints
- ~ Disseminate results as much as possible
- ~ Advertise use of telephone to make complaints
- ~ Produce and distribute more leaflets
- ~ Establish an independent Sub-PAWG at district level, staffed by the Department of Justice.
- ~ Reduce the number of members of the PAWG
- ~ Widen the PAWG mandate

## **11. Main Conclusions Drawn from District Councillors perceptions of the PAWGs**

11.1 The following main conclusions are drawn from the perceptions of District Councillors:

- ~ While councillors believe that villagers understand accountability, this is not reflected in villagers own perception of the issue
- ~ Reduce membership of PAWG
- ~ Increase Mandate of PAWG
- ~ Provide formal training for councillors
- ~ Consider forming district sub-PAWGs, staffed by the Justice Department
- ~ Dissemination of knowledge of things that affect them is the right of the people
- ~ Commune Publication boards, Village Publication Boards and the radio are the best methods to keep people informed
- ~ Other similar boxes cause confusion
- ~ Lack of trust creates a need for anonymity
- ~ Formal procedures for handling urgent complaints are required
- ~ Boxes should be opened more frequently with better security
- ~ Feed back is essential to build confidence

## **12. Commune Councils Perceptions of the Structure and Responsibilities of the PAWGs – 12 Chiefs and 55 Councillors were interviewed.**

12.1 For the most part, the Chiefs were interviewed separately by one interviewer, while another simultaneously interviewed the councillors in a group.

### **Awareness of Accountability**

12.2 Equality, good governance and transparency are equally grouped when considering the meaning of accountability, with 54% of respondents believing the Council is responsible to the people. All, less one, of the Commune Chiefs interviewed had received some training in accountability since 2007, given by Local Administration and NGOs.

### **Dissemination**

12.3 64% of councillors believe the people should receive information on commune plans and 27% feel it important for them to know when meetings are planned. Projects to be implemented (9%) also ranked in the list. All respondents said the council tells the people where money comes from for commune projects and how much money is allocated. 90% said ordinary people are allowed to attend meetings. People have the right to know about how the commune spends its money, about PAWG decisions, complaints and agricultural matters.

### **Accountability boxes**

12.4 83% of councillors confirmed that most commune members know where they can find the box and 54% believe the people know what the box is for. 18% had never seen the leaflet before but others (45%) had seen it at the box and (18%) at the Commune Office. 54% had not seen the poster. 63% knew the papers from the box are taken to the PAWG and a similar number said the Commune Councillors open it and should be involved. On the face of it, a high percentage (82%) did not think the accountability box is working "alright", but this is understandable, as 54% believe there are no matters to complain about in their commune.

12.5 73% of respondents believe the system would be more used if the boxes were in a different place, but replies were inconclusive when questioned "where".

### **Results and sanctions**

12.6 73% had never heard the result of an investigation and 54% could not comment on whether sanctions are appropriate. Of the 27% who had heard a result, 18% felt they were "sometimes justified" and "strong enough".

12.7 On the issue of how best to make people aware of the sanctions or actions taken by the PAWG, 36% felt the result should be published on the Commune Publication Board, 27% believe the radio should announce them and 18% would make the Chief responsible. Similar results were achieved in answers to questions about how best to reach people with information, which needs to be passed on.

### **Improvements**

12.8 In answer to the question, "how can accountability boxes be improved", 91% felt increased awareness would assist and 9% suggested a refresher course each year.

## **13. Main Conclusions Drawn from Commune Councillors Perceptions of the PAWGs**

13.1 The following main conclusions are drawn from the perceptions of Commune Councillors:

Awareness of the accountability mechanism is improving  
It is accepted that people have the right to know about matters which affect them  
Action already taken has reduced the number of C/S fund complaints made  
Further review of locations is necessary to select the most appropriate places for boxes  
Publication of the results of complaints and investigation/sanction must be made

The Commune Publication Board and radio are best for advising the people  
Awareness of the system still needs further emphasis

## **14. Citizens/beneficiaries Perceptions of the Structure and Responsibilities of the PAWGs – 140 persons were interviewed.**

### **Awareness of accountability**

14.1 82% of respondents did not know what accountability means, but 7% had received information about people's rights from the Commune Council. Almost all villagers interviewed believe that they have a right to know about how the commune spends its money, about road construction and about commune plans.

### **Dissemination**

14.2 People also receive information from the Commune Council about when meetings are scheduled (26%), commune plans (19%), projects (14%) and budget (7%). 17% had heard that the commune money comes from the central government, 12% thought it came from NGOs and 6% from UN organizations. 52% had never been told how much money the commune gets every year and 29.3% had been told but had forgotten. Approximately one third had attended a council meeting within the month, one third had attended earlier and one third had never attended.

### **Accountability boxes**

14.3 Surprisingly, only 59% of villagers knew where the box is situated in their commune. 20% said it is at the commune office. Equally surprising was the 70% who did not know what the box is for. 26% did know that it is to submit complaints. 14% had found out about it from their friends and 10% from the commune council.

### **Leaflets and posters**

14.4 The majority of interviewees (86%) had never seen the leaflet or the poster.

### **Box opening**

14.5 64% did not know who opens the box and 76% had no idea what happens to the complaints in the box. When it was explained to them that the District Facilitator opens the box 75% found this to be acceptable. The presence of a villager at the opening was also judged correct.

### **Results and Sanctions**

14.6 88% had never been informed of the result of a complaint but of the 9% who had, 3% had heard from a Commune Councillor when he visited the village and 4% had found out from a meeting in the Commune Office. Asked what would be the best way to advise people of the result, 37% thought a special commune meeting would be best while 12% thought the radio and 5% TV.

## **Complaints**

14.7 74% of respondents would write a complaint through the box if aware of corruption or mismanagement, but 19% would not complain at all as it “would not help”. Two thirds of respondents did not know that they could submit an anonymous complaint.

14.8 Of those who knew where the box is situated, 40% said they would submit a complaint at that location. 13% said they would not because “they will know I have submitted it”. 48% would have used the box if it were in a different place. The selection of that place out of a list offered to the interviewees was inconclusive, but the school, the pagoda and the “sala cho tean” featured most predominately.

14.9 Alternative methods of complaint were described as the Commune Chief or Councillor (20%), and the Village Chief (11%) but 35% thought there were no other (unspecified) ways.

14.10 The Commune Chief was preferred as a complaint point by the 69% of respondents who would complain about incorrect behaviour of officials. He was described as a person who can do something about it (25%), who is neutral and unbiased (14%), and who can solve the problem step by step (38%).

14.11 Mismanagement and crimes of violence were subjects favoured by 21% and 11% of respondents respectively for a separate complaint mechanism to be available.

## **Improvements**

14.12 Increased awareness was offered by 57% of respondents as a necessary improvement to the system.

## **15. Main Conclusions Drawn from the Perceptions of Citizens/beneficiaries of the PAWGs**

15.1 The following main conclusions are drawn from the perceptions of citizens/beneficiaries:

- ~ The awareness program should be enhanced to improve people’s knowledge of the need for and meaning of accountability
- ~ Dissemination of general information is working through the established channels
- ~ Improved feedback on investigation and sanction is required, using the same channels, which appear to work well. Special commune meetings might also serve this particular purpose
- ~ Radio is acknowledged as a dissemination method
- ~ Knowledge of the location and use of accountability boxes is spotty and needs to be included in regular dissemination
- ~ Leaflets and posters should be made available as was always intended
- ~ At least one villager should attend the opening of the nearest box

- ~ Anonymity is a prime consideration of likely complainants
- ~ Commune Chiefs are trusted and play a significant role in local complaint resolution

## **16. Individual Contractors Perceptions of the Structure and Responsibilities of the PAWGs– 4 persons interviewed.**

16.1 The findings below were later confirmed by the interviews conducted by the consultant conducting the Small Contractor Study, which was commissioned by NCDD at the same time as this assessment.

16.2 Interviews of contractors were conducted on a strictly confidential basis so no names or identification of the persons involved are given in this assessment.

**Interviewee 1** - a contractor in the construction industry who represents the local contractors on a PAWG.

### **Complaints**

16.3 Some complaints dealt with by the PAWG concern contracts but most fall outside that field, and outside the PAWG mandate. Fishing, land matters, illegal logging and the like are all referred to the proper authority because they are perceived to fall outside the mandate. Replies to referrals, if made, are not reported to the PAWG.

16.4 Confidence of the public is believed to have been gained.

### **Urgent complaints**

16.5 The Internal Auditor receives telephone complaints and deals with them through the appropriate authorities. It is not clear if these are included in statistics or if they come before the PAWG for authorization.

### **Investigations**

16.6 The PSG in the province was only recently established and gives no support to investigations. PAWG members who are appointed to investigate do so at own expense.

### **Corruption**

16.7 Low- level corruption is evident in business dealings but is a “normal business expense”. It is not reported. The Guidelines, which cover the contractual process, are satisfactory and give no avenue for collusion in bidding. If high-level, serious corruption were discovered it would be reported to the new Anti Corruption Unit which has the expertise and budget to investigate.

**Interviewee 2** - also a PAWG member and head of a construction company.

### **Complaints**

16.8 Most complaints concern land and fishing matters, cattle theft, and misuse of authority. No corruption has been reported but C/S fund and budget allegations are directed at the Commune Clerks. They mainly concern allegations like delay in payment and small procedural matters. Some months there are no complaints from the boxes at all. Matters, which fall outside the Mandate, are put to the Governor (Chairman of PAWG) for agreement to refer to the appropriate authority. The Governor carries out the referral through his own office and responses are not made known.

### **Urgent complaints**

16.9 Requests for urgent action had not been made known. It is unlikely that complainants would use the telephone to make a complaint unless they knew who was at the receiving end. It is doubtful that complainants would use the phone for fear of being recognized.

### **Investigations**

16.10 The interviewee had never been involved in PAWG investigations and is too busy with his business matters. He concerns himself only with investigation reports about the construction industry and contracts. The others do not interest him.

### **Corruption**

16.11 Interviewee had never come across corruption in his business so had never reported it. The PAWG process takes far too long. People have no confidence in it because they never discover what happens to a complaint. Repetitious complaints prove the point. A response from a referral, which is subsequently fed back to the complainant, is essential to build confidence in the system. The Governor is aware of this and is considering the way referrals are made.

### **Reflection**

16.12 Interviewee felt that the PAWG takes up too much of his time and the results are not worth it.

**Interviewee 3** - a non-PAWG contractor with interests in earthwork construction (road and culvert builder).

### **Corruption**

16.13 There is corruption in the industry. Last year an estimated 60% of contracts were obtained corruptly. However, this year the figure has dropped to 20%, probably because the bidding list has been widened to include out of province contractors who can now bid. Collusion is less likely.

16.14 Scathing comments about the PAWG were made. The PAWG is regarded as not trustworthy and without deterrent effect. No result has been made known when complaints are investigated. A case in Kampong Thom, in which the interviewee intended to bid, was given as an example. Interviewee was informed that the bidding would take place at a certain place on a certain date. When he went there at the correct time, he was informed that he was too late to bid and his bid was marked invalid and

was rejected. He alleges collusion by the other bidders kept him out. He would not report it, as retribution would be taken if he did. Removal from the pre-qualified list, as an example of possible retribution, and threats of revenge, were cited. As a result there is no trust that the PAWG will not tamper with reports, and will reject those complaints likely to “cause trouble”. Interviewee believes a change in complaint collection methods to a straight exchange of boxes might help establish confidence but is not convinced.

**Interviewee 4** - a non-PAWG contractor, specializing in earthwork construction (road and culvert builder). Successful in bidding for 5 contracts in 2009 and 2 in 2010, he claims the widening of the bidding list by the acceptance of contractors from outside the province has made it more difficult to obtain work and believes the change to be wrong.

### **Complaints and corruption**

16.15 All his dealings over contracts and bidding have been corruption free. The procedures make for strict control and are closely observed.

16.16 Interviewee was not aware of the accountability program or how to make a complaint. He had never seen a box or a leaflet or poster and would not make a complaint by box or by phone because he believes that intimidation would follow the identification of a complainant. Business would suffer. It would be better to pay a bribe rather than complain and interviewee had no faith in the Anti Corruption Unit, either.

16.18 If it were necessary to complain, a friend might make the complaint on the interviewee’s behalf in order to preserve the identity of the true complainant.

### **Reflection**

16.19 This interviewee was really convinced that he would suffer if he were found to have made a corruption complaint and would be forced out of business. He did not believe that the PAWG does any good at all and would not support it.

## **17. Main Conclusions Drawn from Perceptions of Individual Contractors**

17.1 The following main conclusions are drawn from the perceptions of contractors:

- Corruption exists in the contracting world
- Contractors, even some who serve the PAWG, do not consider the accountability mechanism to be working. There is no trust in the PAWG.
- There is a real fear that complainants will be identified and retribution will follow
- The corruption prevention mechanism to reduce collusion by broadening the number and location of bidders is having an effect
- An awareness program directed against contractors is necessary
- The PAWG mandate requires review and clarification
- The PAWG process takes too long and complaints made by telephone/personal approach may not be entered into statistics

- A copy of the Accountability Leaflet should be attached to bidding/completed contract papers returned to contractors to emphasize the accountability programme.

## **18. Individual NGO Member Perception of the Structure and Responsibilities of the PAWGs – interviewee was also a PAWG member representing NGOs.**

18.1 The interviewee worked with the Community Economic Development, which fosters group empowerment and livelihood in the use of local land and natural resources, land forestry community rights, and non-timber products. He was extremely well versed in Accountability issues and had completed the written questionnaire.

### **Complaints**

18.2 Many people are unable to write clear reports so they fall outside the Mandate of the PAWG as they cannot be understood. People lack the confidence to report – this is not dependant on the location of the box but more on Cambodian culture and lack of education. People do not trust the police and use the AC box to complain about police.

### **Information flow**

18.3 Information flow down to the citizens is good with NGO assistance in explaining accountability and the box. A local radio station has advertised the principles of the program and the way to make complaints. The way investigation is managed was also explained in the programme.

### **Mandate**

18.4 PAWG members do not clearly understand the Mandate and the Governor is looking at ways to improve referrals. They are not replied to and so the complainants do not hear what has happened as a result of their complaint. The PAWG is missing out on good public relations because of it. These results could be communicated by the NGOs.

### **National support**

18.5 NAWG support is lacking and more direction is required. Only one NAWG member had been seen during the interviewee's membership. Particular assistance is needed when dealing with complaints involving government officials, political parties and Excom staff. Guidance is also required on the interface between ACU and PAWG.

## **19. Main Conclusions Drawn from Perception of NGO Member**

19.1 Although this was an isolated interview, other NGO participants contributed responses to the written questionnaire in their capacity as PAWG members. Their perceptions are included below:

- NGOs play an important role in the dissemination of information. It could be bigger.

- NAWG should play a more pronounced role in assisting PAWGs to carry out their Mandate.
- The Mandate needs to be re-examined and clarified
- Feedback from investigations and sanction are essential to fostering confidence in the accountability mechanism
- Dissemination by radio is a useful tool
- Citizens trust the PAWG more than the police but the need for anonymity and lack of confidence influence complaint making.

## **PART 6**

### **20. The Way Ahead**

#### **Discussion**

20.1 It is clear that much has been achieved since the last assessment of the Accountability Working Groups was made. The present assessment provides evidence of that. Condensed, the achievements look like this:

Accountability is known about (but not entirely understood)

The AWGs are established and performing at national level and in the provinces

People know about the complaint system and use it in growing numbers (up to the end of the second quarter of 2010).

Investigations are being done.

Wrongdoers are being sanctioned/disciplined.

Procedures governing the performance of the PAWGs are in place

Some anti corruption procedures for contractual matters are in place and others are under review

Information does get down to the people (but not all understand it)

The public is being served and assisted

The problems of corruption and mal-administration/misconduct are being addressed.

20.2 However, in the light of the Discussion of the Assessment of Structure, Responsibility and Operations at paragraphs ... above, and the perceptions of the actors and beneficiaries of the accountability system recorded in the Statistical Analysis, the assessment also reveals evidence that the system has a number of shortcomings:

#### Institutional issues

Other organizations with similar mandates impinge on the PAWG Mandate

No apparent interface with central associated government departments

Districts left out of the accountability chain

#### Budgetary issues

Insufficient budget

Lack of incentives

#### Policy issues

Misunderstanding and inconsistent interpretation and application of the PAWG Mandate  
Little or no interface or collaboration between PAWGs  
Insufficient leadership/control/monitoring by the NAWG

#### Systemic/administrative issues

Lack of leadership at PAWG level (some)  
Staff with two sets of responsibilities/allegiance  
Insufficient staff  
Inadequate training  
Insufficient technical and equipment support

#### Procedural issues

Inefficient procedures for collecting/assessing complaints  
Lack of Standard Operating Procedures (SOP) for Accountability programme participants as a whole.  
Narrowly based fields for statistical collection  
Poor investigation  
Unwillingness to authorize sanctions  
Inadequate monitoring of sanctions authorized and complaints referred

#### Awareness/education issues

People do not understand accountability  
People do not trust the system  
Too many boxes serving other organizations have similar appearance  
Illiterate and uneducated people cannot write complaints  
Insufficient information passed down to villagers  
Posters not distributed  
Leaflets not replaced when used and beyond understanding of villagers  
Insufficient feedback on sanctions, investigations and complaint disposal

### **Options**

20.3 There appear, therefore, to be two options available to those responsible for future development.

20.4 The first option is to do nothing. This is a realistic option. If the benefits are considered to outweigh the shortcomings, leave things as they are and continue to maintain current capability. The system is not broken, so there is no need to fix it. It will continue, will grow, will produce results, will assist the accountability programme, and will serve the public. But it will remain amateurish and will not deliver to its full capacity.

20.5 The second option is to fix the shortcomings, to develop capacity. It need not be done urgently. It will cost money and manpower, but it will benefit the system and the aims of the programme. A professional system will result which will tackle accountability issues at sub-national level and may, in the fullness of time and depending on the development of the national anti corruption effort now being implemented, complement that initiative.

20.6 Even if the first option is chosen, some of the items in **The Way Ahead** list below can be attended to in order to keep things moving. If the latter option is the preferred choice, then the list can be attended to in whatever priority is perceived to be achievable in the light of funding, the necessities of the people, and the political support from the top.

## **The Way Ahead List**

20.7 Recommendations to develop capacity:

### Budgetary

Ensure realistic operational and staff budget for 2011 and beyond

### Institutional

Create and establish a national organization/secretariat for the control and coordination of all community complaint investigation bodies.

Consider the subordination of the PAWG in the light of changes in structure at provincial level under Organic Law

Establish small AWGs at district level, subordinate to PAWGs

### Policy

Strengthen NAWG policy making

Establish lines of communication laterally between PAWGs and exchange operational information

Re-interpret, clarify and re-publish the PAWG mandate

### Systemic/administrative issues

Improve command and control functions at NAWG

Improve monitoring by NAWG.

Include District Governors in PAWG membership

Re-establish incentives

Recruit staff specifically to serve in the NSG and PSG, if necessary on formal secondment from other departments

Increase dedicated strength of the NSG and PSGs

Use professional trainers from local sources to train NSG staff who then train PSG staff

Provide training for all PAWG members before first attendance and regularly thereafter on selected topics

### Procedural issues

Revise and re-publish procedures for collecting and assessing complaints

Draft Standard Operating Procedures (SOP) for Accountability programme participants as a whole, including NAWG.

Create procedures for collection of data and statistical collation for performance comparison

Carry out a survey of public perception of accountability to provide a baseline for future statistical comparisons  
Improve PAWG knowledge of the sanction process and the need to enforce monitoring of authorized sanctions and complaints referred.

#### Awareness/education issues

Broaden the ongoing media campaign to promote understanding of the accountability programme

Redesign the accountability box to make it eye catching and its purpose self explanatory by promoting a nation-wide competition to design a logo

Improve the image of the PAWGs and people's trust in the system by ensuring the results of complaints are passed down

Ensure posters are displayed in the most appropriate places and are co-located with the boxes to which they refer

Ensure leaflets are replaced whenever boxes are emptied

20.8 To maintain momentum and to ensure continued success, it is essential that **funding** provision is made an **urgent priority**. Without it, the majority of the improvements recommended by this assessment will not be implemented.

20.9 However, given sufficient funding, many of the fundamental **Way Ahead** recommendations listed above can be dealt with by the simple improvements indicated. They require only firm leadership by the NAWG at higher level to ensure compliance with directives issued. At the lower levels they require the determination to follow the approved procedures correctly, and to amend those requiring improvement.

20.10 The advent of changes in structures and responsibilities coming into effect under the Organic Law may require additional institutional adjustment in the way the PAWGs are positioned. These issues should be considered now.

20.11 In the fullness of time, the performance of the fledgling national Anti-corruption Unit will be capable of measurement and its relationship to the accountability programme will have to be assessed.

20.12 Meanwhile, the AWGs must continue, as they have been doing, to play their part in tackling corruption and malpractice at the sub-national level.

20.13 To ensure that happens, the following **First Steps at the national level** should be taken as soon as practicable:

Arrange continued funding and increase budget to workable level

Create and establish a national organization/secretariat for the control and coordination of all community complaint investigation bodies.

Reinforce the image of the NAWG as the leader of the Accountability effort in Cambodia by exercising its command, control, and monitoring functions.

Consider giving the PAWGs independence at the provincial level, responsible to the Provincial Council.

Consider including district governors as members of the PAWG

Re-interpret, clarify and re-publish the PAWG mandate

Consider the advisability of creating sub-groups at district level to ease the burden of work at provincial level and to improve complaint collection and resolution

Consider creating a small force of expertly trained investigators at provincial level responsible for dealing with all complaints, without resource to use of untrained members of the AWG.

Continue with and expand the ongoing media campaign to raise awareness in the accountability programme and citizen's trust in the procedures.

Draw up Standard Operating Procedures for the Accountability program as a whole

Increase staff in Support Groups

Consider a national corruption perception survey and a logo competition

20.14 At the appropriate time, consideration should be given to the following **Second Steps**:

- Creating membership on the National Council Against Corruption for the Chairman NAWG
- Establishing a national organization/secretariat for the control and coordination of all accountability/community complaint investigation bodies, including anti-corruption

## **21. Concluding Comments**

21.1 The Accountability Working Groups are now established in the framework of Cambodia's move to democracy but circumstances since their inception have changed. The time has now come to rethink certain policies and to adjust procedures to carry the mechanism into the future.

21.2 Without adequate funding, that future, for the people of Cambodia in general and the accountability aspects of the sub-national democratic development program in particular, will be bleak.

