



# Access to Information in Cambodia

## Past Reflections, Future Directions

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# **Executive Summary**

The purpose of this report is to survey the current state of access to information in Cambodia, to review the past and ongoing efforts and advocacy of government actors, civil society, and development partners, and to identify current challenges and make recommendations for moving forward.

## **Introduction to access to information**

Access to information provides citizens with a legally enforceable right to receive information relating to matters of public concern held by governments, public authorities, and, in some cases, private bodies. It is widely recognised as a fundamental human right.

Access to information is crucial for democratic governance, public participation, economic growth and investment, protection of human rights, press freedom, protection of the environment, and public security. It is also important in the fight against corruption. Access to information can help Cambodians respond to issues that are critical to their security and livelihood, such as those related to economic land concessions and natural resource management issues.

## **Current state of access to information in Cambodia**

Four major challenges inhibit citizens' access to information in Cambodia: (1) There is no legislation providing a comprehensive right to information, and the Constitutional protection for this right is not express; (2) Government disclosure practices are weak; (3) Citizens are not informed about access to information and make few demands for disclosure; (4) Government officials and others misunderstand basic concepts underlying access to information.

## **Efforts in promoting access to information**

The primary objective of those advocating for access to information in Cambodia has been to pass comprehensive access to information legislation that conforms to international standards. A secondary objective has been to increase demand for access to information, promoting awareness of the value of access to public information.

To date, the Royal Government of Cambodia has not passed a comprehensive access to information law. Legislation introduced by the opposition Sam Rainsy party has not been passed. Some government officials and members of Parliament have shown support for access to information. However, this support has been scattered, and political will to act remains low.

NGOs, notably the Advocacy and Policy Institute, have spearheaded a campaign for access to information legislation and have engaged in awareness-raising in communities. United Nations agencies

and other development partners have provided strong support to civil society initiatives and have engaged the government in dialogue regarding policy and legislation.

## **Challenges**

There are several main obstacles to passing access to information legislation. First, the draft access to information policy framework has not yet been approved, five years after it was drafted. Second, few Parliamentarians support the principle of maximum disclosure, which is a cornerstone of effective access to information legislation. Third, a strong tradition dictates that legislation should originate in the Executive branch; support amongst Parliamentarians is necessary but not sufficient.

In addition, advocates face challenges in promoting openness and disclosure in general. First, Cambodia has a historic culture of secrecy. Second, government capacity is low, and government bodies tend not to have set processes for responding to requests for information nor sufficient staff capacity for doing so. Government authorities are reluctant to disclose information related to issues they deem politically sensitive. Third, Cambodian citizens have limited awareness of their right to access public information and often have limited capacity to demand access to information.

## **Recommendations**

The government can play a key role in promoting access to information. The most powerful step the government can take is to pass an access to information law. Second, government actors at all levels must begin to develop a culture of openness. They should disseminate information proactively and respond promptly to requests for information, providing even information that they deem to be politically sensitive. Third, government should build its capacity to disclose information, developing clear processes and devoting sufficient budget and staff.

Civil society can ramp up its efforts. First, it should work with the government toward the passage of access to information legislation, stepping up its lobbying efforts at all levels and expanding the circle of stakeholders involved. Second, it should continue to educate and empower citizens, including the most marginalised. Third, it should engage at the sub-national level, which is especially important in light of the government's de-centralisation and de-concentration initiative. Fourth, civil society actors should continue to find ways to work together, thinking creatively about information needs across all sectors and working with issue-based NGO networks. Regional connections, such as those formed with other ASEAN countries, should be strengthened. Fifth, civil society should reach out to private sector leaders and engage them in a discussion of the benefits of access to information.

Development partners should keep access to information on the government's agenda. They should offer the technical assistance necessary for the passage of strong legislation. They should also continue to support civil society partners in their efforts.

## Acknowledgments

Many organisations and individuals deserve credit for their tireless efforts to promote access to information at both the national and sub-national level in Cambodia.

The Access to Information Law Campaign is implemented by the Access to Information Working Group led by the Advocacy and Policy Institute in partnership with United Nations Development Program (UNDP), United Nations Educational, Scientific and Cultural Organization (UNESCO), United Nations Human Rights/Cambodia - Office of the High Commissioner for Human Rights (OHCHR), and the Article 19 organisation based in the United Kingdom. This campaign has engaged with Members of Parliament, the Senate and National Assembly, and the Royal Government of Cambodia on access to information legislation.

Numerous NGO sectoral networks have provided input through consultations: Cambodians for Resource Revenue Transparency, Development and Partner in Action, Extractive Industry Social and Environmental Impact, NGO Education Partnership, Community Peace building Network, Housing Rights Task Force, Community Legal Education Center, Fishery Action Coalition Team, Cambodian Coalition of Fishers, Cambodian Civil Society Partnership, Press Council of Cambodia, and MEDiCAM.

The access to information project has been implemented at the sub-national level by the Advocacy and Policy Institute in cooperation with the following Commune Councils: Kirivoan Commune Council, Svay Rumpear Commune Council, Toul Ampil Commune Council, Sedthei Commune Council, Thlok Vien Commune Council, Kouk Ballangk Commune Council, Ta Lam Commune Council, Angk Romeas commune Council, Preaek Tnoat Commune Council, Pnov Commune Council, and Sala Visai Commune Council. Access to information projects have been implemented with the following provincial NGOs partners: Village Support Group, Cambodian Organisation for Women Support, Kampong Chhnang Provincial Association of Commune Sangkat, Pounle Ney Kdey Sangkhum, Mlub Baitong, Life With Dignity, Save Cambodia's wildlife, and Action for Development.

Access to information projects have been financially supported by the following development partners: Evangelischer Entwicklungsdienst (EED), Interchurch Organization for Development Co-operation (ICCO), Dan Church Aid/Christian Aid (DCA/CA), British Embassy (BE), Royal Danish Embassy (DANIDA), The United Nations Democracy Fund (UNDEF), and the Thailand Environment Institute (TEI).

A number of individual consultants have also contributed to access to information projects: Mr. Tep Bunarith, Mr. Kok Sothea, Mr. Oeung Jeudy, Mr. Sam Chanthy, Mr. Sarin Say, Mr. Yeng Virak, Mr. Suon Seng, Ms. Sek Sarom, Ms. Pen Chanchariya, Dr. Raymond Leos, Mr. Yoib Meta, Ms. Catherine Marie Cecil, Mr. Ros Sotha, Mr. Yin Mounirath, Mr. Sek Ratha, Mr. Chhoun Bounna, Ms. Hig Phearnich, Ms. Heng Thou, Mr. Chan Tola, and Mr. Anthony Charles Posnett. We would also like to thank Katie Gibson for her assistance in writing this consolidated report.

## Introduction

Cambodian civil society has been actively promoting access to information for the better part of the past decade. The purpose of this report is to take a step back and survey the current state of access to information in Cambodia, to review past and ongoing efforts and advocacy of government actors, civil society, and development partners, and to identify challenges and make recommendations for moving forward. The report reviews existing research, but does not present original research or findings.

## Definition of and rationale for access to information

Access to information provides citizens with a legally enforceable right to access information pertaining to matters of public concern held by governments, public authorities, and, in some cases, private bodies. It is widely recognised as a fundamental human right.

Access to information is all of the following:

- A legal right to seek access to government-held information;
- A legal obligation on government to provide information unless it has a good reason not to;
- A mechanism to inform public discussion, debate, and policy-making;
- A tool for journalists, NGOs, and citizens;
- A concept that changes the citizen and state relationship;
- A means of encouraging the government to share information;
- A long-term antidote to secrecy; and
- An ideal that is hard for governments and civil service to adhere to.<sup>1</sup>

## Problem statement

Four major challenges inhibit citizens' access to information in Cambodia: (1) There is no legislation providing a comprehensive right to information, and the Constitutional protection for this right is not express; (2) Government disclosure practices are weak; (3) Citizens are not informed about access to information and make few demands for disclosure; (4) Government officials and others misunderstand basic concepts underlying access to information.

## Best practices in access to information

The NGO Article 19 has drawn up nine principles that should be reflected in access to information legislation. These principles should guide government authorities even in the absence of legislation:

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<sup>1</sup> Presentation by Prof. Rick Snell, Senior Lecturer in Law, University of Tasmania, Australia. *Civil Society Workshop on Freedom of Information Report*. Workshop conducted by the Advocacy and Policy Institute/Pact Cambodia in cooperation with the Freedom of Information Working Group. July 26, 2007.

1. **Maximum disclosure:** The “principle of maximum disclosure” underlies the right to information. This principle establishes a presumption that information held by public bodies should be subject to disclosure, and that the presumption may only be overcome where there is an overriding public interest justification for non-disclosure.
2. **Obligation to publish:** Public institutions have an obligation to actively publish key information, not just respond to requests for information.
3. **Promotion of open government:** Public institutions should actively promote open government by publishing documents and opening the door to meetings and deliberations.
4. **Clear and narrow exemptions:** Exemptions should be narrow and set out in the legislation. Only information that would damage national security, privacy, or an interested party protected by law should be kept secret.
5. **Easy process to access information:** Public requests should be processed quickly and fairly. Independent review and appeal mechanisms should be available.
6. **Control request costs.** Costs should be reasonable and related to the actual cost of making the information available.
7. **Open meetings of public bodies:** Meetings should be public.
8. **Laws consistent with maximum disclosure:** An effective law is supported by existing law that is not contradictory.
9. **Protect whistleblowers:** Individuals who release information about wrongdoing must be protected.<sup>2</sup>

## Benefits to society

### *General benefits*

Access to information is crucial for democratic governance, public participation, economic growth and investment, protection of human rights, press freedom, protection of the environment, and public security.<sup>3</sup> It is also important in the fight against corruption.

Access to information can strengthen democratic governance and encourage public participation. Elected officials are more accountable if their actions are made public. In order to participate fully in public life, citizens must have access to the official records and documents of their government and the opportunity to attend meetings and voice their opinions. This enables full and informed debate and, ultimately, improves the quality of decision-making.

Access to information can promote economic growth and investment. A transparent government can attract investors, and businesses can more easily gather market data.

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<sup>2</sup> Article 19. *The Public's Right to Know: Principles on Freedom of Information Legislation*. June 1999.

<sup>3</sup> See Advocacy and Policy Institute. *Introduction to Access to Information in Cambodia*. August 2010.

Access to information can protect other human rights. A culture of openness makes gross human rights violations less likely to occur and enables citizens to respond to them. Access to information can help to ensure fulfillment of other rights, such as the rights to health and education. It can empower traditionally disadvantaged groups.

The media has a particular interest in access to information. In order to fulfil its role in educating the public, it requires full access to government documents and freedom from fear of reprisal.

Access to information can protect the environment by encouraging good business practices and uncovering harmful practices.

Access to information may also enhance public security by making the national security sector more accountable.

Finally, access to information plays a role in the battle against corruption by increasing transparency and accountability. Kul Panha, director of the Committee for Free and Fair Elections, has said, “The [2010] *Anti-Corruption Law* will lack effectiveness if we don’t have the *Access to Information Law*.”<sup>4</sup>

### ***Specific benefits for Cambodian citizens***

Access to information can help citizens respond to issues that are critical to their security and livelihood. These critical issues include land and housing issues, especially those related to economic and social land concessions, natural resource management issues, and other developments affecting communities such as hydro-power dams.

Cambodians also require affordable and timely access to basic information such as birth registration documents, marriage certificates, and land documents.

### **Campaign objectives**

The primary objective of those advocating for access to information in Cambodia has been to pass comprehensive access to information legislation that conforms to the nine principles described above.

A secondary objective has been to increase demand for access to information, promoting awareness of the value of access to public information. This will enhance the effectiveness of any law that is passed.

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<sup>4</sup> Paul Vrieze and Phorn Bopha. “Group Backs Freedom of Information Draft”, *Cambodia Daily*. September 27, 2011.



# Situation analysis of access to information

## Existing legal framework relating to access to information

The protection of the right to information in the *Constitution of Cambodia* is not express. While a patchwork of legislation touches on access and disclosure obligations, there is currently no specific law addressing access to information. Legislation introduced by the opposition Sam Rainsy party has not been passed.

### ***Constitution of Cambodia***

Although the *Constitution of Cambodia* provides no express protection for the right to information, some provisions support the principles of disclosure, public participation, and expression.

Article 31 of the *Constitution* states “The Kingdom of Cambodia shall recognize and respect human rights as stipulated in the *United Nations Charter*, the *Universal Declaration of Human Rights*, the covenants and conventions related to human rights, women's and children's rights.” Article 19 of the *Universal Declaration of Human Rights* enshrines the right to information: “Everyone has the right to freedom of opinion and expression; this right includes freedom to hold opinions without interference and *to seek, receive and impart information* and ideas through any media and regardless of frontiers” [emphasis added]. Article 19 of the *International Covenant on Civil and Political Rights* expands upon this right. Cambodia is a party to the ICCPR.

Article 35 guarantees a right to public participation: “Khmer citizens of either sex shall be given the right to participate actively in the political, economic, social and cultural life of the nation” and “[a]ny suggestions from the people shall be given full consideration by the organs of the State”.

Finally, article 41 of the *Constitution* protects freedom of expression: “Khmer citizens shall have freedom of expression, press, publication and assembly. No one shall exercise this right to infringe upon the rights of others, to affect the good traditions of the society, to violate public law and order and national security.”

### ***Need for access to information legislation***

Article 19, a global NGO advocating free expression, explains the need for access to information legislation in Cambodia:

1. The right to information is a fundamental human right, based on Article 19 of the *Universal Declaration of Human Rights*;

2. The rule of law and meaningful democracy are dependent on transparency and the protection of the right to information;
3. Legislation would close the gap between Cambodia's domestic legal practice and its international legal obligations stemming from its accession to the *International Covenant on Civil and Political Rights*, which protects the right to information;
4. The need for legislation is supported by the regional human rights standards of the Inter-American, European, and African systems of human rights protection; and
5. The adoption of legislation would allow Cambodia to join the more than 90 states that have adopted legislation or regulation on the right to information.<sup>5</sup>

### ***Patchwork of legislation relating to access and disclosure***

A patchwork of legislation addresses access to information in different sectors to varying degrees. In 2010, the Advocacy and Policy Institute reviewed 310 Cambodian laws and 188 sub-decrees to identify articles related to access to information.<sup>6</sup> Researchers studied legislation relating to education, health and medicine, public administration, de-centralisation and de-concentration, the economy, investment, and labour, and natural resource management and the environment. One relevant law is the *Press Law*, but it applies only to the media and is riddled with exemptions. The *Archive Law*, *Anti-Corruption Law*, and the *Civil Code* also have relevant provisions.

The report concludes that the current legal framework is inadequate:

The Cambodian laws and sub-decrees the research team studied considerably mention about access to information, but they are still fragmented, not concentrated and not responsive to better implementation. It is, therefore, difficult for the public to access information. The public cannot even request for information about laws that have already been promulgated or national policies adopted.<sup>7</sup>

### **Citizens' understanding of access to information**

The general level of understanding of access to information by government actors and community members is low. Fewer than 20% of respondents to a 2011 Advocacy and Policy Institute survey agreed with the statement that "[i]t is the obligation of the state to let the citizen know and receive information about what is going on around them".<sup>8</sup>

However, education campaigns by civil society have proven to be effective. The Advocacy and Policy Institute reported in 2011 that on average, 57% of 84 respondents (including Commune Councils, local

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<sup>5</sup> Article 19. *Memorandum: On the Draft Law on Access to Information of Cambodia*. June 2011. Pp. 7-8.

<sup>6</sup> Advocacy and Policy Institute. *Review of Legislation Relating to Access to Information*. Undated.

<sup>7</sup> Report, pp. 32-33.

<sup>8</sup> Advocacy and Policy Institute. *Access to Information Baseline Survey*. November 2011. Pg. 13.

NGOs, and community-based organisations) who participated in an access to information workshop clearly knew what kind of information they could disclose and access.<sup>9</sup> One participant stated, “previously I was rejected access to commune public information because I did not know about my rights. Now that I understand, I will request information from the authorities”. In addition, in six communities targeted by awareness-raising programs, on average five to eight people per day were approaching commune officers to seek commune information.<sup>10</sup>

## State of disclosure of information

The general consensus among experts is that government disclosure practices are weak. Today, “[g]aining access to even basic information such as draft laws, regulations, national budgets, and policy papers is exceptionally difficult.”<sup>11</sup> According to an opposition Sam Rainsy Party lawmaker, “all types of information – from government payrolls to licenses for exploitation of natural resources – are kept secret from the public, and even from parliamentarians”.<sup>12</sup> A journalist has attested that “many journalists are only able to get access to the government-held records only at the mercy of officials who are willing to release partial information to the media while keeping secret other important information”.<sup>13</sup> The NGO The Access Initiative summarises, “In practice, the government keeps strict control over what is open to public scrutiny”.<sup>14</sup>

Sectoral and issue-based consultations undertaken between 2010 and 2012 in the education, labour, health, decentralisation, and media sector, and with those involved in forestry and land concessions, fisheries, the extractive industries, and housing rights revealed the following barriers to access:<sup>15</sup>

- absence of clear procedures for requesting information;
- absence of information on where to request information;
- absence of staff available to provide requested information;
- discrimination (e.g. against minors, people with disabilities, illiterate Cambodians, journalists, people who are not part of the ruling party);
- requirement to pay a fee;
- requirement to state a reason for requesting information;
- requirement to present an official letter;
- requirement to leave an ID card with the official;

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<sup>9</sup> Advocacy and Policy Institute. *Access to Information Programme: Programme Progress Report 1 January to 31 December, 2011*. Submitted to Danida. January 25, 2012. Pg. 10.

<sup>10</sup> Advocacy and Policy Institute. *Project Completion Sheet*. Submitted to Danida. January 31, 2012. Pg. 3.

<sup>11</sup> Advocacy and Policy Institute. *Review of Legislation Relating to Access to Information*. Undated. Pg. 1.

<sup>12</sup> Paul Vrieze and Phorn Bopha. “Group Backs Freedom of Information Draft”, *Cambodia Daily*. September 27, 2011.

<sup>13</sup> Moeun Chhean Nariddh. “All Parties Stand to Gain from Freedom of Information Law”. Letter to the Editor, *The Cambodia Daily*. September 29, 2011.

<sup>14</sup> The Access Initiative Cambodia. *Cambodia Assessment Report: Access to Information, Public Participation, and Access to Justice*. December 2010. Pg. 25.

<sup>15</sup> Advocacy and Policy Institute. *Reports on consultative meetings. 2010-2012*.

- requirement to travel a long distance to request or receive information;
- delays in receiving information such that it may be out of date when it is received;
- refusal to provide information;
- provision of inaccurate or false information; and
- absence of legal protection for journalists or whistleblowers.

A UNDP report on access to information summarises some of the problems related to government disclosure capacity:

[E]ven in those ministries and other public bodies that have some semblance of an A2I policy, specific rules, procedures, and regulations governing public information access are often confusing, vague or even non-existent. And, even in cases where the policy procedures are clear, staff often lack the knowledge, training, and motivation to effectively implement the policies.<sup>16</sup>

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<sup>16</sup> Raymond Leos. *The Role of Access to Information in Promoting Democracy, Good Governance, and Development in Cambodia*. Undated. Pg. 28.

# Efforts in promoting access to information

## Government: The Executive, Parliamentarians, and political parties

The most important action the government could take would be to pass a comprehensive access to information law. To date, it has not done so. There has been some support for access to information among government officials and members of Parliament. However, this support has been scattered and political will to act remains low.

### ***Acknowledged need for legislation***

In 2004, the government stated that there was a need for an Access to Information Law “in order to create transparent government, reduce corruption, and promote confidence in the government by the citizens of Cambodia.”<sup>17</sup>

As part of the Council of Ministers’ Judicial and Legal Reform work-plan, the government committed to passing an access to information law by the end of 2006. This was delegated to The Ministry of National Assembly-Senate Relations and Inspection (MONASRI). Specifically, the Council of Ministers mandated MONASRI to draft a policy paper that would provide the foundation for a national law.

### ***Access to Information: A Clear Policy Framework for Cambodia***

MONASRI released a draft policy entitled *Access to Information: A Clear Policy Framework for Cambodia* in August 2007. It produced the draft with the support of USAID and in consultation with various stakeholders, including members of the National Assembly, civil society representatives, and donors.

The draft policy states that “all Cambodian citizens should have the right to access government-held information as required by law”. It calls for a balance between providing access to information and protecting government information from disclosure: “this balance will require government institutions to carefully assess the information they hold and determine what information needs to be treated carefully and protected and that information that could be and should be shared with the people of Cambodia”. It includes the following recommendations to the government:<sup>18</sup>

- Publish information, even if not requested;
- Appoint an “information officer” responsible for access within each body;
- Establish an efficient system of managing records;
- Publicise the law; and
- Appoint an independent Information Commissioner to oversee the process and to receive complaints and appeals from requests.

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<sup>17</sup> MONASRI. *Access to Information: A Clear Policy Framework for Cambodia*. July 22, 2007. Pg. 7.

<sup>18</sup> Advocacy and Policy Institute. *Introduction to Access to Information in Cambodia*. August 2010. Pg. 12.

While the draft policy has received some support from civil society, it has also been criticised for not clearly defining key terms and not including clear provisions on an Information Commission system.<sup>19</sup>

### ***Action on the draft policy***

In February, 2008, the National Assembly held a seminar on Freedom of Information. In 2011, MONASRI engaged with the Advocacy and Policy Institute along with the Access to Information Working Group and UNDP, UNESCO, and OHCHR to discuss future cooperation on the policy framework and legislation. MONASRI demonstrated some will to finalise the policy framework.

However, the draft policy has not yet been forwarded to the Council of Ministers for review.

### ***Proposed legislation***

The opposition Sam Rainsy Party submitted a first proposed law on access to information to the National Assembly on December 23, 2010. The legislation was rejected without debate in the National Assembly. Three responsible commissions of the National Assembly led by H.E. Mr. Pen Pangna, a chairperson of the 6<sup>th</sup> Commission, H.E. Ms. Khoun Sodary, a chairperson of the 1<sup>st</sup> Commission, and H.E. Mr. Chheang Vun, a Chairman of the 5<sup>th</sup> Commission with all members of the Commission and two government representatives from the Ministry of Information and Ministry of National Assembly, Senate Relations and Inspections reviewed and rejected the proposed law. It was not debated in the National Assembly.

The Sam Rainsy Party submitted a second proposed law on March 1, 2012 to the National Assembly. This draft integrated some recommendations from reports written by the NGO Article 19 and the Advocacy and Policy Institute. The draft was circulated to all members of Parliament as well as other stakeholders including UN agencies. During the first semester of 2012, it was under review.

### ***Current attitudes***

There has been some support for access to information among government officials and members of Parliament. However, this support has been scattered and political will to act remains low.

One encouraging example is that the Ministry of the Interior, Ministry of Information, and Konrad-Adenauer-Stiftung signed a Memorandum of Understanding to improve public information and communication strategies of sub-national administration in 2011. The MoI Minister stated that he sought to promote participation, accountability, and transparency at the sub-national level. Following from this strategy, the provincial information officials have been appointed in all provinces in Cambodia. They include the Deputy Provincial Governor (Spokesperson), Deputy Provincial Information

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<sup>19</sup> Advocacy and Policy Institute. *Summary report of Workshop on Access to Information: The Need of Legal Framework and Public Information Disclosure*. April 8, 2011. Pg. 5.

Department (Media Relations) and the Chief of Secretariat of Provincial Council (Public Relations). The MoI also organised a national workshop on promoting local governance through enhancing strategies for accessing information.<sup>20</sup> In late 2011, they held a week-long workshop on public relations for the appointed officials from 20 provinces.

The media has also reported support for access to information legislation amongst government officials. When the opposition Sam Rainsy Party introduced a second draft law in March 2012, the *Phnom Penh Post* reported that “Phay Siphon, spokesman for the Council of Ministers, said that in broad terms, he supported the idea of legislation ensuring access to information but cautioned that such a law would have to balance different concerns such as the right to privacy and the public interest”.<sup>21</sup>

A workshop, survey, and interviews conducted by the Advocacy and Policy Institute in 2010 revealed generally positive attitudes among participating Parliamentarians.<sup>22</sup> The Advocacy and Policy Institute co-hosted with the Secretariat General of the Senate the workshop for Parliamentarians on access to information. Forty-three senators and eight members of the National Assembly attended, along with representatives of the executive branch, commune councillors, members of the diplomatic community, donors, and journalists. There was significant interest in and a general willingness to promote access to information, including encouraging the executive branch to move forward with legislation.

Seventy-seven workshop participants responded to a survey, revealing overall positive attitudes to the concept of access to information. For example, 68 agreed that an access to information law would “promote citizen participation in local government by providing a way for citizens to find out more about the activities of local officials”. A majority agreed that this legislation would in fact help Parliamentarians in their work.

However, a relatively low proportion of those surveyed agreed with the statement that most closely resembles the actual proposed law and conforms with the principle of maximum disclosure: that all government information should be public “unless a balancing test shows that release of the information would cause more public harm than good”.

In 2011, the Advocacy and Policy Institute reported that 64 of 184 (35%) of senators and Members of Parliament support the need for access to information legislation and the need for more information disclosure.<sup>23</sup>

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<sup>20</sup> Advocacy and Policy Institute. *Access to Information Programme: Programme Progress Report 1 January to 31 December, 2011*. Submitted to Danida. January 25, 2012. Pg. 14.

<sup>21</sup> Tep Nimol. “At least debate FOI draft: SRP lawmaker”. *The Phnom Penh Post*. March 2, 2012.

<sup>22</sup> Advocacy and Policy Institute. *Access to Information and the Cambodian Parliament: An Assessment*. December 2010.

<sup>23</sup> Advocacy and Policy Institute. *A completion Report to the British Embassy: A workshop and survey conducted by the Advocacy and Policy Institute*. 2010.

The keynote speaker at this workshop, which was co-hosted by the Secretariat General of the Senate, was H.E. Tep Ngorn, Second Vice-President of the Senate. He affirmed that access to information is a vital element of a democratic society.<sup>24</sup>

H.E. Mrs. Men Maly, Chairperson of Commission 1 of the Senate gave the closing remarks. She asked participants to consider passing the draft law.

The Information Minister, H.E. Khiev Kanharith, also spoke at the workshop. He emphasised that access to information is a very important component of good governance, as it enhances accountability and transparency. He stated that the Cambodian must be prepared to recognise citizens' rights to access information from the legislative, executive, and judicial bodies.

In February 2011, the media reported that the Information Minister said that "rights access to information is [a] need for people" and that "We are proud of implementing the requests for people about the rights access to information."<sup>25</sup>

## Civil society

Members of civil society have positive attitudes toward access to information and have been at the vanguard of advocacy campaigns.

Representatives of community-based organisations have expressed strong support for access to information legislation. For example, of the 54 participants in an consultative forum on Access to Information in Forestry and Land Concession in March 2012 who were surveyed, 98% stated that a law on access to information is "very important" and 96% responded that it would be "very important" for their work implementation.<sup>26</sup> In a similar survey at a workshop relating to housing rights in April 2012, 96% of the participants rated the law "very important".<sup>27</sup>

In a 2011 survey of the participants in a Workshop in Access to Information: The Need of Legal Framework and Public Information Disclosure, 98% of the 65 respondents stated that it is "very important" to promote access to information and its legal framework.<sup>28</sup>

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<sup>24</sup> Advocacy and Policy Institute. *Report on Workshop on Access to Information and the Cambodian Parliament*. December 7, 2010.

<sup>25</sup> "Cambodia Promotes Right Access to Information". *DAP-NEWS/ROS RITHEA*. February 24, 2011.

<sup>26</sup> Advocacy and Policy Institute. *Report on Consultative Forum on Access to Information in Forestry and Land Concession*. March 2012. Pp. 2-3.

<sup>27</sup> Advocacy and Policy Institute. *Report on Consultative Forum on Access to Information in Housing Rights*. April 2012. Pg. 5.

<sup>28</sup> Advocacy and Policy Institute. *Summary report of Workshop on Access to Information: The Need of Legal Framework and Public Information Disclosure*. April 8, 2011. Pg. 9.



NGOs, notably the Advocacy and Policy Institute, have spearheaded the campaign for access to information legislation and have engaged in awareness-raising in communities. Early efforts led by PACT Cambodia and ADHOC between 2004 and 2007 centred on learning from other countries and sharing best practices. Project implementation began in 2008. The efforts of the leading groups are described in the sections that follow.

### ***The Advocacy and Policy Institute***

The Advocacy and Policy Institute, a Cambodian NGO, has been deeply involved in efforts to promote access to information in Cambodia. The Access to Information Program is one of the Advocacy and Policy Institute's three program areas. It seeks to promote access to information, support the legislative process leading to an access to information law, and develop a culture of maximum information disclosure by supporting the government's initial steps towards such a culture and creating an ethos of access to and disclosure of public information in target communes.

### **Program work at the Commune level**

From 2008 to 2010, the Advocacy and Policy Institute conducted a pilot project on Commune Information Disclosure with the support of Danida and The Asia Foundation. It sought to promote access to information and a culture of disclosure within the de-centralisation and de-concentration process, focusing on commune councils. It targeted five communes in three provinces. In cooperation with commune councillors, the Advocacy and Policy Institute organised eight workshops, eight public hearings, and eight training sessions on commune councils' mandates, access to information, and commune information management. The Advocacy and Policy Institute provided filing cabinets, law books, and other documents as well as technical support and coaching.

In January 2010, the Advocacy and Policy Institute produced a Baseline Survey Report on access to information in 13 communes in Kompot, Kompong Speu, and Kompong Thom.<sup>29</sup> In December, 2010, the Advocacy and Policy Institute produced a project evaluation of the pilot project.<sup>30</sup> It reported notable improvements in access to information, general knowledge of information services, and information management systems.

As a result of the success of this pilot project, the Advocacy and Policy Institute initiated two projects: (1) Access to Information (A2I) and (2) Public Access to Information (PAPI). The key objectives were to build the capacity of local commune councils and organisations to promote access to information, increase awareness about access to information among local communities, integrate access to

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<sup>29</sup> Advocacy and Policy Institute. *Baseline Survey Report: The Access to Information Situation in 13 Communes in Kompot, Kompong Speu, and Kompong Thom in Cambodia*. January 2010.

<sup>30</sup> Advocacy and Policy Institut. *Commune Information Disclosure Project: Findings of the Project Evaluation*. December 2010.

information into commune councils' administration and plans, and increase public dialogue on access to information. At the outset, it conducted a baseline survey on access to information.<sup>31</sup>

In 2011, the Advocacy and Policy Institute conducted six commune planning workshops in six communes in the four provinces of Kampong Chhnang, Banteay Meanchey, Kampot, and Kampong Speu. There were 200 participants representing the Provincial Planning and Investment Unit, District and Commune Councillors, health centres, teachers, community-based organisations, village chiefs, NGOs, Women and Children Committee members, and students.

Also in 2011, six one-day workshops on access to information were held in six communes with 401 participants representing community members, youth groups, commune councillors, NGOs, and local authorities. The purpose of the workshops was to increase understanding of access to information, present the results and challenges of the commune information disclosure project in 2010, and hold commune councils and stakeholders accountable for implementing the CID project in 2012.

The Advocacy and Policy Institute also provided six training workshops on advocacy, commune council mandates, information management, and relevant legislation. There were 216 participants including commune councillors, CBO representatives, teachers, village chiefs, district officials, and community members in six communes.

The Advocacy and Policy Institute continued to provide resources and technical support such as computers, filing cabinets, and educational booklets, posters, and brochures.

The Advocacy and Policy Institute also organised 11 forums in six communes in four provinces about information disclosure on issues relating to community livelihood, local good governance, natural resource management, and legislation. There were 930 participants overall. In addition, the Advocacy and Policy Institute helped commune councils celebrate Right to Know Day and organise other events. Students participated in six study visits to review commune councils' practices.

Finally, the Advocacy and Policy Institute held 59 dissemination sessions in 49 villages in six communes to highlight the importance of access to information for environmental protection. Almost 4,000 people participated.

### **Other program and advocacy work**

The Advocacy and Policy Institute produced a comprehensive training curriculum on public access to public information. It provided the training course to participants of the Access to Information Working Group in 2009-10. The goal was to increase the knowledge of Working Group members of access to information, enable participants to conduct the training, and finalise the curriculum. It provided an

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<sup>31</sup> Advocacy and Policy Institute. *Access to Information Baseline Survey*. November 2011.

additional training in December 2011 aimed at educating members about the importance of access to information in achieving the Millennium Development Goals and about the contents of the law.

Also in 2010, the Advocacy and Policy Institute released a document entitled *Introduction to Access to Information in Cambodia* to help raise awareness of these issues.<sup>32</sup>

In 2010, the Advocacy and Policy Institute organised five provincial forums. Attendees included 281 stakeholders from 173 institutions and NGOs.

The Advocacy and Policy Institute was also involved in organising sectoral consultations between 2010 and 2012. Also in 2010, the Advocacy and Policy Institute reviewed 310 Cambodian laws and 188 sub-decrees to identify articles related to access to information, as described above.<sup>33</sup>

In collaboration with Article 19, the Advocacy and Policy Institute analysed the proposed law on access to information that was rejected by the National Assembly and the policy framework. It produced a report in mid-2011 that was submitted to the government and was publicised nationally and internationally. These were the main recommendations:

1. The proposed law should emphasise the status of freedom of information as a human right and state the presumption that all information held by public bodies will be subject to disclosure;
2. The proposed law should clearly indicate that it covers all branches and levels of government;
3. The proposed law should simplify procedures for accessing information and should not allow information to be classified for more than ten years; and
4. Fees for accessing information should be reasonable, and the media, NGOs, and individuals with low incomes should not be charged.

In late 2011 and early 2012, the Advocacy and Policy Institute with an external legal group drafted a model access to information law. This sample law is expected to provide the foundation for the government to draft its own law. In early 2012, the Advocacy and Policy Institute, the Access to Information Working Group, UNESCO, and the OHCHR discussed the strategy for releasing this model law.

### ***Access to Information Working Group***

The Access to Information Working Group<sup>34</sup> came together in 2003 and became a coalition in 2005 with 19 national and international organisations. At first, it focused on sharing best practices and lessons learned under the coordination of PACT Cambodia. Today, it is coordinated by the Advocacy and Policy Institute and meets monthly. The Working Group organises promotional activities about access to information and takes action to encourage the government to pass access to information legislation.

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<sup>32</sup> Advocacy and Policy Institute. *Introduction to Access to Information in Cambodia*. August 2010.

<sup>33</sup> Advocacy and Policy Institute. *Review of Legislation Relating to Access to Information*. Undated.

<sup>34</sup> Formerly the Freedom of Information Working Group.

In 2003, the Working Group made a Statement of Freedom of Information Law for Cambodia. The Working Group organised Freedom of Information Workshops in 2004, 2005, and 2006. Participants in the 2004 workshop recognised that freedom of information is key to democratisation, and that it involves more than structural changes, also requiring awareness-raising and education. This Working Group produced a position paper, *Access to Information Policy Framework*.<sup>35</sup>

The Working Group has also worked with eleven political parties to integrate the idea of access to information into their political platforms.

The Working Group held Access to Information consultative forums in 2008-09 with support from Danida. The workshops took place in nine provinces, with 910 people attending, including representatives of local government, NGOs, the private sector, students, and community members. The objectives were to raise awareness about access to information, to educate citizens about the importance of access to information in addressing daily problems such as land grabbing, to share information about the draft policy framework, and to consider recommendations for the development of legislation. These workshops revealed a general pattern of citizens wanting information, but not having access to it.

In 2009, members of the Working Group produced and broadcast on the radio at least 20 live roundtable discussions on freedom of information. The Working Group also created information, education, and communication materials on the topic of freedom of information. It produced stickers, posters, brochures, and booklets.

The Working Group organised a national workshop on Access to Information: The Need of Legal Framework and Public Information Disclosure in Phnom Penh in April 2011. The objectives were (1) to raise awareness of the importance of access to information in contributing to the Millennium Development Goals and (2) to examine the legal framework on access to information and to discuss the draft policy framework and develop recommendations. The workshop was supported by OHCHR, UNDP, UNESCO and Danida. There were 143 participants from the administrative branch, the Senate, political parties, local and international organisations, donors, embassies, the private sector, media, and affected community members. Recommendations for the policy framework were produced.

The Working Group also contributed to the analysis of the proposed law and policy and the drafting the model law described above.

### ***The Access Initiative Cambodia Coalition***

The Access Initiative Cambodia Coalition works to promote access to information, good governance of natural resources, transparency, social accountability, and responsive government. It was founded in

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<sup>35</sup> Access to Information Working Group. *Access to Information Policy Framework*. Undated.

November 2009. It is a partnership of the Advocacy and Policy Institute, the Community Legal Education Center, the Culture and Environment Preservation Association, and the Center of Development Oriented Research in Agriculture and Livelihood Systems.

In December 2010, The Access Initiative Cambodia produced an assessment report on access to information, public participation, and access to justice.<sup>36</sup> It was Cambodia's first national assessment on environmental issues, and it provided a number of recommendations for enhancing access to information with respect to the environment.<sup>37</sup>

One of the major findings of the report was there was greater disclosure of information in "the cases involving Access to Information was that those cases involving non controversial or sensitive domestic issues, such as those dealing with the bird 4 flu outbreak, flooding, and climate change". However, less information was disclosed in "those cases involving issues dealing with economic land concessions, mining projects, and garment factories often involve clashing economic interests, as well as power imbalances between parties (such as poor rural villagers, factory workers and wealthy /powerful economic interests)".<sup>38</sup>

The report offered the following recommendations, among others:

- To enable public access to accurate information a simple and open mechanism should be used which makes available information on all economic land concessions granted and proposals under consideration, including concessions not exceeding 1,000 hectares of land;
- The governments of the Mekong River should improve access to information and the involvement of communities in decision making;
- Development of information, education and communication materials should be targeted to the public on the right issues and address the root causes of environmental emergencies and
- A mechanism for air quality data dissemination should be made available to the public.<sup>39</sup>

## **Article 19**

Article 19, a global campaign for free expression based in the United Kingdom, has been involved in advocacy in Cambodia since the early days. Along with ADHOC, it initiated the drafting of an early version of legislation. Later, it produced an analysis of the draft *Law on Access to Information of Cambodia* submitted by the Sam Rainsy Party to the National Assembly on December 23, 2010.<sup>40</sup> It considered the draft to be "an extremely positive step towards the effective protection of RTI in Cambodia",<sup>41</sup> suggesting only minor revisions.

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<sup>36</sup> The Access Initiative Cambodia. *Cambodia Assessment Report: Access to Information, Public Participation, and Access to Justice*. December 2010.

<sup>37</sup> See pp. 61-62.

<sup>38</sup> Pp. 4-5.

<sup>39</sup> Pp. 5-6.

<sup>40</sup> Article 19. *Memorandum: On the Draft Law on Access to Information of Cambodia*. June 2011.

<sup>41</sup> Article 19. Pg. 5.

## ***Cambodian Center for Human Rights***

In May 2012, the Cambodian Center for Human Rights published an in-depth report entitled *Freedom of Information in Cambodia: A right to know or a culture of secrecy?*<sup>42</sup> This report examined access to information from a variety of perspectives including its link to corruption, the media, the rule of law, and resources and land.

### ***Other civil society actors***

Many other civil society groups have become involved in access to information campaigns. Some provided input into the need for access to information in several sectors through consultative workshops organised by the Advocacy and Policy Institute and the Access to Information Working Group between. Nine sectoral and issue-based consultative meetings took place:

1. Education sector (August 26-27, 2010)
2. Labour sector (September 3, 2010)
3. Decentralisation (October 2, 2010)
4. Health sector (October 15, 2010)
5. Media sector (November 15, 2010)
6. Fishery sector (November, 21, 2011)
7. Forestry and Land Concession (March 28, 2012)
8. Housing Rights Force and Eviction (April 6, 2012)
9. Extractive Industry (June 12, 2012)

In 2011, seven active NGO networks cooperated with the Advocacy and Policy Institute and the Access to Information Working Group and supported advocacy campaigns on access to information policies and legislation. These NGO networks included the Community Peace Network (CPN), the Housing Rights Task Force (HRTF), and the Fisheries Action Coalition Team (FACT), MEDiCAM, NGOs on Education Partnership (NEP); Cambodian Civil Society Partnership (CCSP), Press Council of Cambodia (PCC), Community Legal Education Center (CLEC), Cambodia Resource Revenue Transparency (CRRT), and the Extractive, Industry Social and Economic Impact Network (EISEI).

The Advocacy and Policy Institute and Access to Information Working Group have organised public consultative forums on access to information with civil society organizations and local authorities in Kampot, Takeo, Phnom Penh, Kampong Thom, Siem Reap, Banteay Meanchey, Kampong Chhnang, Svay Reing and Kampong Cham provinces.

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<sup>42</sup> Cambodian Center for Human Rights. *Freedom of Information in Cambodia: A right to know or a culture of secrecy?* May 2012.

Media groups have also been involved. In 2011, for example, a celebration of Press Day included a demand for development of an access to information law. Eighty-eight articles on the importance of access to information were publicised in 2011 via 15 local and international mass media and internet outlets, UN agency websites, four radio channels, and four newspapers.<sup>43</sup> Radio stations have held numerous talk shows and roundtable discussions.

Civil society has been engaged at the regional level as well. As a result of the 2011 and 2012 ASEAN Civil Society Conference and ASEAN People's Forum, a set of recommendations was sent to the government leaders attending the 17<sup>th</sup> and 18<sup>th</sup> ASEAN Summits for the promulgation of a right to information policy and for the adoption of relevant legislation by ASEAN member states. Civil society has implemented other regional initiatives to promote access to information.

## United Nations agencies and development partners

United Nations agencies have provided strong support to access to information initiatives. The main UN agencies involved in advocacy for access to information legislation have been UNESCO, which has been engaged since the beginning, UNDP, the OHCHR office in Cambodia, and UNDEF, which supported API's access to information project in 2011 to 2013. Development partners who have been involved include Danida, the British Embassy, EED and ICCO. They have supported a number of civil society initiatives and have engaged the government in dialogue regarding the access to information policy and legislation.

The UNDP published a report entitled *The Role of Access to Information in Promoting Democracy, Good Governance, and Development in Cambodia*.<sup>44</sup> It linked access to information to achievement of the Millennium Development Goals:

A2I legislation could serve as valuable tool to facilitate achievement of several of the CMDGs, particularly CMDG 3 (Promoting Gender Equality and Empowering Women); CMDG 4 (Reducing Child Mortality); CMDG 5 (Improving Maternal Health); CMDG 6 (Combating AIDS/HIV, Malaria and Other Diseases) and CMDG 7 (Ensuring Environmental Sustainability).<sup>45</sup>

Moreover, the report found that access to information legislation could promote social development generally, including "issues of democratic governance, public participation, promotion of economic growth and investment, the protection of traditionally disadvantaged groups, the promotion of human rights, protection of free expression, protection of the environment, and the maintenance of public security and social stability".<sup>46</sup>

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<sup>43</sup> Advocacy and Policy Institute. *Access to Information Programme: Programme Progress Report 1 January to 31 December, 2011*. Submitted to Danida. January 25, 2012. Pg. 12.

<sup>44</sup> Raymond Leos. *The Role of Access to Information in Promoting Democracy, Good Governance, and Development in Cambodia*. Undated.

<sup>45</sup> Pg. 20.

<sup>46</sup> Pg. 22.

The World Bank produced an assessment report entitled *Linking Citizens and States: An Assessment of Civil Society Contributions to Good Governance in Cambodia*.<sup>47</sup> It found a lack of awareness on the right of access to information and a culture of a lack of transparency.

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<sup>47</sup> World Bank. *Linking Citizens and States: An Assessment of Civil Society Contributions to Good Governance in Cambodia*. February 2009.



# Challenges in promoting access to information

## Challenges to passing access to information legislation

***The draft access to information policy framework has not yet been approved, five years after it was drafted***

MONASRI completed the draft *Access to Information: A Clear Policy Framework for Cambodia* in mid-2007. It remains with MONASRI. The approval of an access to information policy would set the stage for passage of legislation. Without it, legislation appears to be even farther away.

### ***Few Parliamentarians support the principle of maximum disclosure***

There has been some enthusiasm amongst select Parliamentarians for access to information legislation. However, a relatively low proportion of Parliamentarians surveyed agreed with the statement that encapsulates the principle of maximum disclosure: all government information should be public “unless a balancing test shows that release of the information would cause more public harm than good”. General enthusiasm for the idea of openness is a good start, but it must be backed up by a commitment to this fundamental principle of maximum disclosure.

### ***A strong tradition dictates that legislation should originate in the Executive branch***

Most legislation originates in the executive branch, so even Parliamentarians’ enthusiasm will not guarantee passage. Support from the executive branch is almost certainly required.

## Challenges in promoting openness and disclosure

### ***Cambodia has a historic culture of secrecy***

One challenge to the promotion of access to information is that Cambodia has not historically been an open society. A Cambodian legal scholar has described the roots of this culture of secrecy:

Whether it has been the divine rule of the Angkor Empire, the ethnocentrism of the French colonialists, the paternalistic “Buddhis Socialism” of the Sangkum Reastr Niyum in the 1950’s and 60’s, the corruption and cronyism of the Khmer Republic, the paranoid Maoism of Pol Pot, or the “machine”/patronage politics of the present day ruling CPP, transparency and “open government” have never been the hallmarks of Cambodian governments or their leaders.<sup>48</sup>

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<sup>48</sup> Raymond Leos, *Access to Information in Southeast Asia and Cambodia*. Undated.Pg. 16.

The Khmer Rouge was a notoriously secretive regime. One journalist has noted that the National Library had around 325,000 volumes of official records before 1975; only 65,000 remained after the collapse of the regime.<sup>49</sup>

### ***Government capacity is low***

Government bodies tend not to have set processes for responding to requests for information, nor sufficient staff capacity for doing so. Institutional capacity is weak and mechanisms for disclosure are lacking, so information is not easily accessible.

The Advocacy and Policy Institute's research has found that commune councillors, for example, often lack capacity. Some are newly elected and have little experience. Others are older and have difficulty developing new skills or taking on new responsibilities. In addition, communes tend to have limited information management systems.

### ***Government actors are reluctant to disclose information related to "sensitive" issues***

Research conducted by The Access Initiative found that the government was less likely to disclose information relating to issues it deemed politically sensitive: "those cases involving issues dealing with economic land concessions, mining projects, and garment factories often involve clashing economic interests, as well as power imbalances between parties (such as poor rural villagers, factory workers and wealthy/powerful economic interests).<sup>50</sup>

### ***Cambodian citizens have limited awareness of their right to access public information***

Cambodians' understanding citizens' rights generally is low. They have limited awareness of their right to access public information. For example, fewer than 20% of respondents to a 2011 Advocacy and Policy Institute survey agreed with the statement that "[i]t is the obligation of the state to let the citizen know and receive information about what is going on around them".<sup>51</sup>

### ***Cambodian citizens have limited capacity to demand access to information***

Specific issues such as high illiteracy rates in some communities and lack of knowledge of the Khmer language in minority communities hinder individuals' ability to demand information.

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<sup>49</sup> Moeun Chhean Nariddh. "All Parties Stand to Gain from Freedom of Information Law". Letter to the Editor, *The Cambodia Daily*. September 29, 2011.

<sup>50</sup> The Access Initiative Cambodia. *Cambodia Assessment Report: Access to Information, Public Participation, and Access to Justice*. December 2010. Pg. 5.

<sup>51</sup> Advocacy and Policy Institute. *Access to Information Baseline Survey*. November 2011.

In addition, the agricultural season “limits the preparedness and willingness of villagers to get engaged into information related activities to essential ‘must do’ actions only”.<sup>52</sup>

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<sup>52</sup> Advocacy and Policy Institute. *Commune Information Disclosure Pilot Project: Findings of the Project Evaluation*. December 2010. Pg. 23.

# Recommendations

## Recommendations for government

### *Pass access to information legislation*

The most powerful step the government can take is to pass an access to information law. This law should reflect the nine principles advocated by the NGO Article 19, notably the principle of maximum disclosure. A good draft law already exists, which covers all sectors and encourages disclosure and access, and technical assistance is available; political will by the executive and Parliamentarians is now all that is needed.

### *Develop a culture of openness*

Government actors at all levels must take steps to develop a culture of openness. They should work to disseminate information proactively and respond promptly to requests for information.

It is important that government actors disclose not just information relating to non-controversial administrative matters, but also information on issues they deem to be politically sensitive such local resource management, environmental governance, and land use. They should cultivate the attitude that citizens are entitled to understand government actions and decisions that affect their lives.

### *Build capacity to disclose information*

Government must build its capacity to disclose information. It must develop and publish clear processes for requesting and providing information. It must devote sufficient budget and staff to information disclosure. Access to information should be mainstreamed into government activities at all levels.

## Recommendations for civil society

### *Work with the government toward the passage of access to information legislation*

Civil society must build on its momentum by stepping up its lobbying efforts at all levels. It is important to reach out to the executive and to work with Members of Parliament of all political parties.

The Advocacy and Policy Institute provides recommendations for working with Parliamentarians:

- Raise awareness about the underlying concepts and specific provisions of the draft policy;
- Stress examples of concrete benefits of the law (e.g. disclosure of safety hazards);
- Build on support of parliamentarians by following up to offer further support and encouragement; and

- Bring Parliamentarians together with members of the executive branch and civil society.<sup>53</sup>

The Advocacy and Policy Institute also recommends expanding the circle of stakeholders involved in the effort:

- Reach out to other government stakeholders, such as the Ministry of Information, while continuing engagement with MONASRI;
- Raise awareness through roundtable discussions with members of the press, journalist associations and media officers; and
- Reach out to governors, in light of their role in disclosing government information and implementing legislation.

### ***Educate and empower citizens***

As the Advocacy and Policy Institute's projects have shown, awareness-raising activities work. Citizens who attend workshops and consultations, for example, can understand their rights. This creates a demand for information and empowers citizens to exercise their rights.

The Access Initiative Report highlights the need for an informed and empowered citizenry:

There is a need to break the culture of secrecy amongst Cambodians. This requires successfully building trust amongst better informed citizens to participate in decision-making processes. Thus the public will better understand their role, which in turn should reduce friction, misunderstandings and unwarranted criticism. As a result, officials will have better and more comprehensive information upon which to base their work.<sup>54</sup>

More information, education, and communication campaigns are required. The Access Initiative makes the following recommendations for successful IEC campaigns:

With specific regard to indigenous and local communities, efforts should be made to provide information in the different languages and dialects spoken in the national territory. In addition, it should be ensured that information is also made available in remote areas, possibly with the collaboration of local authorities. In areas of high illiteracy rates, non-print media such as the radio should be used.<sup>55</sup>

Awareness-raising activities may include public community forums, citizen feedback mechanisms, media campaigns, and village outreach activities.

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<sup>53</sup> Advocacy and Policy Institute. *Access to Information and the Cambodian Parliament: An Assessment*. December 2010. Pg. 13.

<sup>54</sup> The Access Initiative Cambodia. *Cambodia Assessment Report: Access to Information, Public Participation, and Access to Justice*. December 2010. Pg. 6.

<sup>55</sup> Pg. 5.

### ***Work at the sub-national level***

The Advocacy and Policy Institute has had great success working with commune councils. This work is especially important in light of the government's de-centralisation and de-concentration initiative.

Civil society should continue to train commune councils on access to information and to provide tools for information collection, management, and disclosure. Commune councils should also be encouraged to hold public hearings on issues that are important to the community. Information related to all sectors and key development issues must be disclosed.

### ***Collaborate with each other***

Civil society groups should continue to find ways to work together. The Access to Information Working Group should continue to meet regularly and expand its activities, thinking creatively about information needs across all sectors. It should reach out to NGOs and CBOs working on a wide diversity of issues – from natural resource management to health to finance. Collaborating with issues-based networks (e.g. those focused on national resource management, extractive industries, climate change, health, and the environment) is crucial in order to increase demand for information disclosure and legislation. Regional connections, such as those formed with other ASEAN countries, should be strengthened.

### ***Reach out to the private sector***

Businesses have much to gain from the shift toward a more open and transparent government. Business leaders can be effective lobbyists. Civil society should reach out to private sector leaders and engage them in a discussion of the benefits of access to information.

## **Recommendations for development partners**

Development partners should keep access to information on the government's agenda. They should offer technical assistance necessary for the passage of strong legislation.

Development partners should also continue to support civil society partners in their efforts.

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