

COMMUNE COUNCILS IN CAMBODIA:

A National Survey on their Functions and Performance,
with a Special Focus on Conflict Resolution

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The Asia Foundation

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The Asia Foundation

in collaboration with



Center for Advanced Study

The Asia Foundation in Cambodia

Through grants of technical assistance, The Asia Foundation supports Cambodian non-governmental organizations to push for progress on elections, local governance, human rights, the status of women, and economic reform, five areas central to democracy and broad-based development in Cambodia. The Asia Foundation in Cambodia is also working with private sector business associations. The Foundation supports a wide range of programs to mobilize the political will and build the institutional and human resource capacity necessary to address these issues, through research, training, policy advocacy, and increased citizen access to information.



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LIST OF ABBREVIATIONS

CAS	Center for Advanced Study
CC	Commune councils
CDRI	Cambodian Development Research Institute
CPBC	Commune Planning and Budget Committee
CPP	Cambodian People's Party
CSDF	Commune Sangkat Development Fund
DOLA	Department of Local Administration
FUNCINPEC	National United Front for an Independent, Neutral, Economic, and Cooperative Cambodia
NCSC	National Committee to Support Communes
PBC	Planning and Budget Committee
SRP	Sam Rainsy Party
VPM	Village Planning Meeting

PREFACE

In February 2002 Cambodians went to the polls to elect, for the first time in decades, their local government representatives as the new commune councils, replacing the state-appointed commune chiefs of the past. While the commune council elections were a significant move toward democratic decentralization, there were many concerns about the capacity of these new local government units to carry out their mandate and how partisan politics would impact their performance.

Recognizing the need for a more systematic empirical assessment of the decentralization process in Cambodia, The Asia Foundation commissioned the Center for Advanced Study in 2004 to implement a nationwide public opinion survey of both citizens and commune councilors on the roles, responsibilities, and performance of commune councils. In addition, The Asia Foundation noted a year and a half after the commune council elections that conflict management was emerging as a dominant theme in stakeholder assessments of the workings of the new system. Although the commune chiefs played a dominant role in informal dispute resolution in the past, this had not been anticipated as a function of the new commune councils. The survey, therefore, also examines local-level conflicts and the role of commune councils in dispute resolution.

The empirical approach to understanding critical governance and development issues has become the hallmark of The Asia Foundation's work in recent years. Such an approach provides the Foundation with a greater understanding of what is actually happening on the ground, which can inform the larger policy debate as well as Foundation efforts to design and implement more targeted and effective program activities. Highlights of the Foundation's survey work include a series of public opinion surveys in advance of elections in Indonesia (1999), Cambodia (2000 and 2003), and East Timor (2001 and 2002); justice sector surveys in Indonesia and East Timor; and conflict surveys in the Philippines and Thailand. Most of these surveys and others can be found on The Asia Foundation website at <http://www.asiafoundation.org/publications/surveys.html>.

Similarly, this survey on the functions and performance of commune councils in Cambodia is designed to be relevant to the policy discussion about the decentralization process in Cambodia. Based on survey data, there are reasons to be cautiously optimistic about the commune councils, though clearly much work remains to bolster their capacity and ensure that they adequately respond to the needs of their constituencies. The Asia Foundation is pleased to collaborate with the Center for Advanced Study in this important endeavor and gratefully acknowledges funding support for this project from the United States Agency for International Development. By widely disseminating the results of the survey, the Foundation hopes to provide policymakers, international donors, development professionals, the NGO sector, and citizens with information that will strengthen governance reform and development efforts in Cambodia.

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EXECUTIVE SUMMARY

To understand people's awareness and views of the functions and performance of the commune councils elected in February 2002, The Asia Foundation commissioned the Center for Advanced Study (CAS) to implement a nationwide survey in 2004. To capture both the views of the citizens as well as the opinions of the commune councilors themselves, two survey instruments were drafted and a total of 1,416 voter-age citizens and 708 commune councilors were surveyed through a nationally representative proportionate sampling designed by the Institute of Statistics in Phnom Penh. Designed to contribute to the larger policy discussion on the decentralization process in Cambodia and to establish baseline information on Cambodia's new level of elected local government, the survey has two major components:

1. To gauge public opinion on the roles, responsibilities, and performance of the commune council on issues such as:
 - the level of trust in commune councils compared to other levels of government;
 - who benefit the most from local infrastructural development projects;
 - the impact of partisan politics on the performance of commune councils;
 - the level of interaction between citizens and the commune councils and the extent of citizen participation in the workings of the commune councils; and
 - the Commune Planning and Budgeting process.
2. To understand the landscape of local-level conflicts and the role of commune councils in conflict resolution through issues such as:
 - what are the most common types of conflicts at the village level;
 - who are the major actors in local-level dispute resolution;
 - what are the disputes that come to the commune councils for mediation;
 - the level of effectiveness of commune council's dispute resolution; and
 - challenges facing the commune councils in dispute resolution.

The survey instruments were developed by Dr. Hean Sokhom and Mr. Roger Henke of CAS in close consultation and collaboration with Dr. Kim Ninh of The Asia Foundation in San Francisco and other Foundation staff in Phnom Penh. Additional technical input was provided by Dr. Mahar Mangahas of Social Weather Stations, a well-established public opinion polling organization in the Philippines. CAS fielded the survey between April and June 2004 with preliminary data analysis completed in September 2004. This report summarizes the survey data and incorporates additional refinements of the analysis by CAS and The Asia Foundation. Among the highlights of the report:

- Cambodians are generally very satisfied with the performance of their commune council and perceive performance as improved after the 2002 elections.
- Citizens are generally well aware of the functions of the commune councils.
- Management and protection of natural resources is the one area of commune council performance where both citizens and councilors feel least satisfactory.
- Roads and schools are seen as the most important local development projects.

- While there is some evidence of political claims on what are actually government projects, especially schools, there is no evidence that indicates elite capture of actual local (infrastructural) development projects.
- A majority of citizens believe that development projects in their area benefit most people and not only a few.
- Commune Council Planning and Budget Committees (PBC) are weak: only a little more than half of Cambodians are aware of the PBC members from their village and a third of the councilors indicate that only a few of the PBC members performed their job well.
- There are not enough face-to-face interactions between commune councilors and their constituencies.
- There is evidence of a “service charge” being levied by the provincial Treasury before commune councils can withdrawal funds.
- Citizens generally do not think that their commune council is adversely affected by partisan politics but more than a third of councilors do.
- The most common types of conflict at the village level are problems caused by youth gangs, domestic conflicts (e.g. inheritance, divorce, violence), small land conflicts (e.g. boundary demarcation), and small neighborhood conflicts (e.g. defamation, destruction of crops).
- Cambodians usually approach village chiefs first for mediation, but commune councils rank equally high in terms of dispute resolution.
- Conflict mediation at the village and commune level is experienced as easier, cheaper and more effective than mediation at higher levels.
- Cambodians are remarkably positive about the enforcement of mediated agreements by commune councils: 74% of voters and 95% of councilors believe that such agreements are likely to be implemented.
- However, citizens see corruption, nepotism, and impartiality as important problems in commune council mediation while councilors view a lack of legal knowledge/respect for the law, a lack of knowledge/skills on the part of the council, and a lack of resources as most challenging.

INTRODUCTION

Decentralization has become a dominant development theme in the last few decades, motivated by what many saw as unjust and inefficient governance inherent in centralized, overly bureaucratic systems. It has also been motivated by governments who recognized their limited ability to provide many basic services to citizens in an increasingly market-based environment. Greater transparency and accountability, moving the locus of the decision-making process closer to the people, and more effective and responsive governance – these are said to be the major benefits of decentralization that have spurred major reforms in many parts of the world.

Successful decentralization efforts are, however, difficult to achieve. There are many impediments to substantive decentralization. Central governments often do not want to relinquish power; there is not adequate devolution of resources down to the local level; problems arise over uneven development and/or inadequate maintenance of national standards; and concern has been raised over the possibility of resources and power being captured by local elites. Nevertheless, the complexity of governance in a market-oriented, globalizing world, coupled with strong demand from citizens to have a voice in the decision-making process, have made decentralization efforts an inescapable fact for governments everywhere.

In the context of Cambodia, the commune council elections in February 2002 marked a significant development in the country's history. Since the 1960s, local governance had largely been achieved through state-appointed agents such as the commune chiefs and the village chiefs. The Khmer Rouge years and subsequent civil war essentially destroyed much of the country's governance, economic, and social institutions. Intense international engagement in Cambodia's post-conflict state building effort has brought about an environment in which political competition among the country's main's three political parties (the CPP, FUNCINPEC, and Sam Rainsy Party) is now increasingly channeled through national elections. Under the new government dominated by the Cambodian People's Party (CPP), however, local level government still consisted of state appointed agents, and politics remained highly concentrated at the national level.

The government's decision to move forward with the commune council elections in 2002, allowing for the first time in decades the direct election of local government officials, was commended by many in the international donor community and by the non-governmental organization (NGO) sector. That support, however, was subdued by the government's insistence that commune council candidates run for election on a party ticket and not on an individual basis. The concern was that the CPP would dominate the commune council elections and that partisan politics would undermine the development of this fragile new institution of local governance. Ultimately, out of the 1,621 commune councils elected, 1,598 commune councils were headed by the CPP, while 10 were headed by FUNCINPEC, and 13 by the Sam Rainsy Party. In general, a commune council consists of between five to 11 members depending on the size of the commune, an average of which contains some eight to 15 villages from about 15,000 to 20,000 inhabitants. The commune council has a five-year mandate, with the next elections scheduled to take place in 2007.

A year and a half after the commune council elections, information began to emerge about the performance of the commune councils. The information came via in-depth, case study research

and through anecdotal information gathered by NGOs working in the countryside. Recognizing that a quantitative assessment of the commune councils' functions and performance would provide both a clear context for understanding how the commune councils are actually viewed by citizens, as well as baseline data concerning the strengths and weaknesses of the current decentralization effort in Cambodia, The Asia Foundation consulted widely with international and local partners and governance experts and found that there was uniform interest in the idea of a nationwide public opinion survey on the commune councils. In the process of that consultation, Foundation staff also noticed that local level conflicts and conflict management issues were a dominant theme in the workings of the new system. It seemed that councilors were spending a large proportion of their time mediating and resolving conflicts. As one stakeholder publication, based on case study research in 11 communes put it: "One of the most prevalent and perhaps least acknowledged activities of the commune councils is dispute resolution. *A large majority of councils see mediation as the primary ongoing activity outside of administrative duties.*"¹ Although the commune chief played an important role in dispute resolution in the past, this was not anticipated for the new commune councils even though one of the specific tasks for the commune councils is maintenance of security and public order as outlined in the text box below.

Specific duties of councils in commune affairs²

- Maintenance of security and public order: this may include taking measures to reduce crime and violence, introducing rules affecting public markets, and cooperating with police.
- Arranging for necessary public services and being responsible for the good process of those services; for instance, water sanitation, road construction and repair, health services, education, and waste management.
- Encouraging the promotion of the comfort and welfare of citizens; for example, establishing a local park or playground.
- Promoting social and economic development and upgrading the living standards of citizens; for example, seeking investors for development projects in the commune.
- Protecting and conserving the environment, natural resources, and national culture and heritage; this may include implementing programs to protect local wildlife and flora, and local natural resources.
- Reconciling the views of citizens to achieve mutual understanding and tolerance; for example, assisting in resolving disputes within the commune.
- Performing general affairs to meet the needs of citizens.

Without more systematic empirical data, it was difficult to assess across provinces how these different mandates of the commune councils were actually playing out and subsequently, what kind of policy changes or capacity building programs would be necessary. Is there really a high level of political party conflict, as some observers have noted? What about corruption and nepotism? What about the relationship between commune councils and higher levels of government, to which they are not legally subordinate but are dependent for expertise and funds and where higher ranking party officials are located? Do most councilors indeed spend most of their time outside administrative tasks on mediation, and what do people think about the role and the effectiveness of commune councils in dispute resolution?

¹Cristina Mansfield and Kurt MacLeod, *Commune Councils and Civil Society*. Phnom Penh: PACT, 2004, p.13. Emphasis added.

² Mansfield and MacLeod., *Commune Council and Civil Society*, p.6.

Interestingly, as the Foundation began to focus more on embedding a conflict management dimension to the commune council survey, it was also increasingly clear that conflicts of all kinds were becoming an important theme in the larger debate about Cambodia's development. Conflicts around natural resources, especially land, but also domestic disputes and youth gang issues have been increasingly reported in the press, often in relation to the weaknesses of the formal judicial system and the police. The Asia Foundation's conflict management programs generally make a distinction between conflict and dispute by the level of violence and the potential number of people involved. In the case of Cambodia, the country's recent experience with violent conflicts and the ensuing destruction of governance institutions and human resources point toward the high potential for those local level disputes left unresolved to escalate into violent conflicts that can destabilize new found peace. This document, therefore, uses the terms conflict and disputes rather interchangeably. As with commune council performance, local level conflict management in general has been explored in some interesting high-quality case studies, but it has not yet been addressed in a representative manner to determine the broad patterns and the national importance of issues emerging from the case studies.

This report presents the survey findings in two main sections, one devoted to the functions and performance of the commune councils as viewed by citizens as well as by the commune councilors themselves, and the other specifically on the nature of local level conflicts, how they are currently mediated and resolved, and the extent to which the commune councils play an effective role in this regard. Finally, the report offers some preliminary outlines of areas requiring further research and exploration and where policy reform and capacity-building efforts can best serve to strengthen the current decentralization process in Cambodia.

SURVEY METHODOLOGY

Survey questionnaires (one for voter-age citizens and one for commune councilors) were prepared by the Center for Advanced Study in close consultation and collaboration with The Asia Foundation staff, with additional technical assistance from the Social Weather Stations in Manila. In preparation, a literature review and key informant interviews were completed. In addition, a total of six focus group discussions (three with commune councilors and three with citizens; four in rural locations and two in urban areas) were also implemented, focusing specifically on the conflict dimension.

The survey covered all 24 provinces of Cambodia by way of a nationally representative proportionate sampling scheme. Although the 310 random sample of communes (out of a total of 1,621) guarantees representative data, the survey also includes all non-CPP chaired commune councils and female-headed commune councils to account for them more fully in the overall sample. As such, the random samples of 1,240 voter-age citizens and 620 commune councilors are used when a representative picture is desired, while the total samples of 1,416 and 708 are used to probe the relationship between particular background variables and respondents' opinions.

For the voters, maximum error margin is between $\pm 2.6\%$ and $\pm 2.8\%$. For the commune councilors, the maximum error margin is between $\pm 3.7\%$ and $\pm 3.9\%$. Fieldwork took place over more than 8 weeks from April 5 to June 2, 2004.

The reader is advised that in order to simplify the presentation of the data in the large set of tables included in this report, we have chosen to round off calculations rather than keeping decimals. Percentages, therefore, can at times add up to more than 100%. A more detailed explanation of survey methodology is provided in Annex III. The two questionnaires fielded for this survey and response data (marginals) are offered in a separate document which can be requested through The Asia Foundation and is available on the Foundation's website (www.asiafoundation.org).

Scale and Net Opinion

This study is the first-ever public opinion poll on the roles, responsibilities, and performance of commune councils in Cambodia. It is a potentially powerful instrument to gauge popular opinions because the poll addresses only a limited number of issues. Survey questions can be very subjective in eliciting vastly different results on the basis of minor differences in phrasing, the order of questions, and in asking respondents to affirm or deny a statement. This makes the interpretation of results on issues that have been probed by only one or two questions very difficult.

To overcome this problem, we have opted to include several questions on conceptually related aspects, asking about similar items in slightly different ways and within different settings of other questions. This battery of questions together can constitute a "scale," allowing for more reliable results drawn from the general patterns of opinions rather than single opinions. Secondly, we have adopted the use of a Net Opinion indicator as a primary way to present data results which will be discussed further below.

We asked respondents many questions about their opinions, often followed by additional probes to understand further what makes them evaluate an issue, person, or institution as they do. For most questions respondents are asked to express their opinion or judgment in terms of a five point scale, e.g. *strongly agree, somewhat agree, neither agree nor disagree, somewhat disagree, strongly disagree*, or, *very little trust, little trust, neither much or little trust, much trust, very much trust*, with several possibilities for the data-collector to score “don’t know” (e.g. can’t choose, refuses to answer, doesn’t know this institution). For purposes of reporting, we have chosen to focus on a one-figure indicator of respondents’ opinion, their so-called Net Opinion.

Those respondents who express an opinion are referred to as the *substantive* respondents, and they may have favorable, neutral, or unfavorable judgment. The Net Opinion is favorable % minus unfavorable %, and is +100 if unanimously favorable, -100 if unanimously unfavorable, and 0 if opinions are exactly divided. Either the total population interviewed or the *substantive* segment of the total sample (i.e. those respondents who expressed an opinion or who did not answer “don’t know”) can be used as the basis for calculating the Net Opinion. For this study we have applied the more common usage of Net Opinion which refers to that segment of the respondents who actually expressed an opinion, or the substantive respondents. When results are presented, both the size of the substantive segment (as a percentage of the total sample) and the Net Opinion are reported.

What the Net Opinion tells us about those that expressed an opinion, therefore, is by what percent the positive opinions outweigh the negative opinions. The use of Net Opinion indicator means some loss of information, but this is balanced by the fact that the one figure aggregation makes it much easier to grasp the overall picture.³ The Net Opinion indicator also allows for tabulations that are still easy to read with the more complicated analysis, such as comparing the results of the various different sub-groups (females versus males, rural versus urban, or female rural respondents versus female urban respondents). The reader is advised to explore the patterns of the responses directly.

Comparisons with other studies

Where appropriate and relevant we compare our findings with other studies. The three major references are:

- Robin Biddulph, *PAT Empowerment Study – Final Report* (Phnom Penh: Permanent Advisory Team on the Seila Program, Partnership for Local Governance, 2003). Using a case study approach, the report (hereafter refers to as the *PAT Empowerment Study*) covers 20 communes and 4 sangkats, one in each of Cambodia’s 24 provinces and focuses on the decentralized development funds and the participatory planning and implementation;

³ To give an example, for a statement that the respondents are asked to agree or disagree with, if the substantive segment constitutes 95% of the total sample of 1,240 respondents, this means that 1,178 respondents either agreed or disagreed with that statement. The others said they did not know, couldn’t choose or refused to answer this question. If the reported Net Opinion for this question is 40%, this means that among those 1178, 40% MORE respondents agreed than disagreed with the statement. Obviously, the use of an indicator like this implies the loss of information. The 40% can be the result of very different actual answer patterns. If 40% of the 1,178 respondents who expressed an opinion agreed and 60% said they neither agreed nor disagreed, this aggregates into a Net Opinion of 40%. 70% agreeing with the statement and 30% disagreeing with it also aggregates into a Net Opinion of 40%, as does 50% agreeing, 10% disagreeing and 40% expressing a neutral opinion.

- National Committee to Support Communes, *Decentralization Review* (Phnom Penh: Ministry of Interior, 2004). In collaboration with Department of Local Administration, UNDP, and GTZ, this review (hereafter refers to as NCSC's *Decentralization Review*) was undertaken to document the achievements, constraints and experiences gained with decentralization to date; and
- Caroline Rusten, Kim Sedara, Netra Eng, and Kimchoeun Pak, *The Challenges of the Decentralisation Design in Cambodia* (Phnom Penh: Cambodia Development Resource Institute Working Paper, 2004).

For the background of our councilor sample we made some use of the 2001 Knowledge, Attitudes and Practices baseline survey on behalf of the Seila program. Detailed references can be found in the bibliography of this report. A more in depth explanation of the methodology for this survey can be found in Annex III of this report.

COMMUNE COUNCILS: FUNCTIONS AND PERFORMANCE

Hope in the future

The survey questionnaire began by asking respondents their general opinion of the country's progress and its relativity to their own village. For the commune councilors, the question focused on their view about their commune.

1. Cambodians are optimistic about the future of their village, commune, and country

N=1,240		Substantive (%)	Net Opinion (%)
Voters			
Living conditions at the village level	Present living conditions compared to 3 years ago (2001)	100%	+29
	Vision of village conditions 3 years from now (2007)	80%	+40
Living conditions for Cambodia as a whole	Present living conditions compared to 3 years ago (2001)	98%	+54
	Vision of living conditions in Cambodia 3 years from now (2007)	75%	+62
N=620		Substantive (%)	Net Opinion (%)
Commune councilors			
Living conditions at the commune	Present living conditions compared to 3 years ago (2001)	95%	+56
	Vision of commune conditions 3 years from now (2007)	98%	+78

On the whole, it is clear that citizens and councilors alike are generally optimistic about the direction the country is taking and positive about the future, but it is also interesting to note that citizens are much less sanguine about the prospects for their own village in comparison. This is a somewhat unusual finding since people tend to be more optimistic about their personal future than about the future of their country, the economy or any other macro indicator. Given the country's recent history, realism may well be the impulse behind these opinions: things are improving in general but not necessarily that much for me and my fellow villagers.

Trust in governance institutions

All institutions are trusted by the polled public, but on a limited basis. Commune councils are trusted more than the provincial and national levels of government, and also more than the commune clerk. We asked about the commune clerk specifically because there were concerns raised around the time of the commune council elections that as the line agent of the Department of Local Administration (DOLA) located at the commune level, the commune clerk might exert more control than necessary over the workings of these new commune councils. Parliament, probably the most removed institution from a Cambodian's daily life among the given options, is seen as the least trustworthy.

2. Commune councils are more trusted than provincial and national governments

	Voters N=1,240		Commune councilors N=620	
	Substantive (%)	Net Opinion (%)	Substantive (%)	Net Opinion (%)
Commune council	99%	+19	n/a	n/a
Provincial government	91%	+9	100%	+33
Parliament	74%	+7	98%	+36
Commune clerk	78%	+9	100%	+15

The substantive percentage of 99% for commune councils contradicts the generally reported lack of understanding of the term *commune council* within the larger population.⁴ Enumerators were instructed *not* to add an explanation of the term at this stage of the interview. As such, the response indicates that *commune council* has become associated in the public's mind with the group of people that were voted for during the 2002 commune council elections. This is not to say that respondents have full knowledge of the workings of the new commune councils. The substantially lower substantive score for commune clerks indicates that as soon as more in-depth understanding/knowledge is required, fewer respondents answer.

As for the commune councilors, they express a markedly greater level of confidence in governance institutions than voters. Parliament went from the least trusted in the voter survey to the most trusted institution among the councilors. Although councilors place more trust in the commune clerk than citizens do, the lower trust rating compared to other institutions indicates some reservation among a fair number of councilors. Nevertheless, more councilors are satisfied than not with the work of their clerk: twice as many councilors (47%) expressed satisfaction (compared to 23% dissatisfied). Overall, political concern about the commune clerk should not be overstated and discussion should focus more on finding ways to improve their capacity and working relationship with the commune councils.

3. More councilors satisfied than dissatisfied with their clerk

N=620	Substantive (%)	Net Opinion (%)
I am very satisfied with the work of the clerk of my commune council	100%	+24

Awareness and performance of the commune councils

Many observers of the decentralization effort in Cambodia were concerned about citizen awareness of the mandates of commune councils. But as shown in table 4 below, there was a high substantive response from voters in rating performance within each commune council mandate, with two clear exceptions relating to ruling by *deccas* (orders) and representing and advocating for the communes at the district and provincial levels. The high response rate could indeed indicate a high level of public awareness of commune council functions, especially if one considers the two tasks receiving a much lower response to be control mechanisms for determining genuine awareness of each individual mandate. Essentially, these two mandates can be seen as more complex and abstract than the others, and perhaps that is why people felt that

⁴ Robin Biddulph, *PAT Empowerment Study-Final Report*. Phnom Penh: Permanent Advisory Team on the Seila Program, Partnership for Local Governance, 2003, p. 21.

they do not know enough to comment on them. In terms of councilor awareness of commune council mandates, not surprisingly awareness is very high.

The good news is that citizens view commune council performance during the past two years quite positively. Table 4 confirms this and puts figures to the NCSC's *Decentralization Review*'s observation that "citizens are generally able to identify the activities their commune council has proposed and implemented. They believe that commune councils are doing well and working hard."⁵ The same question was asked of commune councilors, and there is agreement on the top two performance areas and the area with the least satisfactory performance, the management and protection of natural resources of the commune. Councilors are much more explicit about their failure to manage and protect natural resources of the commune than voters are, and this probably reflects their frustration with their lack of authority or overlapping mandate on this issue that is critical to rural livelihoods. Finally, councilors are more negative than voters about the commune councils' performance in administration and service delivery, but they are more positive than voters on their councils' handling of development projects and mediation.

4. Voters and councilors on the performance of their commune council

Commune councils' mandates	Voters N=1240		Councilors N=620	
	Substantive (%)	Net Opinion (%)	Substantive (%)	Net Opinion (%)
Organizing and coordinating social events for the people of the commune	96%	+63	99%	+70
Regulating particular commune affairs by way of orders, known as <i>decca</i> .	56%	+48	99%	+56
Administrative tasks like land registration	93%	+36	99%	+19
Improving services to the people in the commune	94%	+31	99%	+14
Promoting the interests of the commune at the district level and the province level	54%	+29	94%	+29
Ensuring security and order in the commune	98%	+25	100%	+19
Planning and implementing development projects	96%	+21	100%	+48
Mediating in conflicts	92%	+16	100%	+35
Managing and protecting natural resources of the commune , e.g. water, fishponds, etc.	84%	-6	94%	-27

Both groups responded positively when asked whether they feel commune administration has improved in the aftermath of the 2002 commune council elections.

⁵ National Committee to Support Communes (NCSC), *Decentralization Review*. Phnom Penh: Ministry of Interior, 2004, p.92.

5. Voters and councilors see improved commune administration after 2002 elections

		Substantive (%)	Net Opinion (%)
The commune administration has improved since the elections in 2002	Voters N=1,240	97%	+63
	Councilors N=620	100%	+82

Infrastructure development projects

Arguably the most tangible element of the new local governance structure is the Commune/Sangkat Development Fund (CSDF). CSDF is an annual development grant that each commune council receives from the national government which requires a participatory planning process to ensure that investments respond to local preferences. To explore people's knowledge and opinions regarding this aspect of a commune's welfare we asked a battery of questions regarding new development projects, especially small scale infrastructure given that they constitute the vast majority of projects paid for by the CSDF.

First we asked what voters considered to be the most important new development projects in their commune over the last two years. They were allowed three answer options. Both voters and the commune councilors surveyed indicated the same priorities: roads, schools, and wells.

6. Roads and schools are most important new development projects for citizens and commune councilors

	1st most important project		2nd most important project		3rd most important project		Aggregate importance	
	Voters N=1205*	C'lors N=618*	Voters N=1085*	C'lors N=601*	Voters N=878*	C'lors N=543*	Voters** (weighted)	C'lors** (weighted)
Road	44%	52%	19%	20%	10%	9%	31%	35%
School	26%	19%	26%	27%	16%	23%	25%	23%
Well	9%	17%	15%	19%	21%	7%	13%	16%
Pagoda	6%	5%	13%	14%	25%	26%	10%	11%
Irrigation system	7%	3%	8%	9%	6%	7%	7%	6%
Bridge	3%	1%	10%	3%	8%	6%	6%	2%
Hospital	2%	2%	5%	6%	7%	11%	4%	4%
Other new projects ⁶	3%	1%	4%	2%	7%	11%	4%	3%

*N excludes all of the "no answer" responses.

** The weighted aggregate figures come from establishing *most important* by a multiple of three, *second most important* by two, and *third most important* by one.

To gauge people's awareness of who had provided these projects to the commune, unprompted, we asked people to name them. The relative importance of particular providers is the same across the three different projects: "generous people" by far the most important, followed by "the government," "international NGOs/foreign countries," and "the community itself/local NGO." Political parties are mentioned much less than many would have expected. The near absence of commune councils is probably more a reflection of the very limited number of small-scale infrastructure projects actually realized to date than a lack of awareness about the CSDF. The "generous people" category is a curious one and likely to indicate the possibility that powerful individuals are claiming credit for projects that they did not actually pay for.

⁶ Other new projects category includes new drinking water system, new alms house, culvert, etc.

7. Voters say a third of the projects are provided by “generous people”

N=1240 Voters	1st most important project	2nd most important project	3rd most important project
Generous people	29%	22%	13%
Government	16%	11%	3%
Int'l NGOs/Foreign country	16%	11%	5%
Community itself/Local NGO	16%	10%	6%
Social Fund of Cambodia	5%	4%	2%
Political party	4%	3%	2%
Commune council	1%	1%	-
Other	-	-	-
Don't know/Refused to answer		39%	68%

The (probably more correct) view of the commune councilors on who provided funding for the new development projects differ significantly from that of their constituents. The category of “generous people” moves dramatically down the list. Government takes the top spot, reinforcing the suggestion made above that “generous people” might very well be powerful individuals claiming credit for projects actually provided for by the government, international NGOs/foreign countries, and/or the Social Fund of Cambodia.⁷

8. Councilors have different views from voters on who provided development projects

N=620 Councilors	Most important	2nd important	3rd important
Government	45%	30%	19%
International NGO/foreign country	23%	29%	24%
Social Fund of Cambodia	16%	14%	9%
Generous people	11%	15%	19%
Community itself/local NGO	3%	6%	9%
Political party	2%	3%	2%
Commune council	1%	1%	0%
N	618	601	543

A useful way of exploring this issue further is to compare the above figures with those provided in the Cambodian Development Research Institute (CDRI) report on the first year of its decentralization research program, in which the donors for the projects of the last eight years in 15 communes studied are listed. The comparison has limitations because of its different time span, different coverage of communes, and because the categorization of donors is not the same. Although our survey shows less political party patronage than the CDRI report indicates, the category of “generous people” potentially captures more of the dynamics of local power. “Generous people” are not necessarily political party loyalists, but they have always been part of the local power structure and as such, are likely to associate themselves with the political party in power. This rough comparison between CDRI figures and our survey data is supportive of the above suggestion that government funded projects are being claimed by others that would enhance their status in the community, or at least this is how the public views the situation.

⁷ The Social Fund of Cambodia is a donor-supported public institution established by the government in 1994 to provide small-scale infrastructural development projects throughout the country.

9. Evidence of political patronage and claims on government development funds

	CDRI report			TAF/CAS* survey		
	Government	CSDF or local development fund	45%	63%	Government	34%
Line Departments		18%	Social Fund of Cambodia		14%	
			Commune council		-	
International Organizations/ NGOs	International organizations and NGOs	29%	29%	International NGO/Foreign country/Local NGO	30%	30%
Political patronage	Political parties	8%	8%	Political party	2%	18%
				Generous people	16%	
				Others (community itself)	4%	

*Unweighted average across the three most important projects

What is perhaps more important is the extent to which people feel that these development projects benefit them rather than a few, regardless of the funding source. This would be a more direct assessment of whether funds have been captured at the local level either by political parties or by local elite. A clear majority thought that the projects benefit most villages in the commune. 99% of the 85% of respondents who expressed an opinion perceive the projects as beneficial for the community, if one defines village level and above as the common good. Although we used a different question than the 2003 *PAT Empowerment Study* – in that study villagers were asked *if they themselves would benefit directly* from development projects – our results confirm the positive findings of that non-representative study.

10. Voters perceive the new development projects uniformly as serving the common good

N=1,240	Hardly anyone	Your own Family	Your village	Some villages	Most villages in the commune	Don't know
Most important project	1%	0%	13%	22%	61%	3%
Second most important project	1%	0%	15%	21%	50%	13%
Third most important project	1%	1%	13%	14%	42%	29%
Total	1%	-	14%	19%	51%	15%

The *PAT Empowerment Study* also questions the “elite capture” possibility for different kinds of projects and asks: obviously roads and schools are infrastructure projects that are bound to benefit most or all in a community, but what about wells? Our results provide the opportunity to examine this because 13% of the most important new development projects are wells, and the 4% other category includes toilets and “clean drinking water systems,” both of which are subject to the same threat of elite capture. However, the answers of our voters show that of those who

included any of these three kinds of projects amongst their choice of most important projects, they uniformly believe that these projects benefit the larger population: 40% indicate that the project village benefited, 40% most villages, and 19% some villages. In other words, the concern of the PAT team is not substantiated by our findings. Our results are also in line with CDRI's assessment that elite capture is not a problem with the CSDF.⁸

We also checked with the commune councilors on their view of who benefits from development projects in their areas and the results are the same as voters: development projects are benefiting a large number of Cambodians.

11. Commune councilors are equally outspoken about development projects benefiting all

N=620	Hardly anyone/ Only powerful people	Project village	Some villages	Most villages in the community	Don't know/ Refused to answer
Most important project	1%	9%	22%	68%	.2%
Second most important project	1%	13%	24%	59%	3%
Third most important project	1%	20%	14%	52%	13%
Total	1%	14%	20%	60%	5%

People's contribution to local development projects

People's personal contribution is an issue with the CSDF. To contextualize the requirement of the fund for a local contribution we questioned voters about requests for contributions, and actual contributions to development projects in general.

12. A large majority of Cambodians has personally contributed to new development projects

N=1,205	Yes	No
Did you contribute anything, for example money or work, to any of these projects?	81%	19%
Were you ever asked to contribute anything, for example money or work, to any of these projects?	72%	28%

The *PAT Empowerment Study* found that 56% of the randomly selected villagers in villages that had a CSDF project within its limits and 33% of villagers in other villages within the commune had been asked to contribute towards this project and of those that were asked, 80% and 75% respectively paid.⁹

We did not limit our inquiry to projects funded through the Commune/Sangkat Development Fund but included all new development projects. A solid 80% said that they personally contributed to one or more of the new development projects. Some of these contributions were not solicited but self-driven. Thus the concept of local contributions is widespread and an accepted fact of life. Given that there is a strong majority of Cambodians who believe that

⁸ Caroline Rusten, Kim Sedara, Netra Eng, and Kimchoeun Pak, *The Challenges of the Decentralisation Design in Cambodia*. Phnom Penh: CDRI Working Paper, 2004, p.4.

⁹ Biddulph, *PAT Empowerment Study*, p. 22.

development projects are benefiting a large number of people, it would make sense that they would be willing to contribute. This finding may be helpful in the ongoing discussion about local revenue generation.

The commune planning and budgeting process

We also probed people’s awareness of and participation in the CSDF planning process. Communes are required to come up with proposals for the CSDF through a planning process that involves Village Planning Meetings (VPM). Are people aware of these meetings? Do they know they have the right to attend? And if so, did they ever attend?

13. 60% of voters know about Village Planning Meetings; 40% attended at least one

	Do you know about VPMs?	→	Do you know you have the right to attend VPMs?	→	Did you ever attend a VPM?
Yes	717 (60%)		654 (91%)		500 (76%)
No	488 (40%)		63 (9%)		154 (24%)
Total	1,205		717		654

This series of questions winnows down awareness and action in terms of VPMs. 60% of voters are aware of the existence of VPMs, and among them, a vast majority know their specific rights regarding VPMs. Less than 10% were not cognizant that they had a right to attend, and among the 90% majority who knew their rights, 76% had taken it upon themselves to attend a VPM. Expressed as a percentage of the whole sample, the data indicates that 40% of voters attended a VPM at least once. This shows that awareness of local meetings and procedures is quite high and so is participation, at least in terms of being present. Our figure is a little lower than the non-representative percentage of randomly selected villagers in the *PAT Empowerment Study*, which reported that 49% had been involved in the project selection process.

We asked councilors the same question. They obviously know about VPMs, and claim to have attended all or most that have taken place.

14. Councilors claim to have attended all or most of the VPM's

N=620	%
All	76%
Most	20%
A few	4%
Hardly any	1%

Commune Planning and Budget Committee

The commune body responsible for organizing the VPMs is the Commune Planning and Budget Committee (PBC). In theory all villages have two members on the PBC, one male and one female. In practice, not all villages have active PBC members and not always is one of the members a female. Knowing the representatives of one’s village on the PBC is another indicator of people’s awareness of CSDF procedures. So we asked respondents to name the people from their village, if any, who are PBC members. This indicator result shows a very similar level of awareness (53%) as the VPM awareness question above (60%).

15. A little more than half of Cambodians are aware of their PBC members

N=1,240	Knows 2 members	Knows 1 member	No members On the PBC	Don't know
Frequency & Percentage	21%	17%	18%	45%

Councilors were asked their opinion on the performance of the PBC members.

16. Councilors have doubts about the performance of some of the PBC members

N=620	Percent
All members do a good job	16%
The members of most villages do a good job	51%
Only some members do a good job	30%
The members of the PBC don't do a good job	1%
Don't know	3%

A third of the councilors indicated that only a few of the PBC members did the job they were supposed to perform well. Half of them gave “the members of most villages” a positive evaluation. Only one in eight thought all members do a good job. It seems quite likely that this evaluation is a fair representation of the current capacities of PBC members. It also confirms the commune councilors’ critical view of the PBC members as “not committed, they are busy [with other matters] and have low capacity” according to the NCSC’s *Decentralization Review*.¹⁰

Capacity of PBC members aside, the councilors’ critical view of the PBC may also reflect some resentment that their power to govern is being encroached upon. After all, they do not see that there is any conflict of interest between the council’s legislative and executive tasks.

17. Councilors see no conflict of interest in combining legislative and executive duties

N=620	Substantive (%)	Net Opinion (%)
It does not cause any problem that the head of the commune council and his deputies are part of the council that decides on rules and plans and then also have to supervise the implementation of these plans.	100%	+68

¹⁰ NCSC, *Decentralization Review*, p. 93.

Interaction between Cambodians and their commune council

Aside from attending village planning meetings, do citizens interact directly with their commune councils and for what reasons?

18. Single most important reason for visiting the commune office are certificates

N=1,240	Reason for 1 st visit % of respondents	Reason for all visits % of visits
Never/none	37%	NA
To have the official certificates	29%	21%
To see the voter list	13%	26%
To have a meeting	13%	19%
To solve conflict	4%	7%
To register for the national election	3%	26%
Other	1%	2%
Total	1,240	1,755

Not surprisingly, people come to the commune council office to take care of the issues that affect their lives the most, such as getting official certificates of different kinds. However, in terms of the total number of visits to the commune office, voting is far more important: more than 50% of the total number of visits is election related. Overall, 63% of the people indicate that they have visited the commune office. When compared to the only other research-based estimate that is available, the 28% who *ever visited the commune office for some reason since the elections* of the *PAT Empowerment Study*, our nationally representative figure indicates significantly *more* visits of ordinary citizens to the commune office than previously thought.¹¹

When people do come to the commune office, they rarely go by themselves and prefer to seek strength in numbers.

19. People seek strength in numbers when approaching the commune

N=1,240	N	%
Visited commune council alone	138	11%
Visited commune council with other people	641	52%
Never visited the commune council	461	37%

We asked the councilors a related question about the way that they are approached in their role as commune councilor. Results indicate that while people mainly visit commune offices in groups, councilors mainly meet people as individuals. One possible explanation is that given Cambodia's political culture, councilors are more likely to be approached as patrons whereas the commune office is viewed more as an official authority. One meets patrons preferably in private to plead for a favor or pledge one's allegiance. Authorities are preferably encountered in the reassuring company of others.

¹¹ The PAT study involved 240 random selected villagers and 240 very poor villagers from 24 Communes. See Biddulph, *PAT Empowerment Study*, p. 16.

20. Councilors are approached by individuals much more frequently than by groups

N=620		
How often do people approach you directly in your role as commune councilor?	Individually	Collectively
Very often	5%	1%
Often	35%	9%
Sometimes	46%	40%
Rarely	14%	49%

The above information is about voters seeking out commune councilors and/or the commune office, but it is also necessary to gauge the extent to which commune councilors seek out their constituents. Obviously this might occur just by the fact that they are fellow villagers. So for how many voters is that a reality?

21. People are aware of their councilors

N=1,240			
	Yes	No	Don't know
Do any councilor(s) live in your village?	56%	36%	8%

If a councilor lives in a particular village, the villagers are aware of him/her. Only a small minority (8%) claim no such knowledge, and 56% of respondents say that at least one councilor lives in their village.

When asked directly about commune councilors visiting their village in the last six months, only 59% of the respondents answer affirmatively.

22. Many voters don't see their commune councilors often

N=1,240		Frequency of Respondents	% of Respondents	
Regularly during the last six months	Very Often	19	2%	17%
	Often	187	15%	
Occasionally	Sometimes	401	32%	42%
	Rarely	118	10%	
Never		444	36%	
Don't know		71	6%	

It makes some difference if people come from a village that has one or more councilors among its residents, but less than one might predict. If a councilor resides in a village, 64% rather than 55% of voters report at least one visit by a councilor during the last six months.

23. Even if one or more councilors live in the village, visits are infrequent

N=1,240		Does any councilor live in your village			Total
		Yes	No	Don't know	
How often did any commune councilor visit your village?	Regularly	147 (21%)	56 (12%)	3 (3%)	206 (17%)
	Occasionally	298 (43%)	193 (43%)	28 (29%)	519 (42%)
	Never	210 (30%)	177 (39%)	57 (58%)	444 (36%)
	Don't know	37 (6%)	24 (5%)	10 (10%)	98 (8%)
Total		692 (56%)	450 (36%)	98 (8%)	1240

Any evaluation of this data is value based, determined by how an effort to seek direct interaction with one's constituent is defined. To have some measure for assessing this, we asked voters if they would want to meet a councilor if he/she ever visited the village. The answer clearly shows that the current level of interaction that commune councilors have with their constituents is not satisfying the demand.

24. Many voters would like to meet with commune councilors

N=1,240	Yes	No
Do you ever want to meet with a councilor if s/he visits your village?	71%	29%

We also asked councilors about their village visits: how often did they visit villages on commune council business other than the one they live in and the one which has the commune office during the last six months? How often did they participate in village-level meetings during the last six months?

25. Councilor official village visits often do not involve village meetings

N=620	How often do you visit other villages on CC business in the past 6 months?		How often do you participate in village meetings in the past 6 months?	
	Very often	5%	56%	3%
Often	51%	32%		
Sometimes	37%	45%	54%	66%
Rarely	3%		4%	
Never	5%		8%	

These answers indicate that village visits by commune councilors do not necessarily imply meetings with larger groups of villagers. This evokes a picture that is more in line with the experience of voters, a third of whom reported that they have never seen a councilor during the last six months.

Knowledge of a *visit* does not necessarily mean that one actually meets with a councilor and it is arguably *meeting* that makes the difference. So, those respondents that indicated knowledge of at least one visit during the last six months were asked if they actually met with a councilor.

26. When commune councilors visit they do meet most villagers

N=725	Yes	No
Did you ever meet with a commune councilor?	72%	28%

Again, the results show that more active outreach would make a real difference in the interaction between commune councilors and their constituencies: more than 70% of the voters that reported (even if only one) commune councilor visit(s) to their village during the last six months have met with the visiting councilor.

People were also asked why they would want to meet with a councilor. More than half of respondents intended to lobby for various kinds of infrastructure development. A third wanted to raise, obtain, or discuss information on other issues, often related to income generation. Security and conflict issues were mentioned 6% of the time, a very similar proportion to the reported proportion of visits to the commune office for such matters.

27. New infrastructure is the biggest citizen request when meeting commune councilors

N= 903	%
Request infrastructure projects	53%
Providing or receiving general information	21%
Providing or receiving general information regarding livelihood issues	12%
Security and conflict issues	6%
Other	8%

* N excludes all answers of “none,” “no answer,” or “don’t know”

Representation of village interests at the commune level

To establish a clearer the picture of the relationship between villages and the commune council we asked respondents whom they considered the best protector of the village interest at the commune level.

28. The village chief is the best protector of village interests at the commune level

N=1,240	%
Village chief	46%
Commune councilor	25%
No one	10%
Other official¹²	8%
Someone with local authority, wealth, community organization, moral esteem	4%
Don't know	6%

Councilors were asked a similar question: who, at the commune level, is presently the best protector of the interests of villages that have no commune council member living in them, or is there no one protecting the interests of such villages? We excluded the commune councilor as an option to sharpen the responses.

¹² This includes such positions as head of police, district governor, active member of political party, etc.

29. Councilors paint a more diverse picture of best protectors of village interest

N=620		Percentages	Adjusted percentages
Village chief		50%	38%
Someone with local authority, wealth, community organization, moral esteem	Village development committee representative	16%	26%
	Village representative of pagoda commune	9%	
	Elder of the village	6%	
	Other	3%	
No one		12%	9%
Other official		5%	4%
Don't know		1%	

Given the different percentage bases, voters and councilors provide us with a somewhat different picture of who is the best representative of village interests at commune level. The adjusted percentage column in Table 29 recalculates the percentages to the 75% base that excludes the 25% councilors mentioned as best protectors of village interest at the commune level. Village chiefs still come out on top, but the councilors grant much more representative authority than voters to the category of “someone with local authority, community organization, and moral esteem.”

The results in Table 29 confirm and quantify the assessment of the NCSC’s *Decentralization Review* that, although the village chief is assigned by the government the role of being a conduit between the commune council and citizens, “[t]he relationship between CCs and villages tends to be *ad hoc* with widely variable intensity of contact and dialogue. CCs repeatedly request that the government issue village chief selection guidelines so that they can establish more permanent relationships.” This request from the commune councilors must be viewed within the context of their reservations about village chiefs, among which are that “village chiefs have no capacity, some are old, have no interest in working, and demand incentives to work.”¹³ The above evaluation contrasts with the preliminary conclusions reached by CDRI when they compare their field work experiences between 2002 and today: “...it seems that a trend of more collaboration and better relationships between the commune councilors and village chiefs is emerging, and that establishment of informal groups in communes is increasingly taking place.”¹⁴

Our results suggest a possible explanation of the apparent contradiction between the NCSC and the CDRI findings. Village chiefs are indeed the largest group of village representatives interacting with the commune councils. In as far as that interaction/collaboration works out, it is improving over time. But commune councilors are on the lookout for other partners if the village chief is unable or unwilling to play their part.

Taking the answers of both voters and councilors into account, the category “no one” merits attention: 10% of Cambodian villagers say that they have *no* protector of their village interest at commune level. Village chiefs, however, emerge from this survey as a very important local institution that needs to be better incorporated into local governance structure in addition to the commune councils. This becomes clear when we asked citizens about who do they consider to

¹³ NCSC, *Decentralization Review*, p. 104.

¹⁴ Rusten et al, *The Challenges of the Decentralisation Design in Cambodia*, p. 86-87.

be the most important person in the commune. While the chair of the commune council is the dominant response, it is notable that the village chief is viewed by the public as the second most important person in the commune.

30. The chair of the commune council is the most important person in the Commune

	Most important	Second most important	Combined
CC chair /Commune chief	59%	8%	36%
Village chief	18%	33%	24%
One of the councilors	9%	26%	16%
Someone with local authority, wealth, community organization, moral esteem¹⁵	8%	13%	11%
Other official¹⁶	5%	9%	7%
Deputy village chief	1%	6%	3%
Commune clerk	1%	5%	3%
N*	1,148	934	2,082

* N excludes all answers of “none, “no answer,” or “don’t know.”

Partisan politics

The concern of partisan politics negatively impacting the commune councils dominated the decentralization discussion in Cambodia prior to the 2002 commune council elections. We checked, therefore, with both citizens and councilors on their views of this issue.

31. Voters indicate that political party conflict is not affecting their commune council, but councilors are less optimistic

Voters N=1,035*	Almost always	Often		Seldom	Almost never
Do you think that your CC is affected by political party conflict: almost always, often, seldom, or almost never?	1%	6%		31%	62%
	7%			93%	
Commune councilors N=617*	Strongly agree	Some-what agree	Neither agree nor disagree	Some-what disagree	Strongly disagree
The functioning of the CC is strongly affected by conflicts among the political parties.	10%	19%	13%	28%	29%
	30%			57%	

* Those answering “Don’t Know” are excluded

The good news is that voters do *not* see the councils as being marred by party conflict. This finding does not support the assessment of the NCSC’s *Decentralization Review* that “citizens still believe that benefits are allocated along party lines.”¹⁷ The bad news is that the insiders are not so sure about that, as 30% of the commune councilors, indicated that the functioning of their CC is in fact affected by partisan politics.

¹⁵ This includes such positions as achar, abbot, wealthy person, kru Khmer, etc.

¹⁶ This includes such positions as head of police, district governor, active member of a political party, etc.

¹⁷ NCSC. *Decentralization Review*, p. 105.

This means that the assessment from the same review that “partisan conflict is typically strong at the local level” gets some support by our results. As is to be expected, party membership of the councilors determines the opinion on the influence of party conflict. However, this is less than some would expect. Minority party councilors not surprisingly see partisan politics as more problematic (24% of CPP councilors, 42% of FUNCINPEC councilors and 48% of Sam Rainsy Party councilors), but the figures also show that the majority of minority party members disagree with the statement that party conflict strongly affects their council. In other words, the opinion that party conflict affects council functioning is not only due to party affiliation, but is shared across party boundaries. The *PAT Empowerment Study* reported “good cooperation [between parties] in most of the 24 communes studied.”¹⁸ Our results suggest a reality that is more problematic than the PAT report indicates, but less bleak than the NCSC study.

Councilors were asked further which interest has priority, that of their party or that of their constituents. Many more councilors than not believe that the interests of the people in their commune are more important than those of their party bosses, although the Net Opinion includes 28% disagreement with the statement (versus 66% agreement)

32. 28% of councilors believe that party orders beat public interest

N=620	Substantive (%)	Net Opinion (%)
A commune councilor should pursue the interest of the people in the commune even if those higher up in his/her party direct him/her to go against the wishes of the people	100%	+37

As such, we note that between a quarter to a third of all councilors surveyed feel that they cannot ignore party orders even if they are against the wishes of the people. Given the high level of partisan politics in Cambodia and given that commune councilors were elected along party lines, this result is not surprising and perhaps is even somewhat perplexing in that the percentage is not higher. There is some difference between councilors of different parties (32% of CPP councilors say that party beats public interest, against 19% of FUNCINPEC and 24% of Sam Rainsy Party councilors), but this is less than one might have expected and once more underlines the fact that partisan politics cuts across all party lines.

A more concrete gauge of the impact of partisan politics on the workings of the commune councils is provided when we asked the councilors about their level of satisfaction with the decisions taken by their council. An astounding 86% of the councilors indicate that they are “almost always” and “most of the time” happy with the decisions taken by their council. Councilors of all three parties also have quite similar answer patterns, and the result is thus hardly confounded by the CPP dominance of the sample. This result puts a figure on the NCSC’s *Decentralization Review*’s conclusion that “CCs typically report that decisions are made on the basis of consensus such that a vote is only taken once councilors are in agreement.”¹⁹ It also supports the general conclusion of the *PAT Empowerment Study* that there “was a clear sense that the new system of government has brought new attitudes and practices.”²⁰

33. Councilors are positive about council decision-making process

¹⁸ Biddulph, *PAT Empowerment Study*, p.16.

¹⁹ NCSC, *Decentralization Review*, p. 91.

²⁰ Biddulph, *PAT Empowerment Study*, p. 17.

N=620	Almost always	Most of the time	Seldom	Hardly ever
Three quarters of council decisions are taken after discussion	46%	37%	17%	0%
Councilors normally happy with decisions taken by the council	40%	46%	13%	1%

Taken together, the data indicate that on the whole, people do not see party conflict as having a visibly negative impact on commune administration and development projects. When probed more directly, voters show that they are aware of party loyalty being an important element in the functioning of their council members, but they see both benefits as well as problems. After all, loyal councilors are more effective in getting resources from the party since “the dominant political party can respond to the demands of people while other parties often cannot.”²¹ Others see obstructions, interpreting loyalty as signifying that the councilor primarily looks after party interest rather than the interests of his constituents.

34. Voters perceive both advantages and disadvantages in party loyalty of councilors

N=1,240	Helps	Obstructs	Neither helps nor obstructs	Don't know
Do you think that the party loyalty of commune councilors helps or obstructs their efforts to further local development?	21%	37%	32%	9%

A more complicated picture about partisan politics emerges through the commune councilors themselves, but as discussed above, party conflict is both less than expected and cut across all parties. Last year’s general assessment of the CDRI research team on decentralization that councilors tend to be more accountable to their party than to the government (or the public) still seems valid,²² but our survey data and the limited amount of other research available related to this subject seems to show that attitudes on governance are changing.²³

Local revenues

We mentioned earlier in the report that a good number of citizens indicate that they contribute to infrastructure development projects in their local areas and that they see these projects as benefiting a large number of people. But what about other local fees and taxes? 31% of voters claimed they did not know about any fees. We then asked those who did mention fees to name “what formal and informal fees, like taxes, registration fees, market and other seller fees, if any” that their commune council levies.

²¹ Rusten et al., *The Challenge of the Decentralization Design in Cambodia*, p.82.

²² Caroline Rusten, “Poverty Reduction through Decentralization? Lessons from Elsewhere and Challenges for Cambodia.” *Cambodia Development Review*, Vol. 7 (4), 2003, p.2.

²³ See Rusten et al., *The Challenges of the Decentralisation Design in Cambodia* and Mansfield and MacLeod, *Commune Councils and Civil Society*.

35. 31% of voters don't know about any fees; those who do mention administrative fees

	% of answers	% of respondents
Change of ownership fees (land, house,..)	43%	99%
Civil registration fees (marriage, birth, ID,...)	22%	49%
Permission to celebrate a ceremony	17%	38%
Business related fees	8%	17%
Certification fees	2%	5%
Other fees	9%	20%
Total number of answers	1,958	

Councilors were asked the same question on fees, but without referring to whether they are formal or informal. 30% of councilors said that they do not levy any fees and 1% answered “don't know.” The 69% of councilors who indicated that they do charge fees provided a list of activities seen in Table 36 for which fees are most often levied.

36. Most fees levied are for administrative activities

N=437	% of answers
Fee for delivering different official letters	72%
Collect various kinds of business fees	27%
Others	1%
Total number of answers	494

Answers by both citizens and councilors provide similar results: about 70% of both populations experience fee collection, primarily for administrative requirements such as registration of land or businesses and marriage and birth certificates. The problem is that commune councils are allowed to charge some fees legally but the legal framework is not yet fully in place. It is also clear that there are no fees allowed for certain services such as “change of ownership” and “permission to celebrate.” In addition, given the absence of proper official remuneration for certain tasks done by commune councilors, it is difficult to establish the excessiveness of the fees being charged for different kinds of services. Our data, therefore, do not allow us to probe whether petty corruption related to these administrative tasks is an issue at the local level. More research is required, but the survey does show that fee collection is common.

Inter-governmental relations

We also wanted to check on the working relationship between commune councils and other levels of government, so we asked the commune councilors specifically about how they perceive themselves in relation to the district and provincial levels.

37. A large majority of councilors perceive themselves as subordinate to district and province

N=620	Strongly agree	Some what agree	Neither agree nor disagree	Some what disagree	Strongly disagree	Don't know
The commune council is hierarchically subordinate to district and provincial authorities	34%	36%	13%	11%	7%	0%

As indicated in Table 37, 70% of the commune councilors endorse the statement that they are subordinate to district and province level authorities. This endorsement can be interpreted as most councilors not yet being aware of their true position in the scheme of things. Cambodia has two levels of elected government, each with its own responsibilities and accountable only to voters. The strong acceptance of subordination status by commune councilors more likely reflects their acute understanding of the current political reality in which 1) a clear line of responsibility for many tasks is still not specified; 2) communes are still dependent upon district, provincial, and national governments for funding, expertise, and training; and 3) commune councilors are loyal to district and provincial level officials through party lines.

This result also puts the assessment of the relationship between commune councils and districts and provinces of the NCSC's *Decentralization Review* in perspective.²⁴ Although the assessment describes many weaknesses, unclear procedures and lines of communication and other difficulties, it suggests a clear awareness of the importance of commune council's autonomy on the part of many councilors.

Drawing money from the provincial Treasury

We also probed in depth the process through which commune councils withdraw funds from the provincial treasury as another way to check on commune council work and interaction with a government agencies. 82% of the communes draw money from the provincial treasury on a quarterly basis rather than monthly basis, and the commune clerk is clearly the only commune representative drawing funds. The process does not take an excessive amount of time: 73% of the councilors indicate that it requires between 1-2 days, with only 12% noting a "three day or more" time line. The problem, however, is that apparently a "fee" is required by the treasury for this task.

38. Two-thirds of the communes report drawing money from the treasury involves payments

N=620	%
Have to pay a big percentage	4%
Have to pay a small percentage	27%
Pay some tea money	35%
Do not have to pay anything	23%
Don't know	11%

²⁴ NCSC, *Decentralization Review*, p.102-103.

The responses on service fees put a figure to the complaint of CCs regarding Treasury officials requesting service fees in order to disburse funds, leading to unaccountable commune council budget shortfalls, as recorded in the NCSC’s *Decentralization Review*.²⁵ The *PAT Empowerment Study* reported that one of the issues raised by provincial officials and councilors was that ‘[t]he cash that is sent to the provincial treasury for the communes is not as much as the “numbers” in the documents’ which, when combined with the above suggests that the shortfalls are bound to be even worse.²⁶ Evidence for corruption is strong in this instance.

Time allocation of councilors

To get a clearer sense of what kind and the amount of work handled by commune councilors, we asked the commune councilors how they usually divide their work time between commune council activities, personal income generating activities, and party work (with other work as a residual category).

39. On average, councilors spend 60% of their time on council activities

N=620	% of councilors spending any time on this activity	Average time spent on this activity
Commune council activities	100%	57%
Personal income generating activities	88%	18%
Party work	98%	12%
Other Activities (Residual)	90%	13%

Commune council work is taking a substantial amount of the councilors’ time. The only comparison available is an 11-councilor sample from two communes that kept diaries for the CDRI research team which shows that only 7% of total working time was devoted to private business and family affairs.²⁷ Our figures seem more realistic, even if we must assume the tendency to over report time spent on commune council activities and under report time spent on personal income generation.

In addition, we asked the councilors to indicate how they usually divide their time spent on commune council activities between the various categories of activities performed by councils. The results are expressed in Table 40 as percentages of total time devoted to commune council activities.

²⁵ NCSC, *Decentralization Review*, p.94 &107.

²⁶ Biddulph, *PAT Empowerment Study*, p.48.

²⁷ Rusten, *Poverty Reduction through Decentralization?*, p.59.

40. Councilors spend most time on planning and implementing development projects

N=620	Councilors spending no time at all on this activity	Average time spent on this activity*
Planning and implementing development projects	0%	22%
Organizing and coordinating social events for the people	4%	8%
Regulating particular commune affairs by way of <i>deccas</i>	6%	11%
Improving services to the people in the commune	7%	11%
Mediating in conflicts	9%	11%
Ensuring security and order in the commune	11%	10%
Managing and protecting natural resources of the commune	17%	8%
Promoting the interests of the commune at the district level	25%	8%
Administrative tasks like land registration	36%	17%
Others	44%	10%

* This average excludes the councilors that indicated that they spend NO time at all on this activity.

From the data in Table 40, we see that councilors spend the most time on planning and implementing development projects (22% of total time), and this is also the only activity that all councilors spend time on. The next biggest share of time is spent on administrative tasks (17%), but this is only true for the 65% of councilors who actually spend any time at all on this activity. The other activities each tend to take up roughly about 10% of the councilors' time. Viewed differently, if we zero in on the five activities that most councilors are doing, we find that planning and implementing development projects again come out at the top, followed by social activities in the commune, managing affairs of the commune through regulations, improving services to the people, and mediating conflicts. What involves most councilors are the concrete activities closest to and most needed by the public, but also relatively easiest for the councilors to handle. The more complicated the matter, such as when involvement with higher levels of government is necessary, the more the councilors disengage.

Time spent on mediation

We asked a more specific question on mediation because anecdotal evidence since the 2002 commune elections was pointing to an inordinate amount of councilors' time being spent on conflict resolution, an unexpected development. Interestingly, as Table 41 indicates, about as many councilors reported that they felt too much of their time went into conflict mediation as too little. As such, commune council time devoted to conflicts is actually about right. Also, as Table 40 shows, mediation is an activity that does involve most councilors, who spend about 10% of their time on it and is not a heavy burden.

41. Councilors are divided about the amount of time needed for conflict mediation

N=620	%
About right	3%
Too much	44%
Too little	50%
Don't know	3%

Relationship with NGOs

Decentralization proponents have made the point that substantive decentralization efforts galvanize public participation at the local level, most notably by increasing civil society activities. So we asked councilors if the level of collective action in their commune had changed since 2002, and the majority indicated a noticeable growth in collective action and civil society activities.

42. Councilors report increased civil society action/participation since 2002

N=620	Number of collective, ad hoc actions	Number of civil society organizations	Membership of civil society organization
Increased	62%	59%	54%
Decreased	12%	9%	6%
The same as before	24%	30%	32%
Don't know	2%	2%	9%

We also asked the commune councilors two additional questions regarding the NGOs. Could the councilors name NGOs that cooperate with the council and support its work? And could they name NGOs opposing the council and obstructing its work? The last question only elicited five answers, which likely indicates that councilors were either unable or unwilling to blame NGOs. The fact that the interviewers identified themselves as NGO staff may have been a factor in this. Although such bias cannot be excluded, it seems likely that the absence of negative opinions reflects a generally very positive relationship, maybe not always optimal, but certainly not destructive. CDRI reported that “[all] of the councilors that we interviewed are happy for NGOs to come to their communes to help in development work” and that “the relationship between NGOs...and commune councilors was smooth in all cases we saw, and sometimes optimal.”²⁸

43. NGOs mentioned that cooperate with the CC and support its work

N=620	% of respondents
WFP (World Food Program)	25%
PRASAC (Support Programme for the Agricultural Sector in Cambodia)	21%
ADHOC (Cambodian Human Rights and Development Association)	18%
WVC (World Vision Cambodia)	17%
CARE	15%
LICHADO (Cambodian League for the Promotion and Defense of Human Rights)	13%
Cambodian Mine Action Center (CMAC)	12%
Total answers	1,588

In total 200 different NGOs were mentioned, with an average of nearly three per councilor. Table 43 lists those that were mentioned by more than 10% of all councilors. These seven NGOs constitute 46% of all answers. The next seven, not included in Table 43, are mentioned by between 5% and 10% of all councilors and account for another 8% of the answers. The remaining 186 organizations constitute the rest, a very wide spread indeed.

²⁸ Rusten, *Poverty Reduction through Decentralization?*, p. 87.

Of the listed organizations, the World Food Program tops the list, followed by PRASAC, both providers of basic infrastructure.²⁹ The country’s two largest human rights NGOs appear in the list, which might come as a surprise to some. CMAC is the government’s de-mining organization and not an NGO, but apparently is perceived by the public as being non-governmental.

Constraints facing the commune councils

Finally, we explored people’s views on constraints that they perceive as affecting commune council performance by asking which, if any, of a list of possible constraints they thought applied to their commune council.

44. Citizens see commune councils as lacking funds, authority, and skills

N=962	% of responses	% of respondents
Lack of funds	31%	68%
Skills of councilors are limited	20%	44%
Lack of authority	16%	35%
Too much time spent on conflict mediation	16%	35%
Interference by district and province level authorities	9%	20%
Other	7%	2%
None		12%
Total number of answers	2,074	

Of the multiple answers given by 962 respondents who offered an opinion, lack of funds dominates, followed by lack of authority (calculated by adding data from “lack of authority” and “interference by district and province level authorities”), and skills.

We asked councilors the same question, but open ended, with three answer possibilities: what are the major problems/obstacles that your commune council faces that hinder your ability to perform better?

45. Councilors see resources, skills, local contributions, and lack of authority as major problems

N=620	% of respondents
Problems with resources especially funds	39%
Lack of knowledge/ skills	34%
Difficult to collect local contribution	33%
Lack of authority	24%
Salary of councilors is too small	14%
Nepotism, corruption	12%
Political party interests outweigh local interests	10%
Irregular meetings or attendance of councilors	10%
Interference from outside (other authorities)	9%
No commune office	9%
Clerk controls commune stamp	7%
Total number of answers	1,354

²⁹ PRASAC was a large European Union development program that funded many small-scale infrastructure projects throughout Cambodia. That program has ended, but PRASAC remains in Cambodia currently as a micro-credit organization.

Councilors gave many (1,354 in total) and very diverse answers. Table 45 above lists all difficulties mentioned by more than 10% of all councilors. The difficulties listed cover 78% of all answers given. The first thing to point out is that these results do *not* indicate that councilors feel that they spend too much time on conflict mediation. One out of three ordinary citizens mentions this as a constraint (constituting one out of six constraints mentioned), but councilors do not bring it up as a significant problem.

Table 45 also puts a figure on the NCSC's *Decentralization Review* claim that "CCs view people's resistance to contributing as a significant problem."³⁰ The *PAT Empowerment Study* found that 19 out of 24 councils reported regular monthly meetings³¹. Only 10% of our sample mentioned irregular meetings and/or irregular attendance of meetings and office duties as a problem. The most likely conclusion is that the PAT figures are a better reflection of the actual occurrence of irregular meetings than our self-reported problem awareness.

³⁰ NCSC, *Decentralization Review*, p. 96.

³¹ Biddulph, *PAT Empowerment Study*, p.16.

LOCAL LEVEL CONFLICTS AND THE ROLE OF COMMUNE COUNCILS IN DISPUTE RESOLUTION

The local conflict landscape

We wanted to first establish an understanding of which conflicts occur at the local level, which ones are most common, and which ones were affecting our respondents and their families most. To obtain this, respondents were first asked to indicate if various kinds of conflicts did or did not happen in their village during the last 12 months. Fourteen different kinds of conflict³² –intended to cover the spectrum of possible conflicts in sufficient detail – and an open answer option were presented in random order. Respondents were then asked to indicate the three most common types of conflict amongst those that had happened during the last 12 months, and which of these kinds of conflicts, whether common or not, affected them and their family the most.

46. Most common types of conflict at village level

Type of conflict	Voters		
	Happened during the last 12 months in my village	Aggregated most common conflict	Conflict affecting my family most
Problems caused by youth gangs	60%	33%	24%
Domestic conflict, e.g. about inheritance, divorce or the beating of wife or children	55%	22%	15%
Small land conflict, e.g. about land demarcation	50%	16%	12%
Small neighborhood conflict, e.g. defamation, crop destruction, or noise	38%	10%	27%
Conflict around repayment of loans and other money issues	17%	-	2%
Other crime, e.g. theft, kidnapping, or murder	13%	-	7%
Big land conflict, e.g. land grabbing	13%	-	6%
Conflict about natural resources, e.g. about access to water or fishponds	13%	-	3%
Religious conflict, e.g. between monks, sects, between achar and monks, etc.	11%	-	1%
N	1,240	2,606	617

Table 46 summarizes this battery of questions. The aggregated most common conflict columns are based on a weighted total of what respondents mentioned as the three most common conflicts

³² In addition to the types mentioned in the table below the list contained: rape, abuse of power by authorities, conflicts with authorities, e.g. about registrations, construction, or utilities, conflicts between factory owners or businessmen and their workers, conflict between ethnic groups, e.g. between Khmer, and Vietnamese, Cham or highlanders.

in their opinion.³³ For citizens, youth gangs top the list, followed by domestic and then small land conflicts. We also asked about conflicts that affect respondents and their families to check opinion against personal experience. From this perspective, small neighborhood conflicts move to the top position, and conflicts that are not mentioned as common acquire importance such as theft, kidnapping, murder, and land grabbing. We were especially surprised to see the strong showing of the problem of youth gangs both in the general public opinion as well as in the personal experience of respondents, indicating the widespread nature of this particular problem and of its impact on citizens' lives. It is also significant to note that conflict between ethnic groups (e.g. between Khmer and Vietnamese, Cham or highlanders) barely appears as an issue for citizens.

Table 47 presents the results for the most common types of conflicts in the commune (not village) according to councilors specifically. For the councilors, small land issues are a more common problem than youth gangs, which present less of an issue for citizens. This is probably more reflective of the kinds of problems that actually come to them for resolution and occupy their time rather than a fuller descriptive picture of the overall conflict. Nevertheless, the same four conflicts are identified by both citizens and councilors: youth gangs, small land conflict, domestic disputes, and small neighborhood conflicts.

47. Most common types of conflict in the commune according to councilors

N=620	Aggregated most important conflict in the commune
Small land conflict, e.g. about land demarcation	35%
Domestic conflict, e.g. about inheritance, divorce or the beating of wife or children	25%
Small neighborhood conflict, e.g. defamation, crop destruction, or noise	12%
Problems caused by youth gangs	12%
Conflict around repayment of loans and other money issues	7%
Other crime, e.g. theft, kidnapping or murder	3%
Big land conflict, e.g. land grabbing	2%
Religious conflict, e.g. between monks, sects, between achar and monks etc.	1%
Conflict about natural resources, e.g. about access to water, fishponds	2%
Other conflicts	2%
Total number of answers	3,482

Most important actors in mediation and conflict resolution at the local level

Commune councils are said to be quite involved in mediating local conflicts. A major objective of this study was to find out if all the anecdotal information regarding this assertion is confirmed in a nationally representative survey. To find out more about involvement of the councils we asked respondents to tell us their perceptions regarding *who usually resolves* the three types of conflicts that they indicated as being most common, and *who else, if any, is otherwise involved*

³³ The first most common conflict is given a weight of 3, second most common a weight of 2 and third a weight of 1.

before a conflict is resolved. For both questions, respondents could provide two answers per first, second, and third most common conflict.

So, who are perceived as the most important mediators at the local level, and who are the most important conflict solvers? What is the relative standing of commune councils? We make the distinction between mediation and resolution of conflict because mediation is not necessarily sufficient to resolve the conflict. Table 48 below aggregates the answers across the most common types of conflict. The first three columns aggregate across all answers and tell us the share of a particular mediator in the total number of mediation efforts. The last column aggregates across cases and tells us the share of a particular mediator in the total number of conflicts. The importance of the distinction between mediating and resolving conflict will be more apparent below.

48. Voters report that village chiefs are the most important actors in mediation

Mediators for the most most common conflicts	Usually resolved by	Other mediators involved	Total answers	Total Cases
Village chief	1292 1 (34%)	536 2 (28%)	1828 1 (32%)	70%
Commune council	1199 2 (31%)	53 (3%)	1252 2 (22%)	48%
Police	648 3 (17%)	35 (2%)	683 3 (12%)	26%
Elder	257 4 (7%)	985 1 (51%)	1242 2 (22%)	48%
Other village/commune level mediators	109 (3%)	322 (17%)	431 (8%)	17%
District level mediators	196 (5%)	2 (0%)	198 (3%)	8%
Provincial level mediators	120 (3%)	0 (0%)	120 (2%)	5%
Other	15 (0%)	5 (0%)	20 (0%)	1%
Total answers	3,846	1,938	5,784	
Total cases				2,605

Regardless of how the data is viewed, it is clear that all major conflict mediators are local, and the more local the more important, such as village chiefs and elders. Village chiefs are involved in one out of every three mediation efforts, and commune councils are involved in one out of five. This difference is reflected in the number of conflict cases that involve either the village chief or the commune council at one stage or another. In the opinion of our voter sample, the village chief is part of the mediation process in 70% of all local conflicts. Commune councils are part of the mediation process in half of all local conflicts.

When we look only at who is actually solving conflicts, village chiefs are mentioned most often, but commune councils come in a close second, confirming the anecdotal information that commune councils play an important role in local-level conflict resolution. Villagers would go to

village chiefs first for mediation, but village chiefs and commune councils are almost equally important in actually resolving conflicts: both solve one out of three local conflicts for which mediation is sought. For resolving conflicts, local mediation sometimes does not suffice: 13% of all conflict cases involve moving upward to the district and provincial levels. When the conflict is taken beyond the village arena, district level beats provincial level 87% to 68%. “District level” near exclusively stands for the District Justice Department, whereas “province” mostly stands for provincial court.

Different kinds of conflict require different mediating actors

In summary, it is evident from Table 48 above that commune councils indeed are a major mediator in local-level conflicts, particularly in solving conflicts, but does the role of commune councils vary across those different kinds of conflict? Table 49 below reports the basic results on the four most common types of conflict that constitute 81% of the aggregated total (see Table 46: *Most Common Types of Conflict at Village Level*).

49. Different kinds of local conflict involve different mediating actors

	All mediators involved									
	Youth gangs		Domestic conflicts		Small land conflicts		Small neighborhood conflicts		Total	
	%	Rank	%	Rank	%	Rank	%	Rank	%	Rank
Village chief	23	2	35	1	42	1	38	1	32	1
Commune council	17	3	22	3	28	2	17	3	22	2
Police	27	1	4	4	3	4	4	4	12	3
Elder	22	2	29	2	17	3	28	2	22	2
N	1,633		1,357		968		595			

Table 49 condenses the results of a battery of related questions. In general, we can see that the four types of most common conflicts constitute three categories in terms of the involvement of various mediating actors:

- Domestic conflicts and small neighborhood conflicts involve village chiefs the most, then elders, then commune councils; police are not part of the picture.
- Small land conflicts involve village chiefs the most, followed by commune councils, then elders; again the police do not play a role.
- However, problems caused by youth gangs involve police the most, followed by village chiefs and elders, with commune councils last though still substantial.

The conflict resolution process

To learn as much as possible about how actual conflict cases were mediated or resolved, we asked voters to tell us about their personal experience with cases requiring mediation, the steps taken in the mediation process, and their view of the overall effort to resolve the conflict. Our results show that 29% of voters have personal experience with conflict mediation. In this section, we focus first on the conflicts mentioned by respondents, the three steps of the mediation process, how satisfied respondents were with respect to cost, procedural smoothness or efficiency, and the effectiveness of the mediation.

50. Small neighborhood conflicts and land conflicts score high; village chiefs and commune councils are the major mediators at local level

N=353					
Most commonly mentioned conflicts involving mediation	% of respondents		Most commonly mentioned mediators	% of cases	
Small neighborhood conflict	30%	1	Village chief	57%	
Small land conflict	21%	4	Elder	24%	
Domestic conflict	19%	3	Other village/commune level mediators	7%	
Big land conflict	10%	5	Commune council	45%	
Other	8%		Police	13%	
Conflict around repayment of loans and other money issues	5%		District level mediators	10%	
Other crime, e.g. theft, kidnapping or murder	4%		Province level mediators	9%	
Problems caused by youth gangs	3%	2	Others	2%	
Total	100%		Total number of cases	353	

The types of conflict that are most common overall as well as reported as affecting the respondents' families the most are largely the same as those with which our respondents have the most personal mediation experience, although their rank order of importance is not the same. Table 50 includes the most-affecting-my-family rank-order (bolded figures) for comparison. Youth gang-related issues are the exception, probably because they are not a problem most people would take to mediation even though they rank high as a personal problem for many people.

The mediators involved, here reported in terms of the number of cases, provide a take on the conflict management reality at local level that is similar in terms of the two main mediators of local conflict to the picture derived from people's general perceptions of conflicts in their village. However, some striking differences are also apparent, particularly regarding the involvement of other mediators. When compared with the general picture (Table 48), village chiefs play a role in fewer conflict cases that are based on personal experience (57% versus 70%) while the role of the commune councils remains about the same (45% versus 48%). The bigger differences are:

- Elders are reported to be involved in half of the conflicts at village level when one asks in general but appear in only a quarter of all cases with which people have had personal experience;
- Other village/commune-level mediators who are said to play a role in nearly one out of five cases if people are answering in general but appear in only one out of 14 cases based on personal experience;
- The role of police also halves (from 26% to 13%); and
- The role of district and province level mediators increases (from 13% to 19%).

To the extent that the case descriptions of conflicts with which respondents had personal experience are a more valid representation of the reality of the local-level conflict environment in Cambodia, these differences require additional research and analysis. It is worth noting that since the youth gangs issue drops out of the personal conflict mediation experience and is

replaced by big land conflicts, the role of the police is diminished accordingly while the need for district and provincial-level interventions increases. Secondly, traditional local authorities such as elders and village chiefs may offer advice and are the ones that people access first when they have a problem of any kind. When a problem becomes intense to the point of requiring mediation, however, then the more formal and higher authorities become more important in the search for resolution. These nuances of the data indicate that we need to include elders and especially village chiefs in local-level mediation and conflict resolution efforts, but attention must be paid to the provision of *effective* conflict resolution mechanisms.

We start our exploration of the steps involved in the mediation processes with an aggregate overview of the mediators involved in the various steps.

51. Conflict mediation usually starts at the lowest level and if not successful moves up

N=353	First Step	Second Step	Third Step	Total
Village chief	46%	24%	2%	36%
Elder	24%	-	-	14%
Other village- level mediators	5%	1%	2%	4%
Commune council	16%	54%	24%	28%
Police	6%	10%	11%	8%
Mediators above Commune level	2%	10%	59%	10%
Others	1%	1%	2%	1%
N	353	161	54	568

If we think of the different mediating actors as occupying different positions within a spectrum of informal to formal options for mediation and conflict resolution, then elders are the least formal, followed by the village chief, the commune council, and the police who constitute the most formal option. Table 51 clearly shows that in most instances conflict mediation starts at the lowest level (i.e. village level), and only when not resolved does a case move up the hierarchical ladder, first to the commune and then beyond. Rarely do people move beyond the village or commune without trying to find local solutions first. For the four most common conflicts requiring mediation according to citizens (land issues big and small, domestic disputes, and small neighborhood conflicts), this pattern remains virtually unchanged, with the only exception being big land conflicts where the nature of the conflict requires people to seek more formal and a higher level of mediation.³⁴

The data on respondents’ view of the performance of the various mediating actors is particularly illuminating regarding the preference of citizens to stay within the confines of village and commune for conflict resolution rather than moving upward. If one leaves the village arena, mediation becomes more difficult and more costly without a greater chance for success. The commune council still scores squarely on the positive side of the spectrum. Given their local character, the police do not look good, being rated as “difficult” as often as the court, and “expensive” nearly as often as the court. Citizens give the Provincial Court the worst mark, while viewing the District Justice Department as quite efficient and effective as a conflict resolution mechanism.

³⁴See Annex I for a more detailed table concerning the data on conflict resolution across the four most common types of conflict affecting citizens.

52. Leaving the village arena means mediation becomes more difficult and more costly without bigger chances for success³⁵

		Elders	Village chief	Commune council	Police	District Justice Dept.*	Provincial Court**	Total
Costs	Expensive	2%	15%	27%	51%	42%	64%	23%
	Not Expensive	92%	70%	62%	44%	45%	32%	65%
	Don't know	6%	15%	11%	5%	12%	4%	11%
Efficiency								
Efficiency	Easy	89%	82%	70%	63%	73%	64%	76%
	Difficult	11%	18%	30%	37%	27%	36%	23%
	Don't Know	-	-	-	-	-	-	-
Effectiveness								
Effectiveness	Successful	52%	40%	40%	53%	45%	60%	44%
	Unsuccessful	48%	56%	54%	42%	52%	32%	52%
	Don't Know	-	3%	4%	5%	3%	8%	5%
Total mediation instances		85	202	157	43	33	25	545

* Calculated across *four* mediation steps

** Calculated across *five* mediation steps

Conflicts mediated by commune councils

Having examined the total spectrum of conflicts occurring at local level and conflict mediation options/actors, we now focus our attention on the conflict resolution role of commune councils. As mentioned earlier in Table 47, councilors identify the same four conflicts as dominant: small land conflicts, domestic disputes, youth gangs, and small neighborhood disputes. The difference is that the youth gang problems emerge prominently with voters, whereas small land conflicts take the top spot among councilors. When asked about the kinds of conflict that come to them for mediation, councilors provided a list that is the same as what they consider to be the most common conflicts. We suspect, therefore, that the voters' list of what are the most common conflicts in their village may provide a more valid picture of the intensity of different kinds of local conflicts given that councilors are more likely to focus more on those that end up before the commune council. Youth gangs provide a prime example of this reality, as they affect voters directly and more often than other kinds of problems, but are not at the top of the commune councils' list. It is also notable that similar to citizens' list of concerns, ethnic conflicts represent a very small part of the conflict landscape for commune councilors.

³⁵Given the small numbers for some columns, one has to avoid reading too much meaning into individual percentages. However, consistent patterns are less subject to interpretative mistakes.

53. Types of conflict mediated by the commune council most frequently

N=620	Conflict mediated by my CC during the last 12 months
Small land conflict, e.g. about land demarcation	84%
Domestic conflict, e.g. about inheritance, divorce or the beating of wife or children	80%
Small neighborhood conflict, e.g. defamation, crop destruction, or noise	60%
Problems caused by youth gangs	54%
Conflict around repayment of loans and other money issues	47%
Other crime, e.g. theft, kidnapping or murder	28%
Rape	27%
Big land conflict, e.g. land grabbing	25%
Religious conflict, e.g. between monks, sects, between achar and monks etc.	20%
Conflict about natural resources, e.g. about access to water, fishponds	19%
Abuse of power by authorities	5%
Conflict with authorities, e.g. about registration , construction or utilities	5%
Conflict between ethnic groups, e.g. between Khmer and Vietnamese, Cham or highlanders	6%
Conflict between factory owners or businessmen and their workers	3%

How does a conflict come to the council

We wanted to explore the processes involved in conflict mediation by commune councils in more detail. It has often been said that in Cambodia, as in many traditional societies, “giving in” is a common way of responding to conflict.³⁶ In order to obtain an indicator for this assertion, we asked respondents their opinion: thinking about conflict in your village, *how often do you think* that the weaker party just gives in to the stronger party without compromise or compensation? It is significant that half of the respondents believe that this is often the case.

54. In many instances, the weaker party simply gives in to the stronger party

N=1,240	%
Almost always	8%
Most of the time	25%
About half the time	17%
Seldom	32%
Almost never	19%

³⁶See, for example, Fabienne Luco, *Between a Tiger and a Crocodile: Management of Local Conflicts in Cambodia -- An Anthropological Approach to Traditional and New Practices*. Phnom Penh: UNESCO, 2002.

Data also show that land conflicts are always brought for mediation. For domestic and small neighborhood disputes, mediation is sought in roughly two out of three cases. In terms of problems with youth gangs mediation is rarely sought, understandably given the nature of the problem.

55. Land conflicts always need mediation, but not when it comes to youth gang problems

	Village level conflicts affecting the respondents' family the most	Conflicts that the respondent has personal mediation experience with	Difference between the first and second column
Small neighborhood conflicts	168	106 (63%)	62 (37%)
Youth gangs	149	11 (7%)	138 (93%)
Domestic conflicts	93	66 (71%)	27 (29%)
Small land conflicts	71	73 (103%)	-2 (-3%)
Big land conflicts	36	37 (103%)	-1 (-3%)
Other conflicts	100	60 (60%)	40 (40%)
Total number of cases	617 (100%)	353 (57%)	264 (43%)

The next step in a mediation process involves choosing the first mediator. Table 51 indicates that the most common first mediator is a village elder or another mediator living in one's immediate surroundings, most often the village chief. The commune council is mainly a second level mediator, only called into action when the first level does not manage to solve the conflict. Respondents were asked directly if they thought "that it is all right for people to bring up a conflict to the commune council even without trying another means of resolution first, or should they always try out other means first?" An overwhelming number of respondents (93%) indicate that they would try other means first.

As a supplement to this question, we further asked "How often do you think that other options to resolve conflict before going to the commune council normally succeed?" Table 56 below offers a clear assessment: most disputes and conflicts are solved without the need for commune council involvement.

56. 60% of all conflicts are solved at village level without commune council mediation

N=1,240	%	
Almost always	6%	86%
Most of the time	47%	
About half the time	33%	
Seldom	12%	14%
Almost never	2%	
Don't know	1%	
Total	100%	

Who is approached in the commune council for mediation

Do people know what to do if they have decided to involve the commune in their conflict? We asked the respondents this question from a list of possible approaches that are used, allowing for multiple answers. Most people offered at least three options: directly approaching the chair of the council scores highest, but requesting the village chief to act as a middle man or approaching one of the Councilors are not far behind.

57. Various ways are used to approach the commune council

N=1,240	% of Responses	% of cases
Go and see the commune chief/chair of commune council	25%	120%
Ask the village chief to inform the commune office	20%	95%
Through an individual councilor	17%	82%
Go to the office and ask	14%	68%
Approach the commune council in writing	13%	62%
Go and see the commune clerk	10%	48%
Other	1%	4%
Total number of answers	5,933	

We posed a similar question to the councilors: what is the commune council's procedure for dealing with requests for mediation? It is clear that dealing with conflicts through subcommittees is not common. Having standardized compensations for particular transgressions, such as a fine system, is more common although still not very widespread.

58. Commune council chair and his/her deputies are approached first for mediation

N=620	%
Refer to the commune council chair/chief	32%
Refer to first or second deputy	26%
A particular councilor	13%
Through village chief	10%
Specified compensation for particular transgressions	9%
Established subcommittee of councilors present	2%
Commune clerk	4%
Others	5%
Total number of answers	1,812

Probing the commune council mediation process further, we asked councilors to tell us *who at the council usually resolves* the three types of conflicts that they indicated as being most common, and *who else, if any, mediated the conflict* before it was brought to the council? For both questions, respondents were asked to provide two answers per 1st, 2nd and 3rd most common conflict. Table 59 aggregates across the various types of conflicts mentioned as the ones most commonly brought to the council for mediation.

59. Commune council mediates near exclusively through its individual members

Mediators in conflict cases brought before the commune council	Usually resolved by		Other mediators involved before the conflict was brought to the council
Commune council chair/chief	37%	94%	-
Commune council member	33%		5%
Second deputy	17%		-
First deputy	7%		-
Police	5%	7%	9%
Village chief	0		63%
Elder	0		15%
Group chief	0		3%
Others	2%		5%
Total	1,683		2,191

Looking at Table 59 several things are noticeable:

- In conformity with the answers to the previous question about referral procedures, councilors report that conflicts are solved by individuals.
- Although the commune council chair is the single most important mediator, nearly two thirds of all conflicts are handled by other commune council members.
- Surprisingly, the second deputy, the official in charge of security and order in the commune, does not come in second.
- 7% of conflicts are referred to and solved by others, primarily the police; and
- When compared to the image of conflict mediation provided by the voters, village chiefs are much more important for councilors, and elders are much less important. This is no disparity but should be interpreted as reflecting the difference between the total picture of local conflict mediation and the slice of that pie dealt with by the commune council.

As with the voter answers, we have analyzed the results across four major types of conflict most often dealt with by the commune councils, namely small land conflicts, domestic disputes, youth gang problems, and small neighborhood conflicts. A detailed table is provided in Annex I. The data show that youth gang-related conflict is the category least likely to involve mediation and is solved primarily by the commune council chief and the police. It is also the only type of conflict that involves the police in a significant way. For the other types of conflict, similar to the patterns provided by voters, the village chief is often the first mediator involved, then elders before the commune council comes into the picture.

Councilors were also asked how often conflicts simply ended by the weaker party giving in completely to the demands of the stronger party. Unlike the similar question posed to the voters, the context of this question during the interview did not invite an answer in terms of how often the weak give in to the strong *in general*. Here, it referred much more specifically to the situation in which two parties of unequal power bring their conflict to the commune council. So it refers to the weak giving in to the strong *during mediation* by the council. Whereas half of voter respondents indicate that the weaker party gives up half the time at the outset when faced with a more powerful opponent, the councilors note that among those cases that actually come before the commune council for mediation, some 11% ended up giving in to the stronger party.

60. During mediation the weak completely give in to the strong in one out of five cases

N=1240	%
Almost always	-
Most of the time	11%
Seldom	59%
Almost never	30%
Total	100%

As mentioned earlier in the report, decentralization stakeholders in Cambodia were concerned not only with what seems to be a growing conflict management and resolution portfolio for the new commune councils, but also with the extent to which the commune councils are aware of the appropriate cases they should handle. We asked the councilors directly if there are any kind of conflicts that they feel should not be dealt with by the councils.

61. Councilors are aware that they should not mediate criminal cases

N=620	% of total answers	% of respondents
Crime/ Penal crime	39%	89%
Divorce between husband and wife/Division family inheritance	21%	47%
Rape/sex trafficking/human trafficking, weapons, and illicit drug trafficking	12%	28%
Construction conflict/ Big land conflict/ Confiscate land	10%	22%
Thievery, robbery, cheating/cow-buffalo stealing	8%	19%
Others	10%	
Total	1,416	

The answers indicate the following:

- Nearly all councilors are aware that solving crimes is not within their mandate, and should be dealt with by the police and the courts. As Table 53 (*Types of conflict mediated by the commune councils most frequently*) shows, this awareness does not categorically translate into commune councils refusing to mediate in such cases. But they admittedly constitute a small share, however, of the conflicts addressed by the councils;
- Two categories of crime are explicitly singled out by some councilors: rape and trafficking, and theft. A possible reason for this explicit mention is that if councils are requested to mediate in criminal cases, they usually fall within these categories;
- A quarter of the councilors mention larger property conflicts. In addition to procedural inappropriateness, one may suspect councilors perceiving the council as powerless in the face of the usually larger interests involved in such cases; and
- That nearly 50% of councilors mentions domestic problems, in particular divorce and inheritance problems, is notable because domestic disputes dominate the local conflict landscape, and yet the councilors seem to indicate a high level of reluctance to deal with them. The reason behind this finding needs to be discerned further. A possible explanation could be that the councilors feel that if lower-level mediators (elders and village chiefs) do not manage to solve them, it is better to involve more formal conflict resolution options directly. Domestic disputes can be particularly challenging if they cannot be resolved easily, and perhaps councilors do not feel that they are equipped with the skills to address this common problem.

Enforcement of commune council mediation agreements

Mediation can be sought, agreements can be reached, but too often conflicts are not fully resolved because enforcement is not possible. Therefore, we asked voters and councilors both how often they thought agreements between conflicting parties reached through mediation of the commune council are carried out by the parties involved.

62. Councilors and voters both positive about enforcement of mediated agreements

	Numerical %	Voters N=1240		Councilors N=620	
Almost always	95%	18%	74%	23%	95%
Most of the time	80%	56%		72%	
Seldom	20%	19%	21%	5%	5%
Almost never	5%	2%		-	
Don't Know		5%		-	

The results are surprisingly positive. A strong majority of both voters and councilors believe that agreements reached through commune council mediation are implemented almost always or most of the time (74% of voters, 95% of councilors).

Role and Performance of commune council in conflict resolution

To capture more in-depth the views of both voters and commune councilors on the role and performance of the commune councils in conflict resolution, we asked voters and councilors a number of related questions. Is it a proper role for the commune council? Are conflicts better mediated or resolved now than pre-2002? Does the commune council deal with conflicts impartially? Does conflict resolution by the commune council involve a fee or a service charge? Would people choose other conflict resolution options if they knew about them?

63. Voters and councilors agree that involving the commune is a proper and traditional way to solve conflicts

		Substantive (%)	Net Opinion (%)
Requesting the commune to intervene in a conflict is a proper and traditional way of solving it	Voters	93%	+57
	Councilors	100%	+52

Although the Net Opinion is nearly equally positive, councilors are actually less supportive of the statement: 19% disagree.

64. Voters and councilors are highly positive about conflict resolution by the commune council

		Substantive (%)	Net Opinion (%)
The commune level deals better with conflict than it used to when there was only a commune chief	Voters	93%	+57
	Councilors	100%	+90

The differential outcome to this question was to be expected, but the very positive Net Opinion of voters is noteworthy.

65. Voters much less convinced than councilors of the commune council's impartiality

		Substantive (%)	Net Opinion (%)
The party membership of people that bring a case for mediation to the commune council does not influence the way the case is dealt with	Voters	95%	+47
	Councilors	100%	+89
If people are rich or poor does not matter to how their case is dealt with by the commune council	Voters	98%	+24
	Councilors	100%	+90

The level of agreement voters express to these two statements is very similar (59% and 51% respectively), but many more voters express disagreement to the second statement than the first (27% and 14% respectively). It would seem that class has a stronger impact than political party affiliation in commune council mediation.

66. Conflict resolution by the commune council involves a "service charge"

	Voters N=1240	% for Councilors N=620
Yes	70%	33%
No	17%	64%
Don't know	14%	3%

According to more than two-thirds of voters, commune council involvement in conflict resolution does require a service charge, a fact admitted to by only one-third of the councilors.

67. Voters less sure than councilors about attractiveness of the commune council over other legal options

		Substantive (%)	Net Opinion (%)
If people would know about other legal options to solve their conflicts they would not go to the commune council	N=620 Voters	95%	+29
	N=620 Councilors	100%	+9

Although voters are more assertive than councilors about the commune council being a traditional and proper mediator, they believe to a larger extent than councilors that other options would be chosen if people were actually aware of them. Again, this underlines the fact that while the data generally posits a positive public view of commune councils' role and performance in conflict resolution, there is a strong underlying desire for the availability of other, more effective options. Together, the data from these related questions confirms that the commune councils are definitely providing needed mediation/conflict resolution services to the citizens. Citizens clearly recognize that conflict is addressed more effectively than prior to the 2002 commune council elections, but this endorsement is qualified by the fact citizens also see problems with power and class influences and the emergence of petty corruption. This would further explain the seeming contradiction between citizens' positive endorsement of the commune councils in conflict resolution and their desire for other conflict resolution options.

Constraints to commune council mediation

Finally, we asked respondents to indicate issues, if any, that affect the commune councils in their role as mediators.

68. Voters see corruption and nepotism important problems in conflict mediation by commune councils

N=1240	% of responses	% of respondents
Corruption	25%	55%
Nepotism	24%	53%
lack of funds	15%	34%
Limited skills	14%	32%
Lack of authority	13%	29%
Lack of legal and other documents	8%	18%
Other	-	1%
Total number of answers	2,759	

For citizens, corruption and nepotism were mentioned by more than half of all respondents and together they constitute 50% of all answers. The other 50% were split between lack of funds, lack of authority, limited skills, and lack of legal documents, none of which was mentioned by more than a third of all respondents.

Councilors were also asked if they perceived any obstacles regarding the commune council role in conflict mediation. 40% of all councilors indicated that obstacles to conflict mediation do exist. Table 68 below summarizes the results to an open-ended follow-up question which asked councilors to specify the perceived obstacles (three answer options allowed).

69. Councilors see lack of skills and resources as the major obstacles in mediation

N=620	Type of obstacles	Aggregate response
	Commune council lacks knowledge/skills	25%
	People lack of legal knowledge understanding and/or respect for the law	28%
	Commune council lacks resources, like time, staff or legal documentation	15%
	Lack of authority	11%
	Pressure from the powerful (external)	8%
	Nepotism, political bias and/or self-interested mediation (internal)	8%
	Other	8%
	N	440

As expected, corruption and nepotism do not top the councilor list of perceived obstacles. However, councilors do not deny the issue: their answers regarding internal and external causes of partiality add up to a substantial 16%.

Finally, councilors were asked what their commune council needs most in order to deal more effectively with conflict mediation requests. The answer is unequivocal: training in mediation and conflict resolution are by far what most councilors feel they need most to be more effective in their work.

70. 84% of councilors express need for legal and conflict mediation training

N=620	% of responses	% of respondents
Training on laws & procedures for mediation	51%	84%
Better salary for councilors	9%	15%
Appropriate laws or dissemination of existing laws	9%	15%
Evidence & witnesses	6%	11%
Lack of interference by party interests/powerful people	6%	10%
Good relations/cooperation between various mediators, mediators at different levels	5%	8%
Other	13%	21%
Total	978	

CHARACTERISTICS OF VOTERS AND COMMUNE COUNCILORS

The survey is nationwide, which provides us with a representative sample of both voter-age citizens and commune councilors. We define both of these sample populations by a set of key background variables: rural/urban location of household/respondent; gender; age; education attainment and literacy; socio-economic status; and civil society membership. The interactions of these variables provide some interesting correlations, especially about the commune councilors, and additional insight can be found regarding the nature of these newly elected commune councils.

About the voters

As expected, urban respondents are substantially better educated than the rural respondents; males are substantially better educated than females; the younger the respondents, the better educated; and the better off the respondent's household, the better educated the respondent.

For one variable which we did not have any expectations, membership in a local civil society organization, there are some interesting correlations:

- the youngest age group is less likely to be a member of a local civil society organization than the oldest age group;
- civil society group membership is slightly skewed toward the better educated; but
- rural/urban location, gender, and socio-economic status do not seem to influence the likelihood of being a member of a civil society organization.

The absolute number of those who actually belong to a civil society organization is very small, which seems to confirm the common assumption that local collective association in Cambodia has always been, and is still, weak.³⁷ The "every household is an island" description of Cambodian society seems extreme however, given the fact that survey respondents affirm greater local associational life now than a few years ago.³⁸ Given the weak institutional fabric of Cambodian society, this issue deserves greater attention, especially if decentralization may indeed facilitate greater civic engagement.

About the commune councilors

The same background characteristics defining our voter sample also define our councilor sample. Interesting correlations that emerged include:

- Urban areas have proportionately more female councilors.
- Educational attainment of male and female councilors is much more equal than for Cambodians as a whole. Females are seriously underrepresented in the positions of chair, first, and second deputy. On average, female councilors are younger than male councilors.
- Female councilors are more likely to be a member of a civil society organization than their male counterparts (and more likely than the average Cambodians).
- Older councilors are better educated than the younger councilors, which is the opposite pattern within the Cambodian population. Because of the interaction between age and position, this goes hand in hand with chairs and first deputies being better educated than the

³⁷ Rusten, *Poverty Reduction through Decentralization?*, p. 4.

³⁸ See, for example, Ovesen, Jan, Ing-Britt Trankell, and Joakim Öjendal, *When Every Household is an Island: Social Organization and Power Structures in Rural Cambodia*. Stockholm: Uppsala Research Reports in Cultural Anthropology #15, Department of Cultural Anthropology, Uppsala University, 1996.

other members of the council. The younger councilors are slightly more likely to be a member of civil society organization than older members, but this is partly caused by female councilors being younger than male councilors.

- Chairs of commune councils tend to be better off than the other members, and second deputies are worst off.
- Councilors that are below the average socio-economic status are over-represented in urban areas.
- Civil society membership is more prominent in urban than in rural areas, but this interaction is again partly determined by the over-representation of female councilors in urban areas.
- Sam Rainsy Party-headed commune councils are also located mostly in urban centers.
- FUNCINPEC-headed councils are to be found only in rural areas, and then predominantly in remote rural areas.

We also probed the extent to which commune councilors have played a dominant position in the local power structure in the past and if there exists any correlation with current political party affiliation.

71. Positions held before becoming councilors in random sample communes

N=310	Chair	1 st deputy	2 nd deputy	1 st member	2 nd + 3 rd member	4 th + 5 th member	6 +7+8th member	Total
Commune chief	50%	9%	1%	10%	4%	2%	1%	245 (11%)
Other local office*	4%	5%	3%	11%	14%	16%	9%	197 (9%)
Civil servant	32%	34%	17%	58%	50%	32%	21%	801 (37%)
Ordinary citizen	12%	44%	68%	18%	28%	43%	64%	797 (37%)
Political party member	1%	4%	6%	1%	1%	3%	1%	54 (3%)
Civil society organization**	1%	1%	2%	1%	2%	2%	1%	32 (2%)
Other/ DK	1%	3%	3%	2%	1%	3%	3%	43 (2%)
Total	310 (14%)	310 (14%)	310 (14%)	310 (14%)	498 (23%)	277 (13%)	154 (7%)	2169

*village chief, deputy village chief, head of Commune Development Committee, head of Village Development Committee

**achar, member of pagoda committee, member of school construction committee, head of civil society organization

72. Positions held before becoming councilors in minority-party headed communes

N=22	Chair	1 st deputy	2 nd deputy	1 st member	2 nd + 3 rd member	4 th + 5 th member	6 +7+8th member	Total
Commune chief	-	36%	9%	2%	-	5%	5%	13 (8%)
Other local office*	5%	5%	7%	5%	7%	17%	24%	15 (9%)
Civil servant	27%	16%	27%	25%	35%	33%	45%	48 (30%)
Ordinary citizen	55%	41%	46%	66%	53%	38%	24%	76 (47%)
Political party member	5%	-	2%	2%	2%	-	-	3 (2%)
Civil society organization**	7%	-	-	-	2%	7%	3%	4 (2%)
Other/ Don't know	2%	2%	9%	-	2%	-	-	3 (2%)
Total	22 (14%)	22 (14%)	22 (14%)	22 (14%)	34 (21%)	21 (13%)	19 (12%)	162

When looking at positions held before becoming commune council members, it is obvious that most former commune chiefs have made the switch to the new system: 245 former commune chiefs in 310 communes is a high proportion, even with some councils having two former chiefs among their members. Furthermore, half of these former commune chiefs have returned as chair of commune councils.

A second observation is that there are four relevant categories of former positions: commune chiefs, civil servants, normal citizens (which covers the whole spectrum of non-government-related occupations and professions), and other local officials (e.g. village chiefs, or heads of Village Development Committees and Commune Development Committees). The tables above capture the profiles of different members of the commune councils. For example, second deputies have a profile that is quite different from chairs of councils and first deputies (no former commune chiefs, few were former civil servants, many were simply citizens). The profile of first members is also very different from that of 4th and 5th members.

Upon inspecting the profiles and the party membership of the various types of council members, a clear correlation between the patterns of former positions and the patterns of party memberships is evident. Second deputy, for example, is a position occupied almost entirely by minority party members, an artifact of the election system. Table 73 below confirms the strong relationship between party and CV.

73. CPP members have always been officials, FUNCINPEC & SRP members are new

N=310	CPP	FUNCINPEC	SRP	Total
Commune chief	16%	1%	-	245 (11%)
Civil servant	48%	12%	14%	801 (37%)
Other local office	12%	3%	2%	397 (9%)
Ordinary profession	20%	73%	72%	797 (37%)
Other/ DK	4%	11%	12%	130 (6%)
Total	1,484 (68%)	414 (19%)	271 (13%)	2,169

On the basis of this data we cannot confirm the observation by Robin Biddulph "...that FUNCINPEC and Sam Rainsy Party candidates in the commune elections were often former CPP commune chiefs or deputies who had left their jobs for various reasons in the 1980s."³⁹ We have asked our respondents to indicate how long each of their fellow councilors had been in his/her former position, but the three allowable answer options (1-5 years, 6-10 years, more than 10 years) unfortunately do not let us identify who were in power during the 1980s.⁴⁰ Nevertheless, the question about *how long in position* had a very uniform answer pattern: across all categories of former positions, 73% had been in position more than 10 years.

The profiles of CPP councilors and minority party councilors are drastically different, with 75% of CPP members having occupied a government position preceding the 2002 elections, while about the same proportion of minority party members held no government position, most of them for more than 10 years. As such, although it may be said that "...after this first election at least, power has remained very much in the same class of people as when commune authorities were appointed by the state," we can also point to the influx into the commune councils of many who have been outside government for at least a decade or more.⁴¹

It is undeniably true that the majority of councilors are quite old. Out of our sample of 620 commune councilors, 538 are classified as older as oppose to middle age. The Seila baseline survey on government officials found that "...76% would have been trained and had their bureaucratic instincts formed during ultra-conservative times" who are now "middle-aged, middle class conservatives who respect authority and who know how to survive."⁴² This conclusion may be as valid for civil servants as for many others of this generation, including a large number of commune councilors. By the same token, however, the data on the councilors also indicate a more experienced and potentially savvy group of local government officials than the fact that these are newly elected commune councils would suggest. The combination of

³⁹ Biddulph, *PAT Empowerment Study*, p.25.

⁴⁰ The more than 10 years option includes new entrants during the UNTAC period, and also does not allow for the identification of those who left government positions in the 1980s.

⁴¹ Biddulph, *PAT Empowerment Study*, p.25.

⁴² John Holloway, James D'Ércole, and Chom Sok, *Survey of Knowledge, Attitudes, Practices and Beliefs on Standards in Good Governance in Seila*. Phnom Penh: UNOPS/PLG, 2001, p. 16 & 9.

direct election, intense international and domestic monitoring of performance, growing civic engagement, and strong constituency demand may well present a new context for local government to work in Cambodia, especially with the next commune council elections slated to take place in 2007.

CONCLUDING NOTES

Two years after the historic election of local-level governments, embodied in the new commune councils, citizens have indicated that they are generally positive about their performance. Compared to the previous local governance regime, this represents a genuine improvement in commune-level administration. This is indeed good news given that there were many genuine concerns from NGOs, government, international development organizations, and donors about whether the commune councils would have the capacity to carry out the tasks assigned to them, and whether citizens would be aware enough to participate in the local governance process that has the potential to affect their lives most directly. The survey results give us reason to be cautiously optimistic on both fronts. Reasons to be optimistic include:

- Citizens give a high-trust rating to commune councils in comparison with provincial government and parliament, and they believe that commune administration has definitely improved since the commune council elections of 2002.
- Thus far, there are no signs that local development projects critical to the well being of citizens are being captured by local elite or other powerbrokers. Citizens and councilors feel that roads, schools, wells, and other infrastructural projects currently being built are beneficial for the majority of Cambodians rather than just a few.
- Partisan politics does not seem to have had an adverse affect either on the workings of the councils or on the allocation of resources as noted in the above paragraph. Citizens report that they do not see partisan politics as highly problematic, although councilors do to a greater degree. Nevertheless, the majority of councilors of all political party affiliations are generally satisfied with the decision-making process in their council.
- The decentralization process seems to have galvanized participation at the local level through the increased numbers of NGOs and the increased level of collective action. Councilors have also indicated that overall, their relationship with the NGO sector has been collaborative and not adversarial. As for citizens specifically, to the extent that they are aware of village planning meetings they do attend them. They also indicate very strongly that they would like to have more face-to-face interaction with their representatives on the commune council.
- Commune councils are becoming a legitimate governance institution to which citizens turn for resolution of conflicts. While village chiefs and elders represent the more common local mediators that citizens access first, commune councils are seen as credible and effective conflict resolution mechanisms.
- Conflict mediation at the village and commune level is experienced by citizens as easier, cheaper, and more effective than at higher levels. In addition, both citizens and councilors are highly confident that most commune council mediation agreements result in compliance.

Optimism is tempered, however, by a number of concerns requiring further attention that include:

- While infrastructure development projects seem to be beneficial for everyone, petty corruption is emerging in two different contexts. Citizens are reporting that “formal and

informal fees” are being charged by the commune councils for such items as the registration of certificates and licenses which may go beyond what is legal, and a “service charge” is expected for mediation and conflict resolution by the councils. The councilors, on the other hand, are reporting that commune councils have to pay a certain amount to ensure that the provincial treasury releases the funds necessary for commune administration and development projects.

- Related to the point above, clarity is needed regarding what fees for what services are allowable.
- Citizen participation in commune administration is still relatively weak. Therefore, councilors must be more active in reaching out to citizens.
- The monitoring mechanism embodied in the commune council’s Budget and Planning Committee is weak: only a little more than half of Cambodians are aware of the BPC members from their village and a third of the councilors indicate that only a few of the BPC members are performing their jobs well.
- According to both citizens and councilors, performance in the management of natural resources is the weakest in comparison to council performance with other tasks. Overlapping authorities and the fact that conflicts over natural resources often involve multiple powerful interests against communities over access to fisheries, forests, and land make this one of the most challenging areas to address. However, it is clearly necessary to do so.
- Conflicts involving youth gangs emerge as the dominant concern for citizens in our survey, a problem that neither commune councils nor village chiefs can handle adequately. It must be dealt with by the police. The fact that youth gangs are a significant problem at the local level requires therefore greater understanding of what is motivating this phenomenon to determine what can be done to address it before the problem outgrows any possibility of management by local institutions.
- Partisan politics may not have negatively impacted the management of development projects by commune councils, but citizens report that they see corruption, nepotism and impartiality as important problems in commune council mediation.
- There is a need for better information about and capacity for mediation and conflict resolution among the councilors.
- Village chiefs are clearly central to effective commune administration, to mediation and conflict resolution needs at the local level, and to the representation of village interests at the commune level, however they do not seem to figure clearly in the local governance structure and in their relationship with the commune councils.

In sum, the newly elected commune councils provide Cambodian citizens with a legitimate authority at the local level to help them with the issues that affect their daily lives in ways that have not been possible for a long time given the widespread destruction of institutions in the country during the Khmer Rouge years. This explains the strong positive rating citizens have given the commune councils that goes beyond partisan politics, yet the survey also tracks an

underlying sense of public desire for more options that would provide better and more effective, equitable, and consistent access to government and justice-related issues. In a sense, citizens want to ease as much as possible their sense of vulnerability, and while commune councils provide them with a credible institution, they have expressed the need for more than just one institution that they can reach out to. In this regard, the role of the village chief should be addressed along with building up the capacity of commune councils to improve their work and performance.

As for the commune councils, being an elected institution does provide them with a sense of commitment to the needs of their constituencies. However, they are still in the process of understanding their relationship with the district, provincial, and national levels of government that demand from them loyalty rather than seeing them as representative of citizen voices. Efforts to clarify the lines of responsibility and bolster commune councils' understanding of their rights would be highly effective in addressing this problem and would help to transform inter-government relations in the long run.

The survey data is rich; we invite readers to explore the data in depth and come to their own conclusions. In the mean time, we hope that the survey will contribute to the ongoing discussion about Cambodia's decentralization process and help assess where resources should be allocated to increase the commune councils' effectiveness and impartiality. The survey results will certainly inform The Asia Foundation's own program activities in decentralization and local governance, as well as in legal reform and conflict management. Finally, we expect that additional surveys in the future that utilize this survey as a baseline will continue to help policymakers, government, NGOs, and citizens to monitor and refine ways to facilitate transparent, accountable, and responsive governance in Cambodia.

SELECTED REFERENCES

- ADI. *Experiences of Commune Councils in promoting participatory local governance: case studies from five communes*. Phnom Penh: ADI/CCC, 2004.
- Ayers, David. *Decentralisation: A Review of the Literature*. Phnom Penh: CCSP, 2001.
- Biddulph, Robin. *PAT Empowerment Study – Final Report*. Phnom Penh: Permanent Advisory Team on the Seila Program, Partnership for Local Governance, 2003.
- Degen, Peter, Frank Van Acker, Nicholas Van Zaqlinghe, Nao Thuok, and Ly Vuthy. *Conflicts over Cambodia's Freshwater Fish Resources*. Paper for the 8th IASCP Conference, Bloomington Indiana, 2000.
- Holloway, John, James D'Ercole, and Chom Sok. *Survey of Knowledge, Attitudes, Practices and Beliefs on Standards in Good Governance in Seila*. Phnom Penh: UNOPS/PLG, 2001.
- Hughes, Caroline. *An Investigation of Conflict Management in Cambodian Villages: A Review of the Literature with Suggestions for Future Research*. Phnom Penh: CPD/CDRI, 2001.
- Hughes, Caroline. "Evolution of Conflict Management during Electoral Periods." *Cambodia Development Review*, Vol. 8 (1), 2004.
- Ledgerwood, Judy, and John Vijghen. "Decision-making in Rural Khmer Villages," in Judy Ledgerwood, ed., *Cambodia Emerges from the Past: Eight Essays*. DeKalb, Illinois: Center for Southeast Asian Studies, Northern Illinois University, 2002.
- Luco, Fabienne. *Between a Tiger and a Crocodile: Management of Local Conflicts in Cambodia – An Anthropological Approach to Traditional and New Practices*. Phnom Penh: UNESCO, 2002.
- Mansfield, Christina, and Kurt Macleod. *Commune Councils and Civil Society*. Phnom Penh: PACT, 2004.
- National Committee to Support Communes/DOLA/UNDP/GTZ. *Decentralization Review*. Phnom Penh: Ministry of Interior, 2004.
- NGO Liaison Office. *List of Books*. Phnom Penh: CCSP.
- Oberndorf, Robert B. *Law Harmonization in Relation to the Decentralization Process in Cambodia*. Phnom Penh: CDRI Working Paper #31, 2004.
- Ovesen, Jan, Ing-Britt Trankell, and Joakim Öjendal. *When Every Household is an Island: Social Organization and Power Structures in Rural Cambodia*. Stockholm: Uppsala Research Reports in Cultural Anthropology #15, Department of Cultural Anthropology, Uppsala University, 1996.

Rusten, Caroline. "Poverty Reduction through Decentralization? Lessons from Elsewhere and Challenges for Cambodia." *Cambodia Development Review* Vol 7 (4), 2003.

Rusten, Caroline, Kim Sedara, Eng Netra and Pak Kimchoeun. *The Challenges of the Decentralisation Design in Cambodia*. Phnom Penh: CDRI Working Paper, 2004.

Sedara, Kim and Eng Netra. *List of Literature on Decentralization*. Phnom Penh: CDRI, 2003.

ANNEX I

Different levels of mediation across the four most common types of conflict cited by citizens⁴³

N=37	Big Land conflict							
	First Step		Second Step		Third Step		Total	
Village Chief	62%	65%	4%	8%	-	8%	31%	35%
Elder	-		-		-			
Other village level mediators	3%		4%		8%		4%	
Commune council	32%	32%	75%	75%	8%	8%	44%	44%
Police	-		-		-			
Mediators above Commune level	3%	3%	18%	18%	77%	77%	10%	21%
Others	-		-		8%		1%	
N	37		28=76%		13=35%		78	

N=73	Small Land conflict							
	First Step		Second Step		Third Step		Total	
Village Chief	62%	87%	24%	27%	9%	9%	45%	60%
Elder	21%		3%		-		13%	
Other village level mediators	4%		-		-		2%	
Commune council	14%	14%	62%	67%	18%	36%	29%	32%
Police	-		5%		18%		3%	
Mediators above commune level	-	-	5%	5%	55%	55%	7%	7%
Others	-		-		-		-	
N	73		37=51%		11=15%		121	

N=66	Domestic conflict							
	First Step		Second Step		Third Step		Total	
Village chief	46%	82%	43%	47%	-	-	41%	66%
Elder	30%		-		-		20%	
Other village level mediators	6%		4%		-		5%	
Commune council	12%	15%	50%	50%	63%	63%	26%	28%
Police	3%		-		-		2%	
Mediators above commune level	2%	2%	4%	4%	38%	38%	4%	4%
Others	2%		-		-		1%	1%
N	66		28=42%		8=12%		102	

N=106	Small neighborhood conflict							
	First Step		Second Step		Third Step		Total	
Village chief	36%	80%	33%	33%	-	-	33%	63%
Elder	38%		-		-		26%	
Other village level mediators	6%		-		-		4%	
Commune council	13%	21%	43%	64%	43%	72%	22%	33%
Police	8%		18%		29%		11%	
Mediators above commune level	-	-	-	-	29%	29%	1%	1%
Others	-		-		-		1%	1%
N	106		40=38%		7=7%		153	

⁴³ Given the small numbers for most steps, one has to avoid reading too much meaning into individual percentages. However, patterns, when they are consistent, are less subject to interpretative mistakes.

ANNEX II

Different types of local conflicts and the corresponding mediating process

	Usually resolved									
	Small land conflicts		Domestic conflicts		Youth gang conflicts		Small neighborhood conflicts		Total	
	%	Rank	%	Rank	%	Rank	%	Rank	%	Rank
C chief	39%	1	37%	1	34%	1	34%	1	37%	1
CC member	36%	1	38%	1	15%	4	36%	1	33%	2
2nd deputy	15%	3	17%	3	19%	3	19%	3	17%	3
1st deputy	8%	4	6%	4	5%	5	10%	4	7%	4
Police	-		1%		27%	2	-		5%	5
Number of answers	497		429		213		222		1361	
1st Mediators										
Village chief	76%	1	69%	1	39%	1	73%	1	68%	1
Elder	7%	2	10%	2	5%	4	8%	2	8%	2
CC	6%	2	7%	3	4%		6%	2	6%	2
Group chief	4%		4%		-		6%	2	4%	
Police	-		2%		30%	2	1%		6%	2
No prior mediation	6%	2	6%	3	18%	3	5%	2	8%	2
Number of answers	497		429		213		222		1361	
2nd Mediators										
Village chief	17%	2	20%	2	11%	3	19%	2	17%	2
Elder	14%	2	18%	2	10%	3	15%	3	15%	2
CC	-		1%		-		-		1%	
Group chief	1%		1%		-		1%		1%	
Police	2%		3%		15%	2	2%		4%	
No prior mediation	64%	1	52%	1	60%	1	62%	1	59%	1
Number of answers	497		429		213		222		1361	

ANNEX III: SURVEY METHODOLOGY

The survey covered all 24 provinces of Cambodia by way of a nationally representative proportionate sampling scheme. The survey covered 1,416 voter age citizens, in this report called voters, and 708 commune councilors, using specific instruments for each group.

The fieldwork took place over more than eight weeks from April 5, 2004 until June 2, 2004.

Sampling size and error margins

The indicator of data quality used is the standard error of the estimate. Survey statistics are mostly proportions, which means that the key measure of data precision is the standard error of a proportion taken from a sample. Its formula is:

$$\pm Z * \sqrt{\frac{p(1-p)}{n}}$$

Z = 1.96 (confidence level 95%)

p = sample proportion estimate

n = sample size

For the total sample of voters (1416 respondents) this means that the maximum error margin at a 95% confidence level, assuming a simple random sampling design, is approx $\pm 2.6\%$. For the smaller random sample of citizens (1,240 respondents, see below) the maximum error margin is approx. $\pm 2.8\%$. However, somewhat higher error margins are expected because the sampling design is not simple but multi-stage; the associated design effect is not readily measurable through established statistical software.

For the total sample of commune councilors (708 respondents) this means that the maximum error margin at a 95% confidence level, assuming a simple random sampling design, is approx. $\pm 3.7\%$. For the smaller random sample of commune councilors (620 respondents, see below) the maximum error margin is approx. $\pm 3.9\%$. The same design effect caveat as for the sample of citizens applies to the councilor sample.

For both samples, margins increase when disaggregating the data. For a background variable that splits the total sample into two roughly equal sub-samples it increases to 3.7% and 5.2% respectively. The smaller the sub sample, the larger the margin or error. This needs to be taken into account when interpreting the data.

Sampling scheme

The sampling scheme was subcontracted to staff of the National Institute of Statistics. Commune councils (CC) being the unit of interest, communes were taken as Primary Sampling Units (PSU). At the time of the survey, Cambodia listed 1,621 communes. To ensure national representativeness of our data for Councilors (95% confidence interval, 3% error margin), a basic random sample of 310 communes was drawn using the General Population Census 1998 database as the sampling frame.

For the citizens' survey, a four-stage stratified Simple Random Sampling Without Replacement design was used. The Primary Sampling Unit was the commune, the Secondary Sampling Unit was the village, one village per commune, the Tertiary Sampling Unit was the individual

household (HH). Households were selected using so-called Linear Systematic Sampling with equal probability of selection (LSS_EQP). A random start was chosen based on the last digit of a local currency serial number, and then the sample of four households for the village (including the random start HH) was identified. For small villages (total HH less than 50) an interval of six housing units was used, for larger villages an interval of 10 housing units. The last stage of sampling selection was the choice of a female or male respondent within the HH using the random methodology of Kish Grid maps.

For the commune councilor survey, a two-stage stratified Simple Random Sampling Without Replacement design was used. Within each commune, two councilors were selected for interviewing, one holding an official position (either presiding member or one of his/her two deputies), the other a regular member of the council. The presiding member (chairing the council) was always the first choice for the category of commune councilors with position, but time constraints meant that final selection was largely dictated by availability for both categories.

The random sample of 310 communes guarantees representativeness of the data. However, the current constitution of the total universe of commune councils in terms of party dominance (CPP) and gender of their presiding member (male) means that this sample does not allow for any conclusion regarding different opinions of councilors and their constituents along the lines of these potentially interesting background variables. We, therefore, decided to include all communes with a non-CPP chaired commune council and/or a female-headed commune council that were not contained in the original random sample. The table below shows the constitution of the original random sample of communes, the additional sample, and the resulting total sample of commune councils in terms of party dominance and gender of the presiding member of their commune council.

Random and additional samples

Sample	Dominant party → Sex of chair ↓	CPP	Sam Rainsy	FUNCINPEC	Total
Proportion ate sample	M	302	4		310
	F	4			
Additional sample	M		8	9	47
	F	26	1		
Total		332	13	9	354

The additional sample covered nearly all communes with a non-CPP commune chair and/or a female-headed commune council. Two communes with female-headed commune councils were not included because the survey team was denied permission by the presiding member of the commune council, and one FUNCINPEC chaired commune was excluded because of its remote location.

For analytic purposes this means that sometimes the total samples of commune councilors and citizens are used, sometimes only the random samples. When the objective is to determine a representative picture, only data from the random sample are used. When the objective is to understand the relationship between particular background variables and opinions, the total sample is used. For each conclusion reached we will report on which sample it is based.

QUESTIONNAIRE DESIGN

Because commune councils have only been in place since mid-2002, the existing evidence base is limited and largely anecdotal and case-study based. Therefore the instrument development phase was allotted considerable time and included:

- A literature review on decentralization in Cambodia which resulted in a bullet point list of issues that might be addressed by the study.
- Interviewing a limited number of key informants knowledgeable about the decentralization process in Cambodia. The interviews were used to check the bullet point list for omissions, get input on which issues are seen as most important, and elicit suggestions about ways to turn them into questions.
- A total of six focus group discussions (FGDs) that targeted conflicts and mediation by commune councils: three with commune councilors and three with voter age adults, and four in rural locations and two in urban locations (see table below). The commune councilor FGDs had a total of 27 participants, the citizen FGDs 24. The participants were predominantly male with only two female citizens and three female councilors.

Focus Group Discussions

Participants	Rural	Urban
Commune councilors	Kandal	Phnom Penh
	Kandal	
Voters	Takeo	Kampong Speu
	Takeo	

The resulting survey instruments were developed by Dr. Hean Sokhom and Mr. Roger Henke of Center for Advanced Study in close consultation and collaboration with Dr. Kim Ninh of The Asia Foundation in San Francisco and other Foundation staff in Phnom Penh. Additional technical input was provided by Dr. Mahar Mangahas of Social Weather Stations, a well-established public opinion polling organization in the Philippines.



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