



# Report on Conflict Analysis and Power Relations in Pursat Catchment

## Fostering Evidence-based IWRM in Stung Pursat Catchment (Tonle Sap Great Lake)

December 2013

Prepared for:

Mekong Basin Leader CGIAR Challenge Program on Water and Food



CGIAR Challenge Program on WATER & FOOD

Andes • Ganges • Limpopo • Mekong • Nile • Volta





# REPORT ON CONFLICT ANALYSIS AND POWER RELATIONS IN PURSAT CATCHMENT

*Prepared for:*

**DR. KIM GEHEB, FRGS, FRSA**  
**MEKONG BASIN LEADER CGIAR CHALLENGE PROGRAM ON WATER AND FOOD**  
NAGA HOUSE HOUSE 87, UNIT 7, MIXAY VILLAGE  
CHANTABOULY DISTRICT VIENTIANE CAPITAL, LAO PDR

**IWMI-SEA**  
P.O. BOX 4199  
LAO PDR

*Prepared by:*

**MK16 Project Team from**  
**MINISTRY OF WATER RESOURCES AND METEOROLOGY, TONLE SAP AUTHORITY,**  
**SUPREME NATIONAL ECONOMIC COUNCIL, HATFIELD CONSULTANTS AND CEPA**  
**Phnom Penh, Cambodia**

**DECEMBER 2013**

CPWF5569NV.1



## TABLE OF CONTENTS

<b>LIST OF TABLES .....</b>	<b>ii</b>
<b>LIST OF FIGURES.....</b>	<b>ii</b>
<b>LIST OF ACRONYMS.....</b>	<b>iii</b>
<b>ACKNOWLEDGEMENTS.....</b>	<b>v</b>
<b>DISTRIBUTION LIST .....</b>	<b>vi</b>
<b>1.0 INTRODUCTION.....</b>	<b>1</b>
<b>1.1 THE CONFLICT/DIFFERENCE AND POWER RELATION ANALYSIS .....</b>	<b>1</b>
<b>2.0 METHOD FOR CONFLICT AND POWER RELATION ANALYSIS.....</b>	<b>2</b>
<b>2.1 STAKEHOLDER TYPOLOGY.....</b>	<b>2</b>
<b>2.2 MAPPING STAKEHOLDER INFLUENCE AND SENSITIVITY.....</b>	<b>10</b>
<b>3.0 GOVERNANCE STRUCTURES.....</b>	<b>12</b>
<b>3.1 FORMAL ROLES AND ACTUAL RELATIONSHIPS OF KEY STAKEHOLDERS IN EXISTING WATER GOVERNANCE ARRANGEMENTS .....</b>	<b>12</b>
<b>3.2 REGULATIONS, LEGISLATION AND ENFORCEMENT.....</b>	<b>16</b>
<b>4.0 MSP CAPACITY.....</b>	<b>17</b>
<b>4.1 MSP CAPACITY ASSESSMENT .....</b>	<b>17</b>
<b>4.2 STRENGTHENING MSP CAPACITY: BARRIERS AND OPPORTUNITIES .....</b>	<b>18</b>
<b>5.0 CONCLUSION .....</b>	<b>21</b>
<b>6.0 REFERENCES.....</b>	<b>23</b>
<b>7.0 CLOSURE.....</b>	<b>24</b>

## LIST OF TABLES

Table 1	Pursat Stakeholder Mapping – Primary Stakeholders. ....	3
Table 2	Pursat Stakeholder Mapping – Secondary Stakeholders. ....	5

## LIST OF FIGURES

Figure 1	Tonle Sap Stakeholders at Various Scales. ....	2
Figure 2	Initial Stakeholders Relation Mapping for Pursat. ....	10
Figure 3	Schematic illustration of National and Sub-National Levels of Power in Cambodia (Pech, 2010). ....	13
Figure 4	Schematic illustration of sectoral/single project decision-making processes in Cambodia and Pursat. ....	15
Figure 5	Strengthening institutional links at the national level to contribute to better management of international relations. ....	18

## LIST OF ACRONYMS

<b>CAVAC</b>	Cambodia Agricultural Value Chain Program
<b>CBNRM</b>	Community-Based Natural Resource Management
<b>CDRI</b>	Cambodia Development Research Institute
<b>CEDAC</b>	Cambodian Center for Study and Development in Agriculture CEDAC
<b>CEPA</b>	Culture and Environment Preservation Association
<b>CNMC</b>	Cambodia National Mekong Committee
<b>CPWF</b>	Challenge Program on Water and Food
<b>CSC</b>	Cambodia Services Center
<b>CSOs</b>	Civil Society Organizations
<b>CSP</b>	Country Strategy and Program
<b>DHRW</b>	Department of Hydrology and River Works
<b>DPs</b>	Development Partners
<b>ExCom</b>	Executive committee
<b>FA</b>	Forestry Administration
<b>FGD(s)</b>	Focus Group Discussion(s)
<b>FiA</b>	Fisheries Administration
<b>FWUCs</b>	Farmer Water User Communities
<b>HCP</b>	Hatfield Consultants Partnership
<b>IRC</b>	Inter Ministerial Resettlement Committee
<b>IA/EA</b>	Implementing Agency/Executing Agencies
<b>ITC</b>	Institute of Technology of Cambodia
<b>IWMI</b>	International Water Management Institute
<b>IWRM</b>	Integrated Water Resource Management
<b>JICA</b>	Japan International Cooperation Agency
<b>MAFF</b>	Ministry of Agriculture, Forestry and Fishery
<b>MEF</b>	Ministry of Economy and Finance
<b>MIME</b>	Ministry of Industry, Mines and Energy
<b>MLUPC</b>	Ministry of Land Use Planning and Construction
<b>MoE</b>	Ministry of Environment
<b>MOI</b>	Ministry of Interior
<b>MoP</b>	Ministry of Planning
<b>MOWA</b>	Ministry of Women's Affairs
<b>MOWRAM</b>	Ministry of Water Resources and Meteorology

<b>MPWT</b>	Ministry of Public Works and Transport
<b>MR</b>	Mekong Region
<b>MRB</b>	Mekong River Basin
<b>MRC</b>	Mekong River Commission
<b>MRD</b>	Ministry of Rural Development
<b>MSP</b>	Multi-Stakeholder Platform
<b>MWA</b>	Ministry of Women Affairs
<b>NCS</b>	National Committee for Support
<b>NTFPs</b>	Non-Timber Forest Products
<b>NGO(s)</b>	Non-governmental Organization(s)
<b>PDOWRAM</b>	Provincial Department of Water Resources and Meteorology
<b>POLA</b>	Provincial Offices of Local Administration
<b>PRDC</b>	Provincial Rural Development Committee
<b>RBCs</b>	River Basin Committees
<b>RBM</b>	river basin management
<b>RD</b>	Resettlement Department
<b>RGC</b>	Royal Government of Cambodia
<b>RUA</b>	Royal University of Agriculture
<b>RUPP</b>	Royal University of Phnom Penh
<b>SAW</b>	Strategy for Agriculture and Water
<b>SNEC</b>	Supreme National Economic Council
<b>TSA</b>	Tonle Sap Authority
<b>UNDP</b>	United Nations Development Program
<b>UNESCO</b>	United Nations Educational, Scientific and Cultural Organization
<b>UNICEF</b>	United Nations International Children's Emergency Fund
<b>WHO</b>	World Health Organization

## ACKNOWLEDGEMENTS

The “Fostering evidence-based IWRM in the Stung Pursat Catchment (Tonle Sap Great Lake), Cambodia project” (also known as MK16) is a result of strong collaboration between several partner organizations and individuals.

We are thankful to the CGIAR Challenge Program on Water and Food (CPWF) and Australian Aid program for providing funds for this project. The support and guidance provided by Dr. Kim Geheb, Mekong Basin Leader, CGIAR CPWF and all CGIAR CPWF Mekong Basin team members, were critical to the success of our work. Our sincere thanks is also extended to the International Water Management Institute (IWMI). In particular, we appreciate the cooperation and support of Dr. Alain Vidal, CPWF Director, and Mr. Jeremy Bird, Director General, IWMI.

We have benefitted from and greatly value the support from all project implementation partners, including the Ministry of Water Resources and Meteorology (MOWRAM), the Tonle Sap Authority (TSA), the Supreme National Economic Council (SNEC), and the Culture and Environment Preservation Association (CEPA). We would especially like to recognize the efforts of:

- Mr. Mao Hak, Deputy Director General of Technical Affairs, Director, Department of Hydrology and River Works (DHRW), MOWRAM;
- Mr. Chea Chhunkeat, Director of Planning and International Cooperation Department, MOWRAM;
- Mr. Suy Sovann, Deputy Director of DHRW, MOWRAM;
- Mr. Tony Hell, Director of Planning Department, TSA;
- Mr. Tep Bunnarith, Executive Director, CEPA;
- Mr. Lay Sökkheang, Senior Researcher, SNEC; and
- All technical staff from MOWRAM, TSA, and CEPA.

Our sincerest thanks to all key stakeholders and members of the Pursat Multi-Stakeholder Platform (MSP) from relevant Government Agencies, academics and research organizations, local authorities, community-based organizations, and other individuals for their active contribution to the project.

## DISTRIBUTION LIST

The following individuals/firms have received this document:

Name	Firm	Hardcopies	CDs	Email	FTP
Kim Geheb	CPWF	-	-	✓	-



## 1.0 INTRODUCTION

The Project, “*Fostering evidence-based IWRM in the Stung Pursat Catchment (Tonle Sap Great Lake), Cambodia*” (also known as MK16) was collaboratively implemented by the Ministry of Water Resources and Meteorology (MOWRAM), Tonle Sap Authority (TSA), Supreme National Economic Council (SNEC), Hatfield Consultants Partnership (HCP), and Culture and Environment Preservation Association (CEPA) between December 2012 to December 2013. The MK 16 is an initiative of the Challenge Program for Water and Food (CPWF), supported by funding from Australian Aid program.

MK16 recognizes the strong linkages between research and effective water management are required to minimize conflicts and competition that may occur between key stakeholders including; irrigated agriculture, hydropower, domestic water supply and sanitation, fisheries etc. In addition, MK16 recognizes that strategies exist to translate integrated water resources management (IWRM) into governance practices. This can be achieved by improving planning and management of water resources by taking into account the competition for and conflicts over water. Such integrated planning can lead to multi-purpose storage reservoirs and other infrastructure projects, water allocation systems, and river operations that try to accommodate a wide range of users.

MK16 is implemented in a single sub-catchment of Tonle Sap basin in western Cambodia, the Stung Pursat. The project sought to address and/or improve three aspects of water management: (a) cross-sectoral collaboration in the management of water resources; (b) use of data or scientific analyses to inform water management in Cambodia; and (c) institutional mechanisms for inter-sectoral management, or interpretation and use of existing or new scientific data.

### 1.1 THE CONFLICT/DIFFERENCE AND POWER RELATION ANALYSIS

The Stakeholder Analysis Report was prepared before the first Multi-Stakeholder Platform Meeting which took place in Pursat City on January 24-25, 2013. The report was finalized in March 2013. This Report “*Conflict/Difference and Power Relation Analysis in Pursat Catchment*” builds on the stakeholder analysis report.

The MK16 report analyses stakeholder roles, relationships, and views on water resources management in Cambodia in general, and Pursat specifically, for developing good IWRM structures that incorporates a shared understanding of the reality and complexity of different stakeholder interests and relationships. The analysis is designed to examine the degree of consistency or disparity between different stakeholders, and between formal stakeholder roles and actual practices.

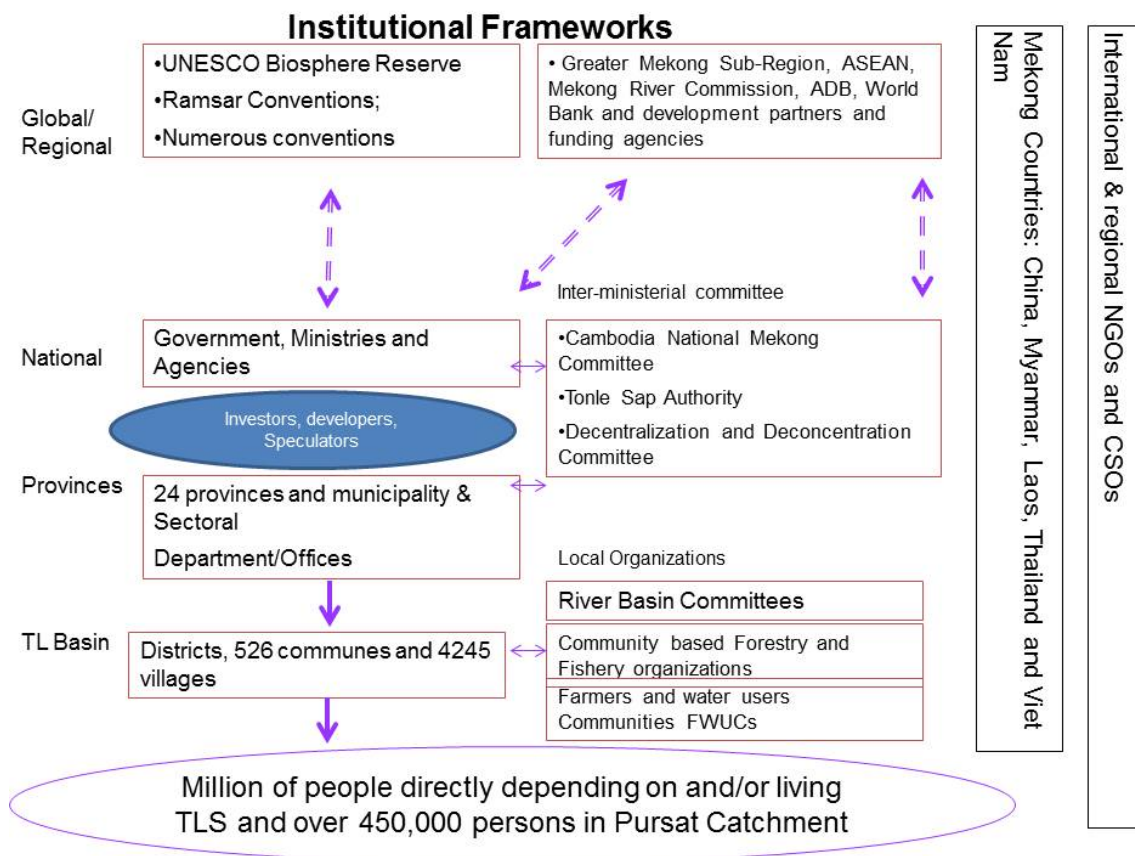
The Conflict/Difference and Power Relation Analysis in Pursat Catchment addresses the following **research questions**:

1. What are the key stakeholder roles, relationships, and perceptions in existing water governance arrangements, and how consistent are these perceptions among different stakeholders at different levels?
2. What are the consistencies and inconsistencies between formal stakeholder roles and actual practices?

## 2.0 METHOD FOR CONFLICT AND POWER RELATION ANALYSIS

The analysis was built on the stakeholder typology described in the Stakeholder Analysis Report (March 2013) that differentiated possible groups or actors that: consume resource(s)/control the site; benefit from the use of resource(s)/targeted schemes; have rights and responsibilities over the use and management of the targeted resource(s)/schemes; and have decision making power.

**Figure 1 Tonle Sap Stakeholders at Various Scales.**



This above structure was used to develop a stakeholder typology, determine power relative positions, identify existing capacity for MSP and identify requirements for strengthening participatory IWRM in Pursat specifically and Cambodia generally.

## 2.1 STAKEHOLDER TYPOLOGY

Table 1 and Table 2 below summarizes and briefly describes major stakeholders, grouped according to stakeholder type (e.g., resource users/primary stakeholders and regulators/secondary stakeholders).

**Table 1 Pursat Stakeholder Mapping – Primary Stakeholders.**

No	Resource Users/ Primary Stakeholders	Description of Roles and Challenges
1	Community-Based Natural Resource Management (CBNRM)	<p>Farmer Water User Communities (FWUC)</p> <p>16 FWUCs were created (with license from MOWRAM) and under technical support by Pursat PDOWRAM and the Agriculture Department (MAFF). However, only 5 are functioning with support from ADB projects. Their roles are to coordinate local water users and farmers, provide operation and management/maintenance of secondary irrigation systems with support from PDOWRAM, and the collection and administration of irrigation services fees. 11 established FWUCs ceased to function in the absence of sustained support from MOWRAM. MOWRAM and PDWROM need to mobilize human or financial resources to meet their commitments to the FWUC agreement (including financial support for the initial five years for operation, repair and maintenance of damaged or deteriorated infrastructure, etc.). There are not enough capable staff in MOWRAM's FWUC department to provide the follow-up training needed to keep FWUCs motivated and active. Commune Councils (which are now legally responsible for all infrastructure within their communes under the new Organic Law) have some funds which could be used to repair irrigation facilities, but they are not yet authorized to exercise this role within MOWRAM's structures and systems (CTDA, 2013).</p>
	Fisheries Communities	<p>Pursat has the second richest biodiversity among 12 catchments around Tonle Sap Lake, with an estimated 100 fish species (second only to Stung Sen in Kampong Thom; FiA, 2013. Personal Communication with Mr. Chhen Phen, Phnom Penh, Cambodia). Pursat is known for its deep pools and varied fish habitat. There are approximately 34 fisheries communities in Pursat province (8,101 households). There are also numerous other individuals that depend on fishing, but are not members of these communities. Most of these communities are located in the most downstream parts of Pursat, next to Tonle Sap Lake.</p>
	Community Forests	<p>Community forests are state forests subject to an agreement between the cantonment of the Forest Administration and local communities or an organized group of people, to manage and utilize the forest in a sustainable manner. Community forestry is initiated and promoted mainly by the various international NGOs, donor agencies, national NGOs, CSOs, and of late by the Royal Government of Cambodia. Community forestry only exists at the local level in pilot provinces, as part of various projects. However, these community forests have very limited capacity (expertise/knowledge), receive high inputs from NGOs, are not integrated with other sectors (such as agriculture), have limited extension-research linkages, and their importance is insufficiently reflected in institutional structures.</p> <p>Current work is characterized by: emphasis on highly degraded forests, rehabilitation work, use of Non-Timber Forest Products (NTFPs) for livelihood improvement (but commercial use of timber is not yet considered), integrated approaches such as the community-based natural resources management (CBNRM), limited benefit sharing arrangements, and improving integration with local structures. According to Forestry Administration (<a href="http://www.fao.org/docrep/007/ad511e/ad511e0a.htm">http://www.fao.org/docrep/007/ad511e/ad511e0a.htm</a>), there are 31 forest communities in 5 districts (11 communes) of Pursat.</p>
2	4/5 Districts are within the Pursat Catchment	<p>There are 23/82 communes and 248/503 villages in the Pursat province, located in Pursat catchment. In Damnak Ampil Irrigation System, there are two main communes namely Bac Chhonchean (upstream of reservoir) and Loloksar (downstream). Loloksar has 10 villages comprising about 1,855 households and 8,875 people (on average about 4-5 people/household). Bac Chhonchean has 6 villages comprising about 1,315 households and 6,267 people (MOP, 2011). The province contains a total of about 1,674 ha of rainy season paddy field (on average, about 1.3ha per household; Chief of Bac Chhonchean commune, 2013).</p>

**Table 1 (Cont'd.)**

No	Resources Users/ Primary Stakeholders	Description of Roles and Challenges
	Upstream communities Downstream communities	Tension between upstream and downstream communities manifest in different ways: 1. Tension arises when upstream communities close irrigation gates for water withdrawal. This results in a reaction from downstream communities worried this activity may impact their ability to meet irrigation requirements. To avoid conflict better collaboration through, for example, an agreement on water allocation, adapting timing and farming calendar; and 2. In the dry season, most downstream communities (below national highway 5) face water shortages and turbid water, due to low flows, upstream diversions, and inter-sub-basin diversions (e.g. from Pursat to Svay Don Keo).
	Communities living adjacent to the project sites	Using Damnak Ampil reservoir as an example, the two communes – Roloksor (downstream) and Bac Chhonchean (upstream) – face similar challenges. These include reservoir water inundating river-bank gardens and paddy fields, and restricted access to water (for paddy fields which are higher than the water surface level) due to the high costs of pumping water. Affected communities at the Dam 3 and Dam 5 project sites have been waiting for the implementation of the resettlement plan and land compensation, pending decision from the Ministry of Economy and Finance (Personal communication of Phnum Kravanh District Governor, 2013).
3	Hydropower developers China Funding (\$66Million) Kong Dong Construction Company	China has become a leading grant and soft loan provider in Cambodia, and in Pursat. Pursat 3 and 5 are in an advanced stage of development (20% construction completion expected in the next 2-3 years). Pursat 3 storage capacity will be about 25.5 MCM, and Pursat 5 will be about 24.5 MCM. Some villages were subject to involuntary resettlement.
	Korean company conducting pre-feasibility study with China as a potential developer.	The Pursat 1 dam feasibility study is being conducted by a Korean Company. Three options for the dam location and designs were proposed. Alternative 2 appears to be the leading contender, with an effective storage capacity of 992.5 MCM with an installed capacity of 40-70MW. MOWRAM included Pursat Dam 1 in its Basin Development Plan produced by K-Water in 2008. MOWRAM inputs included development for both hydro-electric generation and irrigation. However, this was abandoned for the hydropower alternative studied by Korean Company for MIME as a single purpose dam.
	Japan Funding	JICA has been heavily involved in Cambodia in many sectors (water, irrigation, road and bridge, and education etc.). In Pursat, JICA is supporting irrigation improvement in Western Tonle Sap. It is divided into 3 sub-projects for irrigation rehabilitation and improvement in Bang Knar (tributary of Pursat), Wat Chre, and Wat Luong.
4	Sand-mine developers Three major sand mining operators	There are three medium scale operators in the upper stretches of the river, in Kravanh District and Pursat Town. There are concerns about changes in morphological conditions from downstream communities, particularly related to increased turbidity caused by disturbances to the riverbed and potential changes in flow direction and velocity, and about proper monitoring of mining activities and the license approval process.  + numerous smaller sand mining groups are waiting for licensing.
5	Private companies	Pursat is attracting many private companies that are investing in the agriculture sector; companies have purchased 800-100 hectares of land. Major crops include rice, sugar palm, sweet potatoes, sesame, beans, mixed vegetables, corn and cassava. In total, there are about 1,000 private enterprises in Pursat, including manufacturing industries, ice factories, drinking water companies, soft drink producer, and horticulture.
6	Plantation and economic land concession	Parts of Pursat province have been allocated to a range of concessions (agricultural concessions, economic land concessions and social concessions; as well as mining exploration leases and possibly exploitation agreements) <sup>1</sup> .

<sup>1</sup> A very large land concession allocated to Pheapimex located in the lowlands to the north and east of Phnom Aural.

**Table 2 Pursat Stakeholder Mapping – Secondary Stakeholders.**

No	Resources Regulator/ Secondary Stakeholders	Description of Roles
1	Inter-governmental Resettlement Committee	<p>RGC established the Inter-Ministerial Resettlement Committee (IRC) in 2007 consisting of permanent members within the MEF as a way to overcome land resettlement issues that have caused major delays in project implementation in Cambodia over the past years (MEF SOP, 2012). The IRC in turn is supported by a newly created Resettlement Department within the MEF. Japan International Cooperation Agency (JICA) and ADB are supporting the Resettlement Department by providing training and other forms of logistical support. The role of the Resettlement Department (RD) in MEF is to assist line Ministries to prepare well-structured resettlement plans and to have these plans funded and executed. Resettlement Units may be created within Ministries that are assigned to execute development projects (MEF and MOWRAM for Dams 3 and 5 in Pursat).</p> <p>IRC generally uses the guidelines of major Development Partners (DPs) to formulate land resettlement plans. It is the responsibility of the IRC to develop resettlement plans jointly with the Implementing Agency/Executing Agencies (IA/EA), and to ensure that they are executed to the satisfaction of both the RGC and the DPs. However, Dams 3 and 5 were funded by Chinese bilateral funding, and were implemented although the issue of resettlement remains unsolved. Sub-groups of this Inter-ministerial Resettlement Committee at the provincial and district levels implement resettlement plans after the Committee approved them. There is a policy on involuntary resettlement which is a formal requirement. A Resettlement Plan for implementation is required, assets are compensated at replacement cost (although this can be difficult to calculate) and there is special assistance to vulnerable groups (female and disable headed households). Further, monitoring and evaluation is performed by both internal and external monitors and a grievance redress mechanism has been established.</p>
2	Ministry of Economy and Finance	<p>MEF provides guidance and administration to the Government of Cambodia on all critical economic and financial issues. MEF's mandate is to support economic development and improve living standards of Cambodians based on the principles of a free market economy and social equality.</p> <p><b>MEFs main functions and duties of interest to this project include:</b></p> <ul style="list-style-type: none"> <li>▪ To promote good governance related to administrative aspects of economy and public finance;</li> <li>▪ To allocate and re-allocate national revenues through the collection of income and programming and budgeting of public expenses;</li> <li>▪ To prepare draft laws and regulations;</li> <li>▪ To participate in lobbying for aid and the preparation of plans for borrowing and paying foreign loans, and to follow-up and to monitor the performance of such plans; and</li> <li>▪ To manage and control public procurement transactions of the ministries/institutions, provinces/municipalities, and state-managed or autonomous institutions.</li> </ul> <p>The MEF, through its Resettlement Department, supports and runs an Inter-Ministerial Committee (IRC) with permanent members within the MEF (MEF SOP, 2012).</p>

**Table 2 (Cont'd.)**

No	Resources Regulator/ Secondary Stakeholders	Description of Roles
3	Ministry of Water Resources and Meteorology (MOWRAM)	<p><b>MOWRAM's main functions and duties of interest to this project include:</b></p> <ul style="list-style-type: none"> <li>▪ Define policies and develop strategies for water resources;</li> <li>▪ Research and investigations into water resources;</li> <li>▪ Prepare plans for water resources development and conservation;</li> <li>▪ Manage direct and indirect water resource use, and mitigate water-related disasters;</li> <li>▪ Draft water legislation and regulations and monitor implementation and enforcement ;</li> <li>▪ Gather and manage data on surface water, groundwater, and meteorology;</li> <li>▪ Provide technical advice; and</li> <li>▪ Administer international collaborations, including those within the Mekong River basin.</li> </ul> <p>MOWRAM has been preparing a sub-decree on procedures describing the; Establishment, Dissolution, Roles and Obligations of Farmer Water User Communities (FWUCs), a sub-decree on river basin management (RBM), and two sub-decrees (licensing/water allocation and water quality). The adoption of RBM into law will certainly lead to a broader look at river basin management in many key catchments, and potentially can be a good entry point for our outcomes from this study to be used.</p> <p>In Pursat Basin, MOWRAM is regulating and implementing multi-purpose reservoirs (e.g. Dam 3 and 5 which are now being implemented), and through provincial departments (PDOWRAM), operating and managing reservoirs and main irrigation canals; providing support to the Farmer and Water Users Communities (FWUCs), and approving and monitoring sand mining activities. MOWRAM is searching for possible mechanisms to improve coordination and information sharing with MIME in designing and operating cascade of dams and water diversion. MOWRAM and MAFF are jointly responsible for the development and implementation of the Strategy for Agriculture and Water (SAW).</p>
	Tonle Sap Authority (TSA)	<p>The Tonle Sap Authority is an Inter-Ministerial and Agencies Coordination body for the Tonle Sap Basin. Its main mission is to coordinate the management, protection, conservation and development of water and other related resources in the Mekong River basin. Similar to other National Mekong Committees of Mekong River Commission (MRC) Member countries that play critical roles in the effective implementation of 1995 Mekong Agreement and preparation and implementation of other related MRC projects and programmes. TSA draws its members from the sub-national level and from relevant National Agencies. Its geographic scope is limited to the Tonle Sap Basin located within the National Roads 5 and 6. Its role in coordination for the whole Tonle Sap may be worth revisiting.</p>
4	Ministry of Industry, Mines and Energy (MIME)	<p><b>MIME's main functions and duties of interest to this project include:</b></p> <ul style="list-style-type: none"> <li>▪ Formulates policy, strategy and planning for the industrial, mining, and power sectors, and urban and city water supply authorities;</li> <li>▪ Provides water supply to provincial towns;</li> <li>▪ Drafts policies and strategies on urban water supply and sanitation; and</li> <li>▪ Administration of hydropower projects whose main objective is electricity generation.</li> </ul> <p>In Pursat Basin, MIME is regulating and implementing single purpose hydropower dams (e.g. Pursat 1 [currently in the advanced pre-feasibility stage] and Pursat 2). MIME is searching for a proper mechanism for co-approval of sand-mining licenses.</p>

**Table 2 (Cont'd.)**

No	Resources Regulator/ Secondary Stakeholders	Description of Roles
5	Ministry of Agriculture, Forestry and Fishery (MAFF)	<p><b>MAFF's main functions and duties of interest to this project include:</b></p> <ul style="list-style-type: none"> <li>▪ Participate in the preparation of land reform and utilization policies;</li> <li>▪ Establish agriculture sector development plans;</li> <li>▪ Co-ordinate monitoring and evaluation of the implementation of policies and activities for agriculture development;</li> <li>▪ Propose legislation and regulations related to the management, maintenance and protection of natural resources in the agriculture sector, and monitor implementation;</li> <li>▪ Evaluate and develop human resources required for agriculture development by increasing technical skills and know-how, and ensure effective use of these human resources;</li> <li>▪ Support and advise farmers on technologies to increase productivity;</li> <li>▪ Establish guiding principles and monitor implementation to enhance and improve involvement of relevant professional organizations and associations involved in the agriculture sector;</li> <li>▪ Provide advice on agricultural land development, soil quality improvements and appropriate utilization of land, seeds, breeds, fertilizers, chemicals appropriate for different environmental and climatic conditions to increase yields and environmental sustainability;</li> <li>▪ Co-ordinate and co-operate with internal and external organizations and NGOs involved in agricultural development;</li> <li>▪ Develop policies and strategies for agriculture, forestry and fisheries related to the management of water resources; and</li> <li>▪ Manage forests (which have relevance to the condition of watersheds, hydrological regimes and water quality).</li> </ul> <p>MOWRAM and MAFF are jointly responsible for the development and implementation of the Strategy for Agriculture and Water (SAW).</p>
	Forestry Administration (FA)	<p>The FA manages forests and forest resources according to the National Forestry Sector Policy and the Forestry Law to ensure sustainable management of forests throughout Cambodia. In Pursat, the FA undertook inventories of NTFPs at the district level, managed exploitation of annual timber harvestings, and supported the villagers especially where community-protected areas are established.</p>
	Fisheries Administration (FiA)	<p>The Fisheries Administration implements the RGC National Fisheries Sector Policy for sustainable fisheries resource management and development to contribute to achieving greater food security and socio-economic development. It works with other government agencies and development partners to integrate fisheries management and development activities into development plans of relevant institutions, including government's ministries, development partners, NGOs and communities (commune development plans).</p> <p>At a sub-national level, FiA provides technical support to community fisheries development. In Pursat, FiA conducted studies on fish species. These studies indicated that there were approximately 100 different species in Pursat River and some critical deep-pool and fish habitats (including specific tree species required for healthy fish habitats). It seeks collaboration with MOWRAM and MIME for inclusion of assessments related to dam and irrigation system developments. FiA also provides technical support to the fisheries communities.</p>

**Table 2 (Cont'd.)**

No	Resources Regulator/ Secondary Stakeholders	Description of Roles
6	Ministry of Public Works and Transport (MPWT)	<p><b>MPWT's main functions and duties of interest to our project include:</b></p> <ul style="list-style-type: none"> <li>▪ Manage the implementation of national policies concerning public works construction;</li> <li>▪ Build, maintain and manage all transportation infrastructure such as roads, bridges, ports, railways, waterways and buildings;</li> <li>▪ Establish regulations for the development and management of roads, ports, railways and waterways infrastructure;</li> <li>▪ Establish regulations and controls for transportation by road, railway and waterway;</li> <li>▪ Contribute to the establishment of laws, regulations, diverse standards related to the construction of transport infrastructure; and</li> <li>▪ Study, survey and construct river works for navigation and water transport.</li> </ul>
7	Ministry of Rural Development	<p><b>The Ministry of Rural Development's main functions and duties of interest to our project include:</b></p> <ul style="list-style-type: none"> <li>▪ Coordinate, cooperate, implement, monitor and evaluate rural development projects and programs (including water related projects for rural development), in order to rehabilitate and help develop rural areas by assisting the local populations.</li> <li>▪ Coordinate the operational activities of various line ministries and assistance programs.</li> <li>▪ Undertake independent research initiatives to develop rural areas in Cambodia by liaising widely, in order to assess needs and investigate possible solutions to optimize identified opportunities, etc.</li> <li>▪ Conduct hydrogeological research, data collection and archiving.</li> <li>▪ Provide water supply, sanitation, land drainage in rural areas.</li> <li>▪ Draft policies and strategies on rural water supply and sanitation.</li> </ul>
8	Ministry of Environment (MoE)	<p><b>MoE's main functions and duties of interest to our project include:</b></p> <ul style="list-style-type: none"> <li>▪ Promote environmental protection and conservation of natural resources throughout the country.</li> <li>▪ Contribute to improving environmental quality, public welfare, national culture and the economy.</li> <li>▪ Facilitate the development and implementation of policies, plans and legal instruments to promote and ensure the rational use and management and sustainability of the country's natural resources.</li> <li>▪ Support public participation in decision-making to resolve environmental and natural resource use issues.</li> </ul>
9	Ministry of Women's Affairs (MOWA)	<p>In 1999, the Ministry of Women's Affairs (MOWA) published its first Five Year Strategy, <i>Neary Ratanak I</i> (Women are precious gems) and this strategy was incorporated into the second national Socio-Economic Development Plan (SED II). The overall aim of this strategy is to create a new reality for Cambodian women, moving from a disadvantaged group to a valuable asset and one with great social and economic potential. The MOWA seeks to remove access barriers to natural resources such as land, water, energy and information and to assist women with playing a greater role in the economy and to ensure they benefit from the fruits of their labor in all sectors.</p>
10	Ministry of Interior	<p>Mol has jurisdiction over provincial and district levels of government, the Department of Local Administration (DOLA), and Provincial Offices of Local Administration (POLA), and is also responsible for assigning and managing the commune clerks. MOI is a powerful ministry in charge of both police forces and administration of sub-national authorities. All governors of the provinces and municipalities are accountable to the MOI. The salaries of the local-elected bodies (communes and Sangkat) are paid through the MOI payroll. The chief of villages – lowest administrative level – that work directly with the villagers are appointed by MOI. MOI leads the implementation of the <i>Strategic Framework on Decentralization and Deconcentration</i> that the Royal Government adopted on 17 June 2005, and the Organic Law. It is a major policy document that proposes the restructuring and reformation of all current levels of sub-national administration. These levels consist of provinces, municipalities, districts, khan, communes and sangkat. These local democratic processes will need to be reviewed and considered as they need to develop synergies with community-based organizations and river basin committees led by other sector ministries.</p>



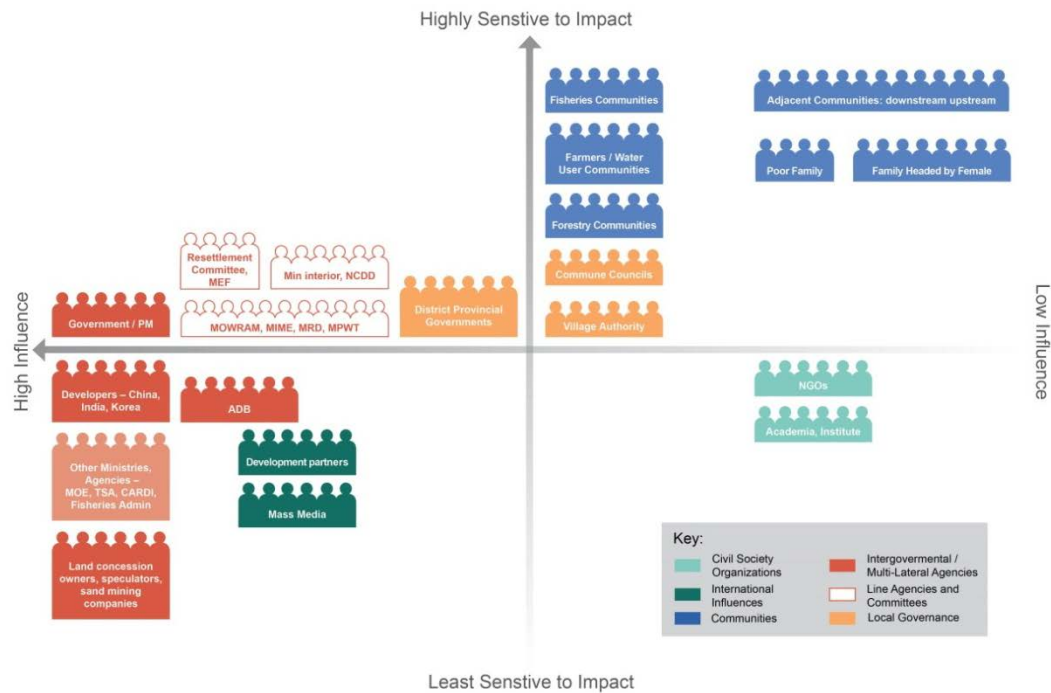
**Table 2 (Cont'd.)**

No	Resources Regulator/ Secondary Stakeholders	Description of Roles
11	Ministry of Planning	The Ministry of Planning is responsible for development of commune development planning procedures and assists with village planning and village interactions with communes. The Ministry provides inputs into any rules and regulations related to the role of villages in decentralized governance.
12	Provincial Rural Development Committee (PRDC)	PRDC provides an important collaboration and coordination role between various line ministries and government institutions, the private sector, civil society and national/international donor agencies as they relate to the planning and management of development at the provincial level. The PRDC is composed of the provincial governor, deputy governor, directors of the departments of Rural Development and Planning, directors from technical departments, and district chiefs. The execution of annual work plans and budgets of the PRDC, or what can be considered the day-to-day work of the PRDC, is carried out by an executive committee (ExCom). The ExCom is made up, at a minimum, of the governor, deputy governor, directors from the departments of Rural Development, Planning, Economy and Finance, Agriculture, Forestry and Fisheries, Water Resources and Meteorology, Women's and Veterans' Affairs, the director of the provincial treasury, and the chief of the Local Administration Unit (LAU).
13	ADB	ADB's Country Partnership Strategy 2011-2013 focused on two strategic objectives: (i) "inclusive economic growth, through physical infrastructure, TVET, agriculture and irrigation, financial sector development, regional integration, private sector development, and economic diversification; and (ii) social development and equity, through basic education, water supply and sanitation, social protection measures, and community-based development around the Tonle Sap." The CPS identifies four cross-cutting themes or challenges for Cambodia's development process: (i) Environment and climate change; (ii) Decentralization; (iii) Urban-rural links; and (iv) Regional cooperation
	Civil Society Organizations	NGOs, research and educational institutes (CEDAC, CAVAC, CDRI, RUPP, ITC, RUA), others

## 2.2 MAPPING STAKEHOLDER INFLUENCE AND SENSITIVITY

Figure 2 describes the characteristics of stakeholders, and the benefits and risks plotted on two axis; 1) Level of influence, and 2) Sensitivity to impacts. These two axis are used to place different stakeholders according to the level of influence or power over the system and their sensitivity to changes in the system. The value of such a typology lies in providing insights into the relative positions of stakeholders in water governance and management.

**Figure 2 Initial Stakeholders Relation Mapping for Pursat.**



It is important to understand the complexity of: interests and motivations; power relations; evaluations and predictions of impacts; and, human capacity assessments, and their *comparative* influence (power) and interests (extent of being affected) within this system. The Figure above shows a complex landscape that includes a wide range of public, private and community level actors. The y- (or vertical) axis ranges from highly sensitive groups to those who stand to most benefit. Groups with low and high influence are found on left and right side of the horizontal axis, respectively. There are multiple claims on water as a shared resource and multiple levels of authority when managing and making decisions regarding water resource development and allocations. The classification of stakeholders into levels of influence, and levels of sensitivity to impacts (or levels of potential benefit), allowed the project team to develop steps to support the most impacted groups (some of which have been overlooked) and to work closely with those “most influential” groups to bring to their attention various legitimate concerns from communities and other groups.

The initial stakeholder relation map shows that those who are in the best position to influence the decision-making process include: 1) Head of the Government, and some key Ministers – MEF, Resettlement Committee, MOWRAM, MIME, MPWT, and MRD; 2) Developers (national and foreign, especially those from China, and Korea); 3) Asian Development Bank, Japan

Funding institutions: and, 4) Land concession owners, mining companies etc. Hydropower projects in Cambodia attract investment from different companies including; foreign private companies, foreign state own companies, and joint ventures between local and foreign companies (MK4, 2013). Hydropower projects in Pursat are being developed or planned under Build-Operate-Transfer (BOT) agreements that will operate for 25 years or more<sup>2</sup>. Some domestic private developers and investors have greater influence due to their position, having political alliances with top-decision-makers, being a member of the Senate, and/or being a financier or developer of the projects or concessions.

Some water and environment related agencies have called for a mechanism to improve cross-sectoral coordination between different water users (for hydropower, irrigation, mining, tourism and rural development) to minimize the potential for being sidelined or by-passed. For example, the Fisheries Administration said their fisheries interests were not adequately considered, and that they were not adequately involved in decision-making. MOWRAM felt that they were not adequately involved to ensure irrigation benefits would be considered in hydropower dam design and development etc. (MSP1, 2013).

The preliminary stakeholder relationship map shows that those who are most vulnerable to impacts/change do not have enough say in decision-making. The relationship map illustrates that some stakeholders, like foreign investors from China, India, etc. may exercise a high level of influence on the system, but have low sensitivity to the changes that occur in a system, and in fact reap high benefits from those changes. This is in contrast to the highly sensitive downstream communities or poor people that are very vulnerable to the changes in the system, but have no or limited say in the decision-making system. Local communities at the project sites are involuntary risk takers, and the developers are taking calculated risk in investing in hydropower or irrigation development. The key question is how to make the investment and development cost incorporate all relevant costs, and minimize the externality costs that have to be shouldered by the local communities.

Existing community-based organizations such as Farmers and Water Users Communities, Forestry Communities, and Fisheries Communities, cannot perform as expected, and often find that they have very little power. It was reported that out of 16 Farmer Water Users' Community (FWUC), only 5 are operational. These are sustained through funding from various development bank projects. This raises the concern about the sustainability of FWUC and/or of any MSP in the long run (Minutes of MSP 1, 2013).

It is interesting to observe that the elected local authority (Commune Councils) are not included in the group that have decision-making authority but are potentially vulnerable to being voted out of the office by voters. Key decision-makers such as Ministers and other high ranking officials seem somewhat immune from being voted out by voters. This is consistent with the challenges associated with decentralization (re-distributing power from national to local levels of governance), deconcentration (distributing power across various government, non-government and community stakeholders) and local

---

<sup>2</sup> <http://www.investincambodia.com/power.htm>

democratization (through direct election of commune councils) of governance. **How will seemingly parallel forms of governance related to water (fisheries, forestry, irrigation, RBC, etc.) engage with each other since they are created and regulated by different national agencies and sub-national sector agencies?**

The position held by NGOs and academia in this power and risk sharing relationship is interesting. Currently they have been rated as less influential and less vulnerable players. From our observation, the NGO/CSOs can hold more policy influence if particular processes are secured and maintained, e.g. through closer partnership with the key LAs, and developers, and if they possess adequate capacity (financial, technical, resources and personnel with right aptitude and skills). There is still a misperception about the role of CSOs among some key officials and CSOs leaders. It is important to work towards a higher level of acceptance of multi-stakeholder communications and providing an effective space for information exchange (Pech in MK4, 2013). Experience shows that CSOs need to work closely with influential institutions to achieve greater influence in getting reluctant Line Ministries to become more involved (Pech in MK4, 2013). The position/role of NGOs' and academia can be changed depending on their ability and opportunity to play an active role and on their trust in constructively promoting the many dimensions related to collective action. This may involve diverse actors working together, supporting local communities, leveling playing fields, negotiating outcomes, and sometimes addressing conflicts around water resources.

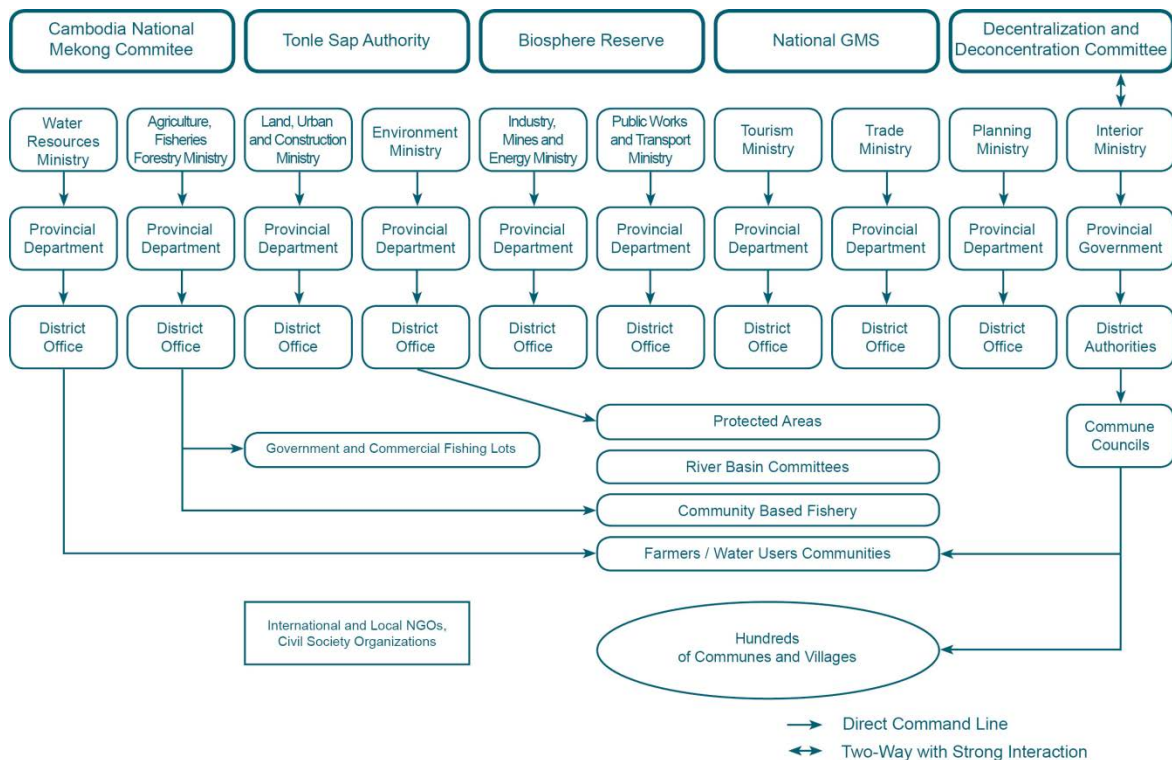
The analysis also confirms our hypothesis that the practices of different stakeholders and the relationships between them are often a departure from established formal arrangements. It is therefore important to examine the degree of consistency or disparity in two key dimensions: between different stakeholders, and between formal stakeholder roles and actual practices.

### **3.0 GOVERNANCE STRUCTURES**

#### **3.1 FORMAL ROLES AND ACTUAL RELATIONSHIPS OF KEY STAKEHOLDERS IN EXISTING WATER GOVERNANCE ARRANGEMENTS**

Administrative arrangements in Cambodia are currently divided into national and sub-national levels. Figure 3 illustrates various stakeholders at the national and subnational levels. It also shows that most ministries and agencies in Cambodia have provincial- and district-level offices that should allow them to interact closely with the local communities that they are supposed to serve.

**Figure 3 Schematic illustration of National and Sub-National Levels of Power in Cambodia (Pech, 2010).**



Currently, interactions and communications between central ministries, local authorities and agencies, and with local communities is primarily top-down. A gap therefore exists in feed-back communications, a situation which is rarely effective for establishing effective communication and coordination. Such poor interaction and participation may be caused by a lack of capacity, in mutual trust, and in resources allocated from the national to sub-national levels (World Bank and ADB, 2006).

With respect to the Pursat catchment, the Cambodia National Mekong Committee (CNMC), and Tonle Sap Authority, chaired by MOWRAM, are key inter-governmental committees and are intended to provide linkages among relevant ministries and agencies at national and provincial levels. In addition there are also inter-ministerial coordination committees, including the Inter-Ministerial Resettlement Committee based in the Resettlement Department of the Ministry of Economy and Finance, and other inter-agencies committees and bodies dealing with local democratization (deconcentration and decentralization) housed within the Ministry of Interior.

There are instances of jurisdictional overlap between ministries and lack of adequate communication between coordinating committees/bodies at the national and sub-national levels. These bodies are often housed and coordinated by different national agencies. These overlaps and communication gaps have impacts at the national, provincial, district and ultimately commune levels of the government, creating uncertainty and inefficiency within the realm of service delivery and local planning (CDRI, 2009).

For example, the MOI is a powerful ministry in charge of administration of sub-national authorities, and leads the implementation of the *Strategic Framework on Decentralization and Deconcentration*. The Framework proposes restructuring of existing levels of sub-national administration. These levels consist of provincial, municipal, district, khan, commune and sangkat. The National Committee for Support (NCS) is chaired by the Minister of Interior and co-chaired by the minister in charge of the Council of Ministers. It has ministerial level representation from MEF, MRD, MLUPC, MoP and MWVA. The Department of Local Administration, MOI, acts as the secretariat to the NCS. MOWRAM appears absent in this NCS.

The local democratic processes described above requires review and recommendations to develop better synergies with community-based organizations and river basin committees led by other sector ministries (such as FWUCs and RBC procedures led by MOWRAM and supported by MAFF).

A case in point is there is not enough capable staff and resources in MOWRAM's FWUC Department to provide follow-up training needed to keep FWUCs motivated and active. The Commune Councils (which are now legally responsible, under the new Organic Law, for all infrastructure within their communes) have some funds which could be used to repair irrigation facilities, if they are authorized to exercise this role in relation to MOWRAM's structures and systems (CTDA, 2013).

There are also other cases of jurisdictional division and overlap between MOWRAM and MIME. MIME regulates single-purpose hydropower dams and MOWRAM regulates multi-purpose dams and irrigation systems. This division may hamper a stronger synergy and promotion of multi-purpose systems in the catchment, and hinders optimization of development, operation and maintenance of these water infrastructures and systems (MSP1, 2013).

*There are also 5 district levels of government in Pursat.* The various line ministries have district level offices, with the district chief playing a coordinating role. District chief and line ministry district offices largely operate based on direct instructions from the province, with little autonomous authority. The newly elected commune councils and associated structures represent the current system at the commune level. As commune chiefs create various administrative committees, the various line ministries are supposed to delegate agency functions to commune councils, and additional staff members are to be hired to carry out added responsibilities.

**Figure 4 Schematic illustration of sectoral/single project decision-making processes in Cambodia and Pursat.**

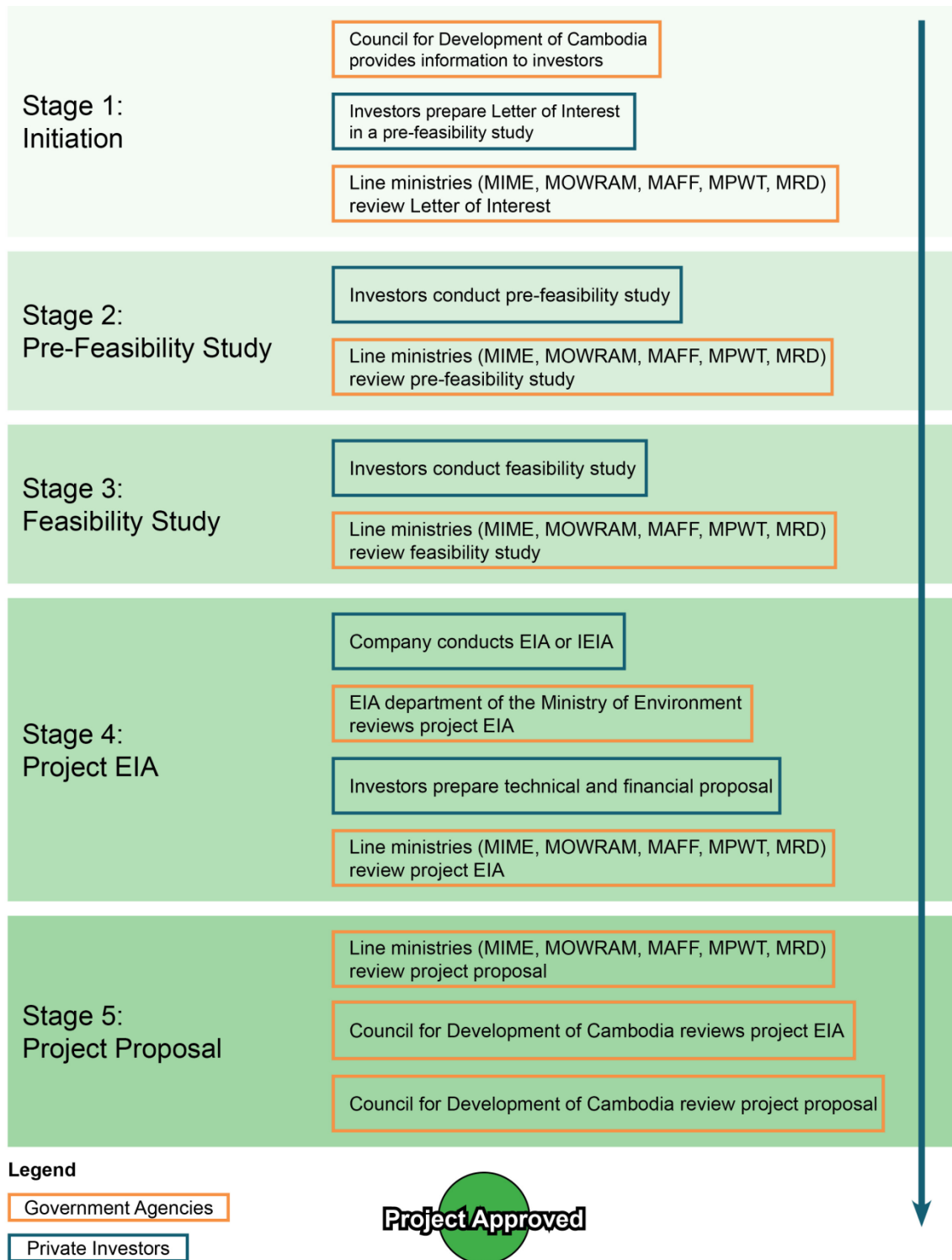


Figure 4 shows the current planning and assessment processes for major projects. Each hydropower, irrigation, navigation, forest/land use, transport or infrastructure development proponent undertakes their own environmental and social impact assessment that includes discrete elements such as noise, air, soil, surface water, ground water etc., and in a format preferred by them or their investment banks and as per requirements described in Cambodian laws and

regulations. The Master Plan for Tonle Sap or Pursat are not available, and the Strategic Environmental Assessment (SEA) or cumulative impact assessment (CIA) have not yet been conducted. In brief, the impact of any qualified development project on the environment and community is primarily studied using sectoral environmental impact assessment (EIA) instruments and sectoral decision-making that result development of sectoral or single project decision making, mitigation, management and monitoring plans.

## **3.2 REGULATIONS, LEGISLATION AND ENFORCEMENT**

EIA's are governed by the 1996 Law on Environmental Protection and Natural Resources Management (Chapter 3 - EIA) and EIA Process Sub-decree of 1999. The law and its sub-decrees have been in force for over a decade, enforcement and compliance are limited.<sup>3</sup>

Screening requirements specifying projects requiring either an initial environmental examination (IEE) or full-scale assessment are contained as an Annex to the 1999 Sub-Decree. Projects that exceed certain thresholds (i.e., projects exceeding a certain size, all factories, hydropower projects more than 1 megawatt in size, mining projects, large hotels, roads over 100 km and land concessions over 10,000 hectares, among others) must complete and receive approval for an EIA before commencing work. However, there is no clear guidance on criteria by which a full EIA is deemed necessary.

A draft EIA report must be submitted by project proponents for approval by the Ministry of Environment, before the proponents can apply for investment approval from the Council for Development of Cambodia (CDC) and/or receiving project approval by the government. In this sense, the Cambodian EIA process covers only the project preparation phase. Limited capacity within Cambodia exists to prepare credible EIAs. The Department of EIA Review within the Ministry of Environment, is constrained both by insufficient staff capacity and size to manage the review of large EIAs within the 30-day period stipulated in the sub-decree; and some decision-makers view the need for a project's compliance with the EIA process as secondary to the need for rapid economic development in Cambodia (Middleton, 2008; Li, 2008). Another challenge lies in broadening EIA procedures to increasingly include assessment of the social aspects of environmental decisions, as well as cumulative and regional impacts (SEA, CIA, SIA etc.).

The role of sub-national authorities and communities is limited to participating in the consultation conducted during the EIA stage. Local civil society organizations and some government agencies have complained about the lack of meaningful participation and consultation on impact assessments, and lack of access to the results of Environmental and Social Impact Assessment (ESIA) of major projects.

---

<sup>3</sup> Cambodia Daily, 2013 at <http://www.cambodiadaily.com/news/few-companies-conduct-environmental-studies-6288/> . Speaking at a workshop in Phnom Penh on a new draft Environmental Impact Assessment (EIA) law, Danh Serey, deputy director of the ministry's EIA department, said existing legislation was not strong or enforced well enough to ensure companies conduct the necessary environmental checks before starting work. Only about 5 percent of the roughly 2,000 major development projects, such as dams, roads and bridges, approved by the government between 2004 and 2011 carried out environmental impact assessments.



In 2007, the RGC established an Inter-Ministerial Resettlement Committee (IRC) with permanent members within the MEF. For many years, land resettlement issues have been a major cause of delay in project implementation in Cambodia (MEF SOP, 2012). IRC generally uses guidelines of major Development Partners to formulate land resettlement plans. It is the responsibility of the IRC to develop resettlement plans jointly with the IA/EA, and to ensure that they are executed to the satisfaction of both the RGC and the DPs. However, dams funded in Pursat are mainly financed using bilateral funding. There is a policy on involuntary resettlement which proponents are required to follow. An implementable resettlement plan is required, assets should be compensated at replacement cost (although this can be difficult to calculate) and special assistance should be provided to vulnerable groups (female and disable headed households). Further, monitoring and evaluation must be performed by both internal and external monitors and a grievance redress mechanism established. Sub-groups of this Inter-ministerial Resettlement Committee at the provincial and district levels are involved mainly in implementing the resettlement plans after the committee has approved them.

A case study conducted by the Royal University of Phnom Penh (Kimkong, 2007) recommended that ESIA's should not be conducted immediately prior to the start of a project. ESIA and environmental mitigation management plans should also be made public during early stages of project planning and design, and communities likely to be affected by the project must be informed (Kimkong 2007). They also recommended that the financial arrangements used to implement these plans, together with the roles and responsibilities of implementing agencies be provided. The study also pointed to the absence of conflict resolution mechanisms for managing conflicts between local residents and dam builders/operators. Guidelines and mechanisms should be created in order to deal with trans-boundary (administrative, cross-sectoral or cross political boundary) issues/conflicts and compensation. The practice proved to be fragmented and incapable of dealing with subjects that cut across sectors or river basin management themes; this normally led to incomplete and inaccurate assessment of project impacts.

## **4.0 MSP CAPACITY**

### **4.1 MSP CAPACITY ASSESSMENT**

The capacity of primary and secondary stakeholders to participate in multi-stakeholder platforms was assessed during the project inception phase and during field work.

Data collection focused on social capacity/capital and its two dimensions, namely *structure*: policy, laws and institutional forms; and *capacity*: the knowledge, skills, and processes by which government staff and community members participate in water governance issues, especially leaders of community-based organizations (Ashwal et al. 2011). There are formal legal and policy frameworks to support local decision-making within relevant sub-national governments, such as provincial, district and village authorities; elected commune council; sub-national sectoral departments and offices; as well as numerous community-based natural resources users' organizations (Pech 2010).

Institutional and capacity issues are present at both the national and sub-national levels.

## 4.2 STRENGTHENING MSP CAPACITY: BARRIERS AND OPPORTUNITIES

While it is true that a structure is only as good as the people working in it, and that any structure can be rendered ineffective by poor management, a dysfunctional structure is also a contributing factor to (poor) management performance. At the national level, much could be done to move forward from the current lack of horizontal coordination between Cambodian sectoral ministries and the excessively top-down approach between various levels of government (central, provincial and local). Figure 5 is a schematic diagram of a proposed mechanism for improving coordination during development of 'national vision and positions' and for coordinating the implementation of international commitments.

**Figure 5** Strengthening institutional links at the national level to contribute to better management of international relations.



The process of aligning various interests, commonly referred to as 'governance', is the responsibility government agencies, and should take into account the interests of key stakeholders, is of strategic importance to the success or performance of any modern organization (Lusthau et al. 2002). Effective governance requires interactive and constant two-way communication between ministries overseeing the negotiation of international commitments and ministries in charge of implementing these commitments. During this process, government organizations and other key stakeholders attempt to resolve conflicts of interest and discuss and address policy issues in a timely manner. As

shown in the Figure above, the process of governance at the national level requires improved coordination not only in a horizontal institutional sense (e.g., across ministries and numerous inter-ministerial committees) but also vertically (e.g., across levels of government and social groups) (Pech 2010).

Another key challenge is to harmonize existing national legislation and policies and to ensure strict adherence to these legal and policy requirements (Pech, 2010). In all Mekong Region (MR) countries, the evolution of water and related resource legislation and policies can be traced from early resource exploitation legislation to more recent legislation (Pech, 2010). Many of the provisions relating to natural resource conservation, pollution control and protection of historical and cultural sites are scattered among a wide range of statutes and, in some instances, developed at different times and in vastly different political, economic and social contexts (Oliver et al. 2006). The existence of different legislation and laws based on sectoral responsibilities requires an evaluation of and solutions to a number of legal problems related to overlapping powers and functions, shared institutional duties, inconsistencies, and conflicting jurisdictions and legal provisions (Pech, 2010).

To address institutional inconsistencies and conflicting jurisdictional responsibilities requires strong political support and commitment from the highest levels of government. This can be achieved through increased awareness of the importance of change, with clear declaration of environmental objectives and policies and a definition of common procedural principles for environmental decision-making applicable to all sectors (Pech, 2010). A lack of resources and a tradition of cross-sectoral and vertical coordination may limit Cambodia's ability to incorporate all of these issues and sectoral interests into this process. The experience of other developed countries demonstrates that certain characteristics are likely to promote an effective and successful decision-making and coordination process (UNITAR, 2001). An effective risk management decision-making process could include:

- **Participatory:** National position-making and strategies should be developed and implemented in consultation with a wide range of interested and affected parties;
- **Informed:** Decision-making requires various types of information and thus often calls for efforts to access and review a wide range of information sources; and
- **Cyclical/iterative:** An iterative approach will help to ensure that strategies remain up to date with evolving national policies and priorities and new scientific findings or technological developments, and help ensure that strategies take into account the results of systematic monitoring and evaluation of existing strategies and policies.

The results of an analysis of the Mekong River Basin (MRB) ecological system and modern history (see Pech et al. 2007) suggests that, when a country is highly dependent on a complex and poorly understood ecosystem, development should be cross-cutting (incorporate various sectors and disciplines), integrated, precautionary, and supportive enough to sustain livelihoods in the region.

Asymmetry in causal responsibility and externality and asymmetry in capacity, require design principles that properly address the issues of monitoring and accountability, equity, and strengthened institutional and financial capacity (Pech, et al. 2007). Both 'pro-dam' and 'anti-dam' groups in the MR agree that their assessments on the positive and negative impacts of dam projects are limited by lack of adequate information, since access to data is limited, even among different government agencies within a single country. Moreover, there is no evidence that strategic and accumulative impact assessments and monitoring have been conducted in a wider context (Plinston and He, 2000, Pech and Sunda, Tonle Sap, 2006).

The MR requires mechanisms that will increase the benefits of compliance and/or raise the costs of non-compliance. Linking institutional arrangements together (MRC and GMS) can raise the price of non-compliance by increasing the probability that consequences of violations in one issue area will result in less cooperation in areas of importance to individual actors (Sadoff and Grey, 2003). Monitoring mechanisms, strategies and frameworks to encourage implementation and compliance are required and generally involve both state and non-state activities focused on achieving the goals and objectives of the treaty regime. Such mechanisms require an agreed-upon baseline and methods for verification established in a transparent and participatory manner. In addition, the quality of requirements is crucial, as compliance with dysfunctional regime rules will not improve outcomes.

In spite of its deficiencies, the 1995 Mekong Agreement, which established the Mekong River Commission and outlined a legal framework for sustainable management of the MRB. This agreement provides a useful point of reference for the analysis of agreed-upon rules and procedures and "soft-law" documents among key MR players whose activities are guided by the rules of the institutions in which they participate (Young, 2000). Within the processes of the MRC and GMS, some commonly accepted principles have gradually developed, such as an emphasis on equality and mutual respect, consensus building and consultation, all of which can play a catalytic role in shaping common ground rules. Furthermore, the performance and effectiveness of this agreement depends on the success in overcoming current major bottlenecks, which inhibit cooperation and coordination due to negative focal relations at both the local national and regional levels. Much work remains to be done in moving from the current lack of horizontal coordination between key ministries and vertical coordination between various levels of government (central, provincial and local). Finally, as shown by the MRC Upper Mekong Commercial Navigation Channel Improvement Project (UMNCIP) test case, high levels of transparency can deter actors from violating rules, even when there are substantial gains to be reaped from non-compliance and when enforcement mechanisms are poorly developed.

Local communities in Cambodia require institutions that facilitate debate among government and non-government groups, policy makers and other stakeholders, highlighting multiple interests and positions of power. Power asymmetries are highly visible in the region, so much so that the current framework has been forced to stretch beyond its role as facilitator of public debates, assuming the more proactive role of negotiation on behalf of the powerless and helping to articulate their concerns and needs as demands (IUCN, TEI, IWMI, M-POWER, 2006). As a

multi-stakeholder dialogue, the Mekong Regional Waters Dialogue can be further institutionalized to provide a Mekong regional dialogue for state, non-state and business actors to inform and to be informed, to assess national and regional water resources development strategies. It can also be used to enable the articulation of different perspectives about Mekong water-related development for consideration during decision-making processes (Pech, Sunada, Oishi, 2007).

The establishment of such a unified regional cooperation mechanism, supported by an agreed-upon analytical framework, harmonization of policy targets, evaluation tools, benefit distribution, impact mitigation and compensation strategies, would require a considerable amount of time (Bird, 2004; World Bank and ADB, 2006). Clearly, improved partnerships among key regional bodies connected to the MRB must go hand-in-hand with the promotion of meaningful multi-stakeholder dialogue among government and non-government groups, policy makers and other stakeholders to enable the articulation of different perspectives about Mekong water-related development. A mechanism ultimately enabling key actors to understand and interpret the real needs of MR communities is also essential (IUCN, TEI, IWMI, M-POWER, 2006).

## 5.0 CONCLUSION

The process of selecting and convening members for the MSP, a forum of key players in the water and related sectors in the Stung Pursat has been completed. The first MSP meeting held on 24-25 January, 2013 in Pursat, officially established the Pursat MSP, and set the tone for the entire MSP. The project team developed *the Stakeholder Analysis Report*, which laid the grounds for identifying areas for further research (including this power relation, conflict analysis, and principle document) under the Components 2 and 3 of the project. This report identifies how existing power relationship structures influence stakeholder participation in IWRM (and MSP) in terms of gaps, overlaps and power inequities.

Jurisdictional overlaps exist amongst various line ministries in coordination, cooperation and control at the provincial and district levels. It affects the way in which the provincial governor and his office, river basin organizations or committees, FWUCs, etc. participate in decision-making around shared water resources. A clear delegation of authority across administrative boundaries (sub-national administrative arrangements as opposed to hydrological boundaries) is required for full participation to occur.

The government is undertaking decentralisation reforms to devolve power to semi-autonomous elected governments at the commune and *sangkat* (urban commune) level, and to move towards enhanced roles for provinces and municipalities as deconcentrated entities of the centre. Hence, it is important to understand that the current governmental structure at the provincial and district level is in flux: new processes and procedures are currently being put into place. While the benefits of decentralization are clear by increasing the involvement of local governments and communities' in local natural resources planning and management, the devolution of authority over resources increases the risk of actions in one district, commune or village impacting others. Ensuring appropriate participation demands the establishment of a structure that involves all stakeholders in the catchment.

The village is the lowest level of government structure in Cambodia. Villages are an administrative arm of the commune, district, province and MOI. Discussion has taken place on the change in rules and regulations that should authorize commune councils to appoint a village chief, who acts as the main conduit of information and communication between the council, including council committees, and the village. Capacity within the line ministries in the sub-national level offices (provincial and district) is generally quite low.

**The principal finding of this paper confirms that the level of cooperation from the local to the international level hinges on implementing effective planning and coordination structures, and elimination of negative focal relations at both national and regional levels.** The effectiveness and efficiency of MRB regimes can be improved by increasing the level of connectedness and cooperation, starting at the local level and eventually continuing to the regional cooperation mechanisms among governments and non-state stakeholders. Community-based resource user groups (i.e. FWUCs, fisheries communities, and forestry communities) require consistent sources of funding and support to maintain sustainable contributions to IWRM. Time and effort may be required in order to affect a change in perception which will allow CSOs and Line Ministries to work more closely with each other and in order that CSOs achieve more influence.

After improving its regional environmental governance, Cambodia, the weakest and most vulnerable MR country, should be able to better address its internal problems and derive benefits from regional economic cooperation. However, because Cambodian government officials are not in a position to challenge the potentially negative impacts of large development projects spearheaded by upstream countries (particularly China) without losing financial assistance, the local community in Cambodia needs a multi-stakeholder dialogue that can facilitate debate among government and non-government groups, policy makers and other stakeholders, highlighting the multiple interests and positions of power. Power asymmetries have become so visible in the region that civil society organizations are now required to move beyond their traditional role as facilitators of public debate and help powerless citizens translate their concerns and needs into demands that can then be delivered to policy makers. Institutionalized MSP can provide a space for: minimizing and resolving potential conflicts surrounding water resources development; for various actors to inform and to be informed; to assess water resource development strategies, and to enable the articulation of differing perspectives about development under consideration.


## 6.0 REFERENCES


- Ashwell D, Lic V, Loeung K, Maltby M, McNaughton A, Mulligan B, Oum S, Starr A. 2011. Baseline Assessment and Recommendations for Improved Natural Resources Management and Biodiversity Conservation in the Tonle Sap Basin, Cambodia. Technical Report for USAIDHARVEST. 92 pp. Fauna & Flora International, Cambodia.
- Bingen J. 2000. Institutions and Sustainable Livelihoods, in: Proc. from the Forum on Operationalizing Sustainable Livelihood Approach, Pontignano, 7-11 March 2000.
- [CDRI] Cambodia Development Resource Institute. 2004. Law Harmonisation in Relation to the Decentralisation Process in Cambodia - Working Paper 31. Cambodia Development Resource Institute, Phnom Penh, Cambodia.
- CDRI. 2010. Empirical Evidence of Irrigation Management in the Tonle Sap Basin: Issues and Challenges. CDRI Working Paper Series No. 48. Phnom Penh, CDRI
- [CNMC] Cambodia National Mekong Committee. 2012. Profile of the Tonle Sap Sub-area (SA-9C), BDP, MRC/CNMC, February 2012.
- [CTDA] Capacity Technical Development Assistance. 2013. CAM: Water Resources Management Sector Development Program Aide Memoire, Loan Review Mission (13-17 August 2012), Asian Development Bank, Phnom Penh, Cambodia.
- [MEF] Ministry of Economy and Finance. 2012. Standard Operating Procedures for Externally Financed Projects/Programs in Cambodia, accessed on-line on January 3, 2013 at <http://www.mef.gov.kh/documents/D-Investment/Document23072007/Manual%20on%20Standard%20Operating%20Procedures.pdf>
- Pech S, Sunada S. 2006. The Governance of the Tonle Sap Lake, Cambodia: Integration of Local, National and International Levels. *Int'l Journal of Water Resources Development*. 22(3):299-416.
- Pech S. 2010. Cambodian and Mekong Water Resources Governance. In: Sato J, editor. *Transboundary Resources and Environment in Mainland Southeast Asia*. University of Tokyo (Japan): Institute for Advanced Studies on Asia.
- Pech S. 2013. Session 1: What is Integrated Water Resources Management? Fostering Evidence-based IWRM in the Stung Pursat catchment (Tonle Sap Great Lake), Cambodia, 1<sup>st</sup> MSP Meeting, Pursat, January 24, 2013.
- World Bank & [ADB] Asian Development Bank. 2006. *WB/ADB Joint Working Paper On Future Directions For Water Resources Management In The Mekong River Basin*, World Bank and the Asian Development Bank, p 65.

## 7.0 CLOSURE

We trust the above information meets your requirements. If you have any questions or comments, please contact the undersigned.

### HATFIELD CONSULTANTS:

Approved by:  19 December 2013  
Sokhem Pech  
Project Manager  
Date

Approved by:  19 December 2013  
Grant Bruce  
Project Director  
Date