

THE GAP BETWEEN POLICY AND PRACTICE OF PUBLIC
PARTICIPATION IN CAMBODIA: A CASE STUDY OF
THE STUNG HAV COAL FIRED POWER PLANT IN
SIHANOUKVILLE PROVINCE

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A Thesis submitted in Partial Fulfillment of the Requirements
for the Degree of Master of Arts Program in Southeast Asian Studies

(Interdisciplinary Program)

Graduate School

Chulalongkorn University

Academic Year 2012

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ช่องว่างระหว่างนโยบายและการปฏิบัติในการมีส่วนร่วมของประชาชนในกัมพูชา:
กรณีศึกษาโรงไฟฟ้าถ่านหินสตึงฮาว จ. สีหนุวิลล์

นาย กะนาล เคียฟ

วิทยานิพนธ์นี้เป็นส่วนหนึ่งของการศึกษาตามหลักสูตรปริญญาศิลปศาสตรมหาบัณฑิต
สาขาวิชาเอเชียตะวันออกเฉียงใต้ศึกษา (สหสาขาวิชา)
บัณฑิตวิทยาลัย จุฬาลงกรณ์มหาวิทยาลัย
ปีการศึกษา 2555
ลิขสิทธิ์ของจุฬาลงกรณ์มหาวิทยาลัย

Thesis Title THE GAP BETWEEN PUBLIC PARTICIPATION IN POLICY
AND PRACTICE IN CAMBODIA: A CASE STUDY OF THE
STUNG HAV COAL FIRED POWER PLANT IN
SIHANOUKVILLE PROVINCE
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คณะ: เกียฟ: ช่องว่างระหว่างนโยบายและการปฏิบัติในการมีส่วนร่วมของประชาชนในกัมพูชา: กรณีศึกษา โรงไฟฟ้าถ่านหินสตึงฮาว จ.สีหนุวิลล์ (THE GAP BETWEEN POLICY AND PRACTICE OF PUBLIC PARTICIPATION IN CAMBODIA: A CASE STUDY OF THE STUNG HAV COAL FIRED POWER PLANT IN SIHANOUKVILLE PROVINCE)

อาจารย์ที่ปรึกษา: Carl Nigel Middleton, 106 หน้า

การศึกษาชิ้นนี้มุ่งเน้นเรื่องช่องว่างระหว่างการมีส่วนร่วมของสาธารณะในเชิงนโยบายและเชิงการปฏิบัติใน กัมพูชา ผ่านกรณีศึกษาโรงไฟฟ้าถ่านหินสตึงฮาว, จังหวัดเป็ลียะสีหนุวิลล์ การวิจัยศึกษาวิเคราะห์ผ่านการเปรียบเทียบ การมีส่วนร่วมในโรงไฟฟ้าถ่านหินกับกรอบกฎหมายที่เกี่ยวข้องกับการมีส่วนร่วมของสาธารณะ, การปฏิบัติตาม มาตรฐานสูงสุดของนานาชาติเพื่อการมีส่วนร่วมของสาธารณะและการเพิ่มความเข้มแข็งทางทฤษฎี การศึกษาชิ้นนี้ยังได้ นำใช้การวิเคราะห์หัตถ์ตราส่วน งานวิจัยได้ใช้ทั้งข้อมูลปฐมภูมิจากการสัมภาษณ์เชิงลึกกับผู้ให้ข้อมูลหลัก รวมทั้งข้อมูล ทฤษฎี อาทิ มาตรฐานระดับนานาชาติเพื่อการมีส่วนร่วมของสาธารณะ, กรอบกฎหมายของประเทศกัมพูชาด้านการมี ส่วนร่วมของสาธารณะ และอื่นๆ

ในการประเมินการปฏิบัติด้านการมีส่วนร่วมของสาธารณะในกรณีโรงไฟฟ้าถ่านหินสตึงฮาว กับกรอบ กฎหมายที่มีอยู่ของกัมพูชา, การวิจัยพบว่าจำนวนผู้เข้ามีส่วนร่วมในจำนวนที่กำหนด, ข้อจำกัดด้านสิทธิเสรีภาพในการ แสดงออกทางความคิดเห็น, และการมีส่วนร่วมในเชิงรับ การประเมินผลของมาตรฐานสูงสุดของนานาชาติเพื่อการมี ส่วนร่วมของสาธารณะแสดงผลที่ได้คล้ายคลึงกัน คือ ข้อเสนอแนะของผู้มีส่วนได้เสียไม่มีอิทธิพล, มีผู้เข้ามีส่วนร่วมใน จำนวนที่กำหนด, ประชาชนที่ได้รับผลกระทบมีข้อจำกัดในการเข้าถึงข้อมูล ด้านการเพิ่มความเข้มแข็งของชุมชน องค์กร พัฒนาเอกชนมีบทบาทสำคัญเพื่อเอื้อหนุนในด้านการเพิ่มความเข้มแข็งในกับเฉพาะสมาชิกบางคนในชุมชน แต่ไม่ใช่ ชุมชนทั้งหมด

ดังนั้น กรอบกฎหมายของกัมพูชาที่เกี่ยวข้องกับการมีส่วนร่วมของสาธารณะจึงไม่มีความครอบคลุม การขาด ซึ่งกรอบกฎหมายที่ชัดเจนสร้างความลำบากในการเรียกร้องให้หน่วยงานที่ดำเนินการปฏิบัติงานมีความรับผิดชอบ นอกจากนี้ การขาดซึ่งแนวทางเชิงกฎหมายที่ชัดเจนด้านการมีส่วนร่วมของสาธารณะและช่องว่างระหว่างนโยบายกับ การปฏิบัติ เราสามารถสรุปได้ว่าในกรณีโรงไฟฟ้าถ่านหินสตึงฮาว การดำเนินการปฏิบัติของบริษัทและหน่วยงานรัฐบาล ไม่ได้นำใช้กระบวนการที่เพียงพอด้านการมีส่วนร่วมของสาธารณะที่ตรงตามข้อกำหนดของทั้งกฎหมายของประเทศ กัมพูชา หรือมาตรฐานสูงสุดของนานาชาติเพื่อการมีส่วนร่วมของสาธารณะ องค์กรพัฒนาเอกชนแสดงบทบาทสำคัญใน การเอื้อหนุนกระบวนการมีส่วนร่วมและในการเพิ่มความเข้มแข็งของชุมชน อย่างไรก็ตาม พวกเขาไม่สามารถ ดำเนินการให้ความรู้ หรือ เข้ามีส่วนร่วมได้โดยตรงในกรณีโรงไฟฟ้าถ่านหินสตึงฮาว เนื่องจากความกดดันทางการเมือง ความอ่อนไหวของประเด็น และปัญหาภายใน อาทิ การขาดทรัพยากรบุคคล ความรู้ และประสบการณ์

สาขาวิชา:เอเชียตะวันออกเฉียงใต้ศึกษา..... ลายมือชื่อนักศึกษา:.....
ปีการศึกษา:2555..... ลายมือชื่ออาจารย์ที่ปรึกษา:.....

##: MAJOR SOUTHEAST ASIAN STUDIES

KEYWORDS: CAMBODIA/ COAL FIRED POWER PLANT/ PUBLIC PARTICIPATION/ NON-GOVERMENTAL ORGANIZATION

KANAL KHIEV: THE GAP BETWEEN POLICY AND PRACTICE OF PUBLIC PARTICIPATION IN CAMBODIA: A CASE STUDY OF THE STUNG HAVE COAL FIRED POWER PLANT IN SIHANOUKVILLE PROVINCE

ADVISOR: CARL NIGEL MIDDLETON, PhD, 106 pp

In democratic countries around the world, public should have the ability to question or able to change the government decisions that they do not agree. However, democratic country in principle like Cambodia does not allow the strong criticism of government. The strong criticism is resulted in physical threats to those who openly express their ideas. Aside of this political matter, the inadequate of legal framework for public participation is another challenge to freedom of expression. With the expectation to produce its own electricity, Cambodian government has introduced the first Coal Fired Power Plant located at village 2 of Kampenh commune, Stung Hav district of Preah Sihanoukville province. The project will import coal from Indonesia and Vietnam and operate with two unit of 50-52 MW. The total generating capacity will be 100-104 MW that expect to start its operation by the end of 2013. The project is currently under construction stage.

According to the problem above, this thesis was conducted in order to determine whether there is a gap between public participation in policy and practice in Cambodia particularly in the case of Stung Hav Coal Fired Power Plant. Moreover, this study had employed both qualitative and quantitative research methodology. The primary data was collected from in-depth interviews with different key informants; whereas, the secondary data was collected on international standards on public participation, Cambodian legal frameworks related to public participation. In evaluating the practices of public participation in the Stung Hav CFPP to Cambodian existing legal frameworks, the research finds that there were a limited number of participants, limitations on freedom of expression, and passive public participation. The evaluation of the international best practices for public participation revealed similar results: the stakeholder's suggestions were not influential, there were a limited number of participants, and affected people had limited access to information. In terms of community empowerment, NGOs played an important facilitation role empowering particular community members, but not the whole community.

The absence of clear legal frameworks makes it difficult to demand accountability from the implementing agency. The absence of clear guideline is a weakness of legal framework that cause negative impacts on local community as well as nature and environment but benefit project developers, thus illustrating the gap between policy and implementation. So it can be concluded that in the case of the Stung Hav CFPP was not employed an adequate process of public participation that meets the requirements of either Cambodian laws or international best practices in public participation.

Field of Study:Southeast Asian Studies.....Student's Signature:.....

Academic Year:2012.....Advisor's Signature:.....

ACKNOWLEDGEMENT

I would like to express my sincere thanks and deep appreciation to Professor Carl Nigel Middleton, my thesis advisor for his endless support, comment and guidance for this thesis period. Without his advice, this thesis would not be completely finished on time.

I am also grateful to Director of Southeast Asian Studies Program, Dr. Sunait Chutintaranond, all the professors and staffs in Southeast Asian Studies Program who always contributed me with knowledge and academic assistance during my study at Chulalongkorn University.

I deeply thank all villagers of both villages of Kampenh Commune for spending time to provide information and understanding on coal power plant and their facilities during my stay at village for data collection.

I also would like to thank to NGO Forum on Cambodia, the Cambodian League for the Promotion and Defense of Human Rights, the Cambodian Human Rights and Development Association that provided a lot of assistant to make this thesis success. Particularly, I am grateful to Vishnu Law Group that allowed me to conduct my internship to learn more about the development of Cambodian legal frameworks related to environmental impact assessment as well as public participation.

Last but not least, I would like to thank and pay gratitude to my family especially my beloved mother and brother for their supporting and motivating me through my entire life. The informal support and encouragement of many friends have been indispensable. Finally, I would like to thank for Chulalongkorn University Scholarship Program that provided me a scholarship for two years in Southeast Asian Studies Program.

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List of Abbreviation

ADB	: Asian Development Bank
ADHOC	: The Cambodian Human Rights and Development Association
CBOs	: Community Based Organizations
CEL	: Cambodian Energy Limited
CIIDG	: Cambodia International Investment Development Group
CSCE	: Commune and Sangkat Council Election
CSOs	: Civil Society Organizations
EDC	: Electricite Du Cambodge
EIA	: Environmental Impact Assessment
IAP2	: International Association on Public Participation
IEIA	: Initial Environmental Impact Assessment
LEADER	: The Leader Universal Holding Berhad
LICADHO	: The Cambodian League for the Promotion and Defense of Human Rights
MoE	: Ministry of Environment
MRC	: Mekong River Commission
NGO	: Non- Governmental Organization
RGC	: Royal Government of Cambodia
Stung Hav CFPP	: Stung Hav Coal Fired Power Plant
TEAM	: TEAM Consulting and Management (Cambodia) Company
UNTAC	: United Nations Transitional Authority of Cambodia
VLG	: Vishnu Law Group

Chapter I

Introduction

1.1. Background of Study

Cambodia is located in Southeast Asia, has an area of 181,035 square kilometers, and shares borders with Laos, Vietnam and Thailand. Cambodia is a democratic country under a Constitutional Monarchy system, and the Constitution is considered to be the basic law that all other legal instruments must follow. However, there are numerous limitations to the rights of Cambodia's citizens, especially in the area of public participation. The public participation issue is not only a political issue, but also an environmental issue, particularly in terms of development projects.

In democratic countries around the world, the public should have the ability to question or overturn government decisions that they do not agree with or support, potentially having the effect of reversing these decisions. However, although Cambodia is a democratic country in principle, it does not allow strong criticism of government policy, and physical threats can be a result of citizens openly expressing their ideas (IFHR, 2006). For example, on March 30 1997, the opposition party led by Mr. Sam Rainsy brought 200 members and other supporters to protest in front of the National Assembly to call for judicial reform. Once the people had gathered, unidentified men attacked the crowd with grenades, which resulted in the deaths of 20 people, and in another 150 injuries (Washington Post, 1997). In addition, Mr. Chea Vichea, a worker's union leader who stood on behalf of hundreds of thousands of garment factory workers to demand a fair living wage, was assassinated in January 2004 (Luce, 2010). These two examples can show clearly how the freedom of expression is limited in Cambodia. They also help to explain why people are reluctant to express their opinions in public. It certainly seems that past experiences make people scared to gather in public to express their views on political issues.

Political issues aside, the inadequate legal framework for public participation is another challenge to freedom of expression. The term “public participation” can be found in some Cambodian legal frameworks, such as the Cambodian Constitution and the Law on Environmental Protection and Natural Resource Management, as well as other regulations related to forests, mining and agricultural land concessions. Public participation has been defined, but there are no clear guidelines on its process. This is a weakness in the legal framework that causes negative impacts on local communities as well as nature and the environment, but provides benefits to project developers, and illustrates the gap between policy and policy implementation.

The Law on Environmental Management and Natural Resource Protection states that a sub-decree that creates a procedure for public participation in decisions that impact in the environment should be passed. However, more than 15 years since the law was passed, the process for public participation is still undefined¹. This is a very slow process of legal development. What is more, existing legal frameworks have not been implemented well, so the gap between principle and reality is increasingly growing, producing significant impacts on human beings as well as the environment. Because of this loophole in implementation of existing legal frameworks, affected communities have limited opportunities to voice their concerns. According to the United States National Environmental Policy Act, public participation provides several benefits to both local communities and decision makers, such as: identifying issues, enhancing mutual understanding, reaching better decisions and promoting environmental justice (US DOE, 1998).

With regards to the connection between humans and nature, it is clear that humans depend on nature to survive; however, human behaviors have caused significant impacts on nature and the environment. Since the environment cannot speak for itself, humans must take on the task to raise their voices for their own benefit as well as to protect the

¹ Law on Environmental Management and Natural Resource Protection was enacted in 1996, but a definition of Public Participation was defined by Prakas on Guideline for Preparing a Report of IEIA and EIA 2009.

environment (Jarusombat, 2002). Jarusombat emphasizes that there are several ways that humans can act on behalf of nature, and this requires a cooperative process as well as concern from government, individual citizens, developers and civil societies. One of those mechanisms is public participation.

Many studies that approach public participation as an environmental issue have been conducted in recent years. In a case study of the Hin Krut Power Plant, Chumponth (2011) found that the effectiveness of public participation in Thailand still not meet a standard. Chumponth concluded that environmental problems cannot be solved without meaningful public participation. In addition to the study of the Hin Krut Power Plant, a study on the Kamchay Hydropower Project in Cambodia focused mainly on institutional and financial arrangements as the most influential and effective tools in ensuring the best practice of public participation (Sam, 2008). With this research, Sam found that the institutional structure did not help to facilitate meaningful public participation in the Kamchay Project. This research also shows that the absence of any public participation caused unsatisfactory performance of the project. Clearly, the gap between public participation in policy and reality still exists in Cambodia.

Sam's study on public participation in Cambodia focused on the hydropower sector and did not look into the gap between practice and policy regarding public participation (Sam, 2008). In addition, new legislation related to public participation has been adopted since this research was conducted. Moreover, the absence of public participation, especially in development projects, still exists in Cambodia, and collaboration from different stakeholders is required to narrow this gap (ERI, 2012).

Cambodia's population is growing rapidly. As of 2006, the population was 14,241,640, with 80% living in rural areas, of which only 13% have access to electricity (World Bank, 2006). By July 2012, the population was 14,952,665 (CIA, 2013). The electricity fee varies by location; for example, the electricity fee in a city is \$0.16/kilowatt per hour (kwh), and in rural areas is between \$0.30-0.90/kwh. The average electrical use per person in 2008 was 103 kwh (Tek, 2010). There are three types of energy generation in

Cambodia: generation by type of license (Independent Power Producers, Consolidated License and EDC), generation by type of facility (hydropower, coal, wood/biomass, and diesel/heavy fuel oil) and import from neighboring countries (EAC, 2009). Of the electricity used in Cambodia, 21% is imported from neighboring countries (27% from Vietnam and 73% from Thailand), 3% comes from hydropower and 76% from diesel oil and fuel oil (Tek, 2010). However, electricity production will be increased to 6000 MW in 2020, 6% of which will be imported from neighboring countries, 3% from diesel oil and fuel oil, 8% from coal and gas, 15% from coal power plants and 68% from hydropower (Tek, 2010).

With the aim of producing its own energy to meet domestic needs and to facilitate growth in tourism and industry, Cambodia proposed to build its first 100 MW Coal Fired Power Plant (CFPP) in Stung Hav District of Sihanoukville Province in southern Cambodia. The project includes a free trade and industrial zone (TEAM, 2009). This project is a joint venture project between Malaysian and Cambodian companies and was approved in 2011. The factory is now under construction and is expected to be completed in 2013.

This thesis will examine public participation in policy and practice in Cambodia. This study is important because it will be the first study on public participation in Stung Hav CFPP and it will raise awareness to the other researchers.

1.2. Objective of Research

The main objective of this research is:

- To determine whether there is a gap between public participation in policy and practice in Cambodia

Following this main objective, this research has the following sub- objectives:

- To assess whether Cambodian laws and regulations related to public participation meet international best practices for public participation;
- To evaluate the practice of public participation in the Stung Hav Coal Fired Power Plant case at the local level, from the perspective of Cambodia's existing legislative frameworks and international best practices
- To analyze the role of Cambodian non-governmental organizations (NGOs) in facilitating public participation in the Stung Hav Coal Fired Power Plant and evaluate the extent to which communities are empowered to participate.

1.3. Research Questions

This research seeks to answer to the main research question “*What are gaps between public participation in policy and practice in Cambodia, particularly in the case of the Stung Hav Coal Fired Power Plant?*” Under this main research question, several sub-research questions follow:

- Do Cambodian laws and regulations related to public participation meet international best practices?
- What public participation process has been applied in the Stung Hav Coal Fired Power Plant case, compared with Cambodian legal framework and international best practices in public participation?
- What is the role of non-governmental organizations in the Stung Hav Coal Fired Power Plant public participation process?

1.4. Major Argument

- At present, the legal instruments related to public participation in Cambodia are not clear or comprehensive. The absence of clear legal instruments means that it is hard to ensure accountability of the implementing agency or company since, for example, monitoring systems are not implemented. This can result in a range of social and environmental impacts.

- Due to a lack of clear guidelines on public participation, a gap between policy and practice still exists, so the Stung Hav Coal Fired Power Plant did not employ an adequate process of public participation that meet the requirements of either Cambodian law or international standards.
- Non-governmental organizations played an important role in the process of public participation at the local and national levels in the case of the Stung Hav Coal Fired Power Plant.

1.5. Conceptual Framework

1.5.1. Defining the Meaning of Public Participation

Public participation is defined according to the level of participation (Pretty et al, 1995). The levels of participation are as following:

- **Passive Participation:** People are told on what is going on or what has already happened. The administration, project owner, or EIA Company is responsible for announcing all information without listening to people's responses.
- **Participation in Information Giving:** The information shared belongs to experts. People are asked to answer questions in surveys and other forms designed by experts. People have no chance to influence the process, comment on findings, or check for accuracy.
- **Participation by Consultation:** People participate by being consulted and the external agents such as EIA Company, the project owner, experts and government will listen to a discussion. Those listeners will define both the problem and the solution. However, the consultation does not yield much influence in the decision-making process, since the expert has no obligation to take on people's views.
- **Participation for Material Benefits:** People participate by providing resources in return for other materials such as food, cash and so on. This type of participation

mostly happens in farm research: farmers provide a field but do not participate in any experimentation or learning.

- **Functional Participation:** People participate by forming a group that follows the objective of the project, which can allow them to be involved in any discussion after decision making process.
- **Interactive Participation:** People participate in a process of analysis that leads to action plans and creates a new institution or strengthens the existing one. The group will take over the local decision, so people are able to maintain structures or practices.
- **Self-Mobilization:** People participate by taking initiatives by themselves in order to change systems.

1.5.2. International Best Practices in Public Participation

The international best practices in public participation were set up by International Association for Public Participation (IAP2), and consist of seven main points (Burgess and Malek 2005). Those seven main points can be categorized into three main ideas: access to information, relevant stakeholders' participation, and influential suggestions from participants (see session 2.1.5).

1.5.2.1. Access to Information

The IAP2 states that: *“The process must explain the interest as well as the benefit of the project. The public participation process provides participants with the information that they need to participate in a meaningful way.”*

This emphasizes that people should be able to access to all relevant information related to a project in order to have active and meaningful participation.

1.5.2.2. Influence Suggestion from Participants

The IAP2 states that: *“The public should be able to express their opinion in decision making about actions that affect their lives. The public participation process communicates to participants how their opinion and suggestion will affect the decision. Public participation includes the suggestion that the public's contribution will influence the decision.”*

This clearly shows that participants’ opinions and suggestions are priority and should be able to influence the decision making process.

1.5.2.3. Relevant Stakeholders’ Participation

In IAP2 concept says: *“The process seeks out and facilitates the involvement of people who are potentially affected by the project. The process involves participants in defining how they will participate which focus mainly about the structure of public participation process.”*

This clearly demonstrates that the participation of relevant stakeholders is very important in because local people know their home environment better than the others.

1.5.3. The Empowerment Theory

Empowerment is *“a multi-dimensional social process that helps people gain control over their own lives.”* (Cheryl, 1999). This social process is combined with different dimensions of skill in order to improve people’s capacity to be the owners of their own

lives. Within different groups, empowerment serves different levels, such as the individual, the group and the community as a whole.

Empowerment is considered as a process of change. McClelland (1975) emphasizes that *“empowerment as process of change that in order to change, people need to gain power by obtaining all information about themselves and their environment and have a willingness to identify and work with others.”*

In addition, Whitmore (1988) defines empowerment as *“an interactive process through which people experience personal and social change, enabling them to take action to achieve influence over the organizations and institutions which affect their lives and the communities.”*

Another author, Wallenstein (1992) understands that *“empowerment is a social action process that promotes participation of people, organizations and communities towards the goals of increased individual and community control, political efficacy, improved quality of community life and social justice.”*

1.6. Research Methodology and Research Obstacles

1.6.1. Research Methodology

This study employed both quantitative and qualitative research methodologies. Techniques such as fieldwork, interviews with different relevant stakeholders, observations, and an internship were used in order to collect information for this research.

I designed the research methodology of this thesis in three stages as follows:

Stage 1: Review of related documents

I used secondary data, such as country reports, case studies, NGO reports, Cambodian legal instruments, international standards (including guidelines of the World Bank, the

International Financial Cooperation, and the World Commission on Dams), articles, theses on related topics and online data for this research. Additionally, I reviewed the EIA report for the power plant in detail as one of the main pieces of secondary data.

Stage 2: Data Collection

Interview with key informants

For this research, I prepared different questionnaires to interview various key informants, including questionnaires for local people (see appendix 1.1.), questionnaires for environmental and human rights NGOs and lawyers (see appendix 1.3), and a questionnaire for EIA Company (see appendix 1.4) .

Selected Sampling

At first, I planned to organize focus group discussion with 25 percent of the people (80 people) of Kampenh commune. Then, 25 percent out of those 80 people would meet for in-depth interviews. However, the focus group discussion failed because the administrative process at Stung Hav district would take too long. With this challenge, I decided to conduct in-depth interviews with 80 people in Village I and Village II of Kampenh commune. Four interviewees in village I rejected my interview. Therefore, I conducted in-depth interviews with 76 individual from 76 different households with permission from the senior representative of Kampenh Commune. The local people I interviewed have many different careers, including fishermen, students, teachers, the primary school principal, small business owners, the senior representative of Kampenh Commune, the senior representatives of Villages I and II, the senior representative of the fishery community at Kampenh Commune and the commune councilors of Kampenh Commune.

In addition to interviewing members of the local community, I conducted interviews with other relevant key informants such as:

- Two local NGOs based in Preah Sihanoukville Province

- One public law firm
- One environmental NGO that is working on the coal power plant issue
- One environmental expert from Team Consulting and Management, the EIA company hired for this project

Data Calculation

Because the total amount of interviewees answering each question differed, the calculation was based on a percentage formula. Moreover, descriptive statistics were used to highlight key trends in the villages for further discussion using qualitative tools. The percentage formulation is (World of Math, 2005):

$$P (\%) = \frac{X}{Y} \times 100\%$$

- P is a result in percentage of each question
- X is a number of answer from each interviewee
- Y is a total number of interviewee to each question

Fieldwork

I conducted field investigations in order to collect data from local people. During the course of the research, I conducted two field trips.

- **The First Field Trip:** I conducted the first field investigation in the second week of December 2012 for ten days. During this first fieldwork trip, I aimed to observe the daily lives and activities of people in Stung Hav District, to get to know the location, to look for a home-stay location, and to search for key persons in the village, such as the heads of the village. During this first trip, I had a chance to interview the head of Kampenh Commune of Stung Hav district and two human rights NGOs base in Preah Sihanouk town.

- **The Second Field trip:** I conducted the second field trip in the fourth week of December 2012. This second trip took seven days and I stayed in Stung Hav District in order to collect information from different stakeholders. The author interviewed a total of 76 villagers from villages number I and II.

For both field investigations, I used other techniques such as observation, storytelling, in-depth interview and internship.

- **Observation:** From the first trip, I found that the majority of people in village I and II are fishermen, so they would not be in village between 2:00 PM and 3:00 AM. The morning between 4:00 AM and 6:00AM was the busiest time for them, because they must transfer all the seafood to shore and wait for seafood buyers from town to buy it. Therefore, the interviews could be conducted between 7:00 AM and 2:00 PM. People were very friendly and happy to give interview. The livelihoods of people in Stung Hav are good. Every household has its own job, such as fishing, managing small grocery stores, and so on. Women mostly stay home while men go fishing. For small boat fishermen, a couple work together to collect shrimp and fish.
- **Storytelling:** Storytelling was another good technique that allowed some interviewees to describe their concerns and their current livelihood situations while the coal fired power plant is under construction.
- **In Depth Interviews:** I conducted semi-structured interviews that combined quantitative and qualitative research. I interviewed 76 individuals in 76 different households in village I and village II. Each interview took between 20 minutes to one and a half hours for each interviewee, depending on their storytelling and convenience of the interviewee. The topics covered:
 - Project information
 - Public participation
 - Electricity fee
 - Daily life and income

- People's comments on the Stung Hav CFPP and whether they want it or not

Internship

After the field work, I began an internship with Vishnu Law Group, a public law firm in Cambodia. The internship was from 3 to 25 January, 2013. During this three week internship, I assisted the team working on an EIA project to comment on the draft law on EIA. The lawyer in charge of Vishnu Law Group's EIA project made great efforts to coordinate an informal meeting with the MoE. However, the meeting was always postponed due to the heavy workload of MoE officials. Therefore, I could not meet them for interviews.

Stage 3: Data Analysis and Thesis Writing

During this stage, I categorized all primary and secondary data. I conducted an analysis base on the comparison and percentages.

- **Comparison:** The comparison between the existing Cambodian legal frameworks related to public participation to the international best practice of public participation. Also, comparison between the policy and the practice of public participation in Stung Hav CFPP in order to assess their consistency.
- **Percentage Analysis:** Additionally, I categorized the data collected during the field work according to each questionnaire by percentages. The result in percentage was used to reflect and support the argument of each comparison.

After the desk study and data analysis, I began to write the thesis following the format provided.

1.6.2. Obstacles to and Limitations of the Research

I encountered a number of obstacles both during the fieldwork and the desk research. Those obstacles included:

- **Cancelation of Appointments:** It proved challenging to schedule meetings with NGOs as the end of the year was approaching, as many NGOs were busy report writing or completing all planned tasks before the year ended. Appointments had to be made based on their schedules, and sometimes the meeting was cancelled just a few hours before the appointment. Sometimes, I conducted interviews on holidays such as Human Rights Day.
- **Working with the Government Sector:** I submitted a letter to MIME in the first week of January, 2013; however, the only answer from MIME was that the letter was being processed. The meeting with the MoE was never confirmed, and I could not meet the official in charge because his schedule was full.
- **Political Circumstances:** My research was conducted around the time the national election was being arranged, so large group gatherings were not allowed.
- **Slow Administration Process:** In order to organize focus group discussion, I had to submit a letter to district office for permission. However, I learnt that the process would take time if I did not pay. So I decided not to conduct any focus group discussion.
- **Access to Information:** The information about Stung Hav CFPP was not broadly distributed. There are not many books, reports or news related to this project.
- **Sensitivity of Issue:** The Stung Hav CFPP is the first coal project in Cambodia and it is owned by a powerful tycoon, so people were scared to give information or share their thoughts.

Because of these obstacles, this research could not cover all three communes of Stung Hav district. Therefore, I conducted the research at Kampenh Commune of Stung Hav District of Preah Sihanoukville Province. I decided to choose this commune because the CFPP is located in Village II of Kampenh Commune.

1.7. Significance of Research

Through this research, I produced a thesis describing the current practices of public participation in Cambodia based on the case study of a coal fire power plant in Preah Sihanoukville Province. It will help to raise awareness about the gap between policy and practice regarding public participation, and this will be useful for researchers, local and international environmental NGOs, human rights NGOs, and so on, to conduct further studies of this project.

This study will also help to inform policy makers to promote effective participation. Furthermore, the result will be a good resource for the Ministry of Environment that is currently drafting a law on environmental impact assessments. I will share results of this research with a public law firm that is supporting the Ministry of Environment with the draft EIA law; they will be able to share the study directly with the Ministry.

I will also send the results of this research to the EarthRights International Mekong School to publish in their journal as one of the key issues in Mekong River countries. In addition, I will present the paper in an international conference in order to share my findings as well as to gather more comments from peers.

1.8. Structure of Thesis

This thesis is divided into six chapters. Chapter I introduces the interests of the author, objectives, research questions, conceptual framework, research methodology and its contributions. Chapter II consists of a literature review and details all definitions as well as the typology of public participation as set by international standards. This chapter also includes the history of public participation in Cambodia, the history of NGOs in Cambodia, and some information about Stung Hav District and the CFPP project. Chapter III is about Cambodian laws and regulations related to public participation and provide a comparison between Cambodian laws and international best practices for public participation in order

to highlight the differences between local legal frameworks and international. Chapter IV is about the practice of public participation in the case of the CFPP in Stung Hav District, the procedure of public participation according to EIA Company, and the impacts of this project at the construction stage. In addition, this chapter will compare the practice of public participation in the case of the Stung Hav CFPP to existing Cambodian laws and regulations as well as an analysis of this practice of public participation to international best practices for public participation. Chapter V examines the role of NGOs in public participation in Cambodia, and the strengths and weaknesses of NGOs in public participation and empowerment. This thesis concludes with chapter VI, which sums up the results of the thesis and provides recommendations to the responsible Cambodian institutions that may be helpful in improving the current working conditions related to public participation in Cambodia. Moreover, this chapter had introduced few topics to shape out direction for next researchers who interest in this topic.

Chapter II

Literature Review

This section includes three major parts. Firstly, this section provides an overall view of public participation, including the definition, benefits, standards and limitations of public participation. It continues with public participation in the Cambodian context, covering the history of public participation as well as the development of NGOs in Cambodia. Finally, this section will introduce the geography of Stung Hav District and the CFPP, including project information, benefits of project and the chronology of the project.

2.1. Overall View of Public Participation

2.1.1. Definition of Public Participation

Public participation is defined by many different scholars and international institutions, depending on who the people are and what the setting is (World Bank, 1996). Some definitions follow:

Public participation is the process through which members of the public have the chance to share their concerns, needs and values during the process of governmental and corporate decision making. It is considered to be a two-way communication and interaction between the government and the people, as well as between the company and the people to reach the common goal of a better decision (Creighton, 2005).

The term “*Public Participation*” can be defined as the practice of involving the public in the agenda setting, decision making, and policy creation in response to policy development (Rower and Frewer, 2005). The same scholars emphasize distinguish a participation situation from a non-participation situation according to the traditional model of governance in which the government is assisted by experts to make policy without public reference.

The World Bank does not define public participation; however, it has defined the term “*participation*,” which refers to a process through which stakeholders can influence and share control over their own development initiatives, decisions, and resources that will affect them (World Bank, 1994).

According to IAP2 (2007), *public participation* is a process that allows people who will be affected by a decision the right to be involved in the decision-making process. It is a process by which an organization consults with affected individuals, organizations, and government entities before making a decision. Public participation is a two-way line of communication, and it is a collaborative process aimed at achieving a better and more acceptable decision. Moreover, the IAP2 categorizes the term “*participation*” into four major steps: inform the public, listen to the public, engage in problem solving and develop an agreement.

Additionally, the Mekong River Commission (MRC) has explained the term public participation as: “*a process through which the key stakeholders gain influence and take part in decision making in the planning, implementation, monitoring and evaluation of MRC programs and projects.*” (MRC, 1999). In the context of the MRC, the term “*stakeholder*” is used to clarify the meaning of “public” in development activities, which “[refers] to any person, group of institution that has an interest in an activity, project or program? This includes intended beneficiaries and intermediaries, those positively affected and those involved and or those who are generally excluded from the decision making process” (MRC, 2005). Based on the MRC's definition, stakeholders include those who live in a project area and would directly experience impacts, whether positive or negative. Stakeholders can be categorized in five main types:

- Directly affected people who live or work where the project will be located.
- Indirectly affected people who live nearby or use resources from the project area.
- Public sector agencies such as ministries, and provincial or local governments
- Private developers and their subcontractors and financiers
- Others, such as NGOs, donors, external advisors, the business sector and so on

2.1.2. Effectiveness of Public Participation

According to the US Department of Energy Environment, Safety and Health Office of NEPA Policy and Assistance (US DOE, 1998), significant benefits of public participation are:

- **Identify Issues:** Decision-making can benefit from a diversity of opinion and expertise. People who come from varied backgrounds and experiences can contribute useful information, historical data, and new perspectives to the decision-making process, especially local people who are more familiar with their environment than others. The public may identify issues and alternatives that the government can take into consideration.
- **Enhance mutual understanding:** Public participation activities promote substantive communication and improve understanding among all relevant stakeholders, particularly the government and local community. By responding to comments and questions, the government can help the public to understand the technical aspects of a specific project, and the policies and legal framework that the government will use to make decision. In turn, the government will better understand concerns as well as the impacts of its proposed actions on the local community and the environment by listening to local people.
- **Open the decision-making process and build credibility:** A good public participation program enables all relevant stakeholders who are interested in or affected by a project to have an opportunity to influence the outcome. All information related to the project, such as evaluating issues, alternatives, mitigating measures, and so on must be presented openly and followed through in order to build credibility.
- **Make better decisions:** Public participation will help the government to make informed decisions that take into account public concerns and preferences as well as legal, technical, environmental, economic, social, and other factors. When a decision

acknowledges disparate views and addresses all questions, it will create a better chance of successful implementation.

- **Enhance community support and minimize delays:** An effective public participation program will not necessarily eliminate all conflicts and controversies accompanying a project; however, a community that has a voice in the process and clearly influences the final decision will be less angry and frustrated with the process. The arrangement of public participation through public workshops, consultations, meetings, hearings and other communications will provide information and help drive out rumors, fears and misunderstanding as well as make the process run smoothly without any delay.

- **Promote environmental justice** through:
 - ✓ Enhancing public participation by actively seeking the participation of marginalized groups such as minorities, low income populations, and so on.
 - ✓ Ensuring that information regarding government-proposed actions is available to those marginalized groups through any means of sharing. This can help to reduce the degree of isolation experienced by marginalize group such as minority, low income groups and so on.
 - ✓ Scheduling public meetings in accessible locations. For example, public meetings should be organized at local schools or churches.
 - ✓ Being sensitive to special needs groups by providing a translation during public meetings. Fact sheets and other background information in native language which is clear and easy to understand.

2.1.3. Standard of Public Participation

The standards of public participation suggested by the Co-Intelligence Institute (2008) include:

1. Involve all relevant parties.
2. Empower the people's engagement or get them feeling involved.

3. Utilize multiple forms of knowing. This includes rational, scientific methods, narrative (story-telling methods)... etc.
4. Ensure high-quality dialogue.
5. Establish an on-going participatory process (as opposed to, for instance, a one-shot public hearing).
6. Focus on public interests, needs, and mutual solutions.
7. Help people to get enough information.

2.1.4. Limit to Public Participation

Public participation contributes many benefits in terms of better decision-making to the public, the private sector and the state; however, it is limited (Puker, et al, 2007). Public participation has very little chance of success in cases that:

- Stakeholders do not take on the issue as their issue and are reluctant to take part in any discussion or activities.
- Previous experiences may have put them off; consequently, they don't believe that they will achieve their aims.
- Decision makers do not support such processes because politicians are worried about their power.
- There is no scope for action because the main decisions have already been made, so public participation is just a symbol.
- Social diversity and differing degrees of access to participation processes cannot be organized. In these cases, marginalized groups will find it difficult to access public participation.

2.1.5. About International Best Practices of Public Participation

Hickey and Mohan (2004) created a history of participation development based on different times and political agendas. The history begins in the colonial period and is up to the present. These selective histories are:

From 1940 to 1950, the participation in development theory began as a community development approach in colonial period. In this period, stable rural communities counteracted the process of urbanization and sociopolitical change. This included the nationalist and the leftist movements. Participation began on the community level and was considered an obligation of citizenship.

During the post-colonial period (1960-1970), the concept of participation was developed as a right and obligation of citizenship. People could exercise their rights through activities such as voting, campaigning, and joining any political parties. Participatory citizenship served as means of challenge subordination and marginalization.

In the alternative development period from 1970-1990, participation as a right of citizenship was viewed as a key objective of alternative development to be realized in multi-level political communities. In this era, communities and civil society were the main focus. Later, the state was a target through inclusive governance.

In the period of populist or participation in development (1990 to the present), participation has mainly focused on particular projects rather than in broader political communities. It was a start of development professionals and agencies as well as the local participation. Participation was defined as a right and obligation of citizenship in mid-1990. From late 1990 to present, participation has been recognized as primarily a right of citizenship that engages citizens and civil society with state institutions.

The development of public participation has changed over time (Doyle, 2008). In the present day, one of the international recognitions of public participation is the International Best Practices of Public Participation, established by International Association on Public Participation (IAP2) (Burgess and Malek 2005). IAP2 was established in 1990 and was formerly called the International Association on Public Participation Partners (IAP3). It was changed to IAP2 in 1996 to reflect the growth of diversity and inclusiveness of membership.

IAP2 is an international association of members who seek to promote and improve the practices of public participation in relation with individuals, governments, institutions or any entities that affect the public interest throughout the world. IAP2 has grown from 300 members in 1992 to over 1050 in 2007 and 2449 in 2012, with members from over 26 countries (IAP2, 2012). This reflects that the international best practice of public participation has been recognized by worldwide.

2.2. History of Public Participation in Cambodia

An early form of public participation was brought to Cambodia by King Norodom Sihanouk (1953-1970) when he first introduced the National Congress, a forum for his people to come and debate problems or request to change any rule or system (Sam, 2008). The National Congress was conducted in the form of public participation in that all relevant people and local governments from all the provinces were invited annually to join and debate with people's comments or constructive critiques.

Later on, Cambodia experienced a civil war, followed by rule under a genocidal regime from 1975 to 1979. During this period, people had no rights, and were unable to access even their basic needs; moreover, almost 2 million Cambodians were killed and thousands more were physically and mentally injured (Dy 2007). Dy also adds that with military assistance from Vietnam, Cambodia was freed from this genocidal regime and became a communist country, in which everything belonged to the state only. People could not voice their needs or demand anything from the state.

The practice of public participation re-emerged in 1993, when the first election was organized by United Nations Transitional Authority of Cambodia (UNTAC) after the 1991 Paris Peace Conference (ICG, 1998). It was the first time in Cambodia that the people had rights and the freedom to express their opinions through voting. Next, of the Cambodia Constitution was established in 1993. This document fully and legally ensured the rights and freedom of Cambodians. This Constitution determined that government officials are

elected to office for a term of five years by majority vote. Thus, elections in Cambodia are organized every 5 years (Article 78).

Another key moment in the history of public participation in Cambodia was the Commune and Sangkat Council Election (CSCE) in 2002². This election was for the lowest level of administration and was organized through a democratic process. The CSCE was organized in order to facilitate a shift from a centralized to a decentralized system of governance. According to Article 11 of the Law on Commune and Sangkat Administrative Management, the CSCE will be organized every 5 years.

Up to now, there have been four national elections and two CSCEs. In addition, more local and international NGOs, associations, clubs, and community based organizations (CBOs) have been established and are based in Cambodia. The emergence of these organizations is a good sign and allows people to join and participate in social development through civil society channels.

2.3. NGOs and Public Participation in Cambodia

2.3.1. Definition of NGOs

The term “*NGO*” has been defined by many scholars (Shigetomi, et al, 2004, p.4-5). According to a comparison of 15 Asian countries, scholars have used six attributes (non-governmental, non-profit-making, voluntary, of a solid and continuing form, altruistic, and philanthropic) to define NGO (Shigetomi, 2002). Non-governmental, in Shigetomi’s perspective, means that the *NGO must carry out its own decision-making and be independent from the government.*

² The administrative management in Cambodia uses the terms Sangkat, Phum, Krum for people who live in city. For those who live in the provinces, they use Khet (province), Srok (district), Phum (village), and Khom (commune).

The World Bank has adopted a definition of civil society developed by a number of leading research centers and concluded that: *“the term civil society refers to the wide array of non-governmental and not-for-profit organizations that have a presence in public life, expressing the interests and values of their members or others, based on ethical, cultural, political, scientific, religious or philanthropic considerations. Civil Society Organizations (CSOs) therefore refer to a wide of array of organizations: community groups, non-governmental organizations (NGOs), labor unions, indigenous groups, charitable organizations, faith-based organizations, professional associations, and foundations”* (World Bank, 2010). Based on this definition, NGOs can be defined as one form of civil society that does not involve either the private sector or political parties.

The majority of NGOs are established as non-profit organizations. A non-profit organization is an organization whose goal is not for earning a profit for its owner (Newton & Young, 1988 p.49). Another author views a non-profit organization as one that exists to meet the goal of the public at large or of the subset of the public that support it (McLaughlin, 1986, p.3). Moreover, non-profit organizations are credited as a vehicle for altruistic action and citizen participation (Hayes, 1996, p. 32). Hayes also adds that an NGO help to bring a group of people who have common problem and have join together to take action about it.

In Cambodia, NGOs are the dominant feature of civil society, and these terms are used interchangeably. The term NGO generally refers to the social sphere that functions to check and balance government activities (NGO Forum, 2006, p.5).

2.3.2. NGOs: History and Public Participation

The non-governmental organizations (NGOs) emerged in Cambodia after the Paris Agreement 1991 recognized the promotion of civil society as the key to peace and stability in this Cambodia (Schmid, 2011,p. 13). In 1990s, the first emerge of civil society in this country manifested as international NGOs that worked in the development sector following the interest of individual donors and agencies (Hughes, 2003, p.144). In *Cambodia*

Reborn?, Grant Curtis (1998) responds Hughes that the core group of NGOs found in Cambodia were international NGOs that were working since 1979, the end of the Khmer Rouge regime. Curtis also says that the other category of NGOs worked with Cambodian refugees at the border between Cambodia and Thailand.

During the UNTAC period from March 1992 to September 1993 (SC Resolution 745, 1992), the Cambodian government intended to cooperate with NGOs due to lack of both financial and human resources (Fisher, 1998, p. 49). However, the cooperation was limited. In 1993, some NGOs were established with the mission to provide food, health care and education to the poor with the aim to minimize the responsibility of the local government as well as the state (Schmid, 2011, Curtis, 1998, p.137).

In Phnom Penh, the boom of NGOs began in the early 1990s with an estimated 164 NGOs in 1996. By 1999, it was estimated that there were between 400 to 900 NGOs (Yonekura, 2000, p.35-47). In 2005, there were 1500 local NGOs registered at the Ministry of Interior and more than 150 international NGOs registered at the Ministry of Foreign Affairs (Rasmussen, 2010, p.7). In 2010, there were 2675 organizations registered with the office in charge of NGOs and associations within the Department of Political Affairs at the Ministry of Interior. Out of this amount, 1111 are associations and 1564 are NGOs (Merla, 2010, p. 10).

In the post UNTAC state, NGOs began to serve other functions to defend citizens' rights by engage people in their work, for example, by helping to facilitate grassroots movements or campaigns (Hughes, 2003). NGOs that work with grassroots people attempt to scope and redefine politics by acting on behalf of people in the areas of health, education, the environment, natural resource management, and so on to serve public interest (Shaw, 1995, p.79-80). Some NGOs provide people with access to the government through forums that allow them to raise their concern (Schmid, 2011). Schmid also found that some NGOs are working to help organize people to demand that the government respect their rights; however, some NGOs design projects that are outside of their expertise in order to receive funding, which causes low quality of outcomes.

Environmental issues are covered by environmental NGOs. In Cambodia, for example, the environment program is one of the programs under which the NGO Forum organizes cooperation among NGOs in order to influence conservation, protection, and rehabilitation of natural resources and the environment to the benefit of the livelihoods of local people. Within this environment program, the NGO Forum published a press release to call for positive environmental action to protect biodiversity through clean energy technologies and for attention from policy makers, development partners, and donors to reconsider the environmental damage from the Stung Hav 100 MW CFPP (NGO Forum, 2010). This press release reveals that environmental NGOs have an important role in public participation.

The NGO Way by Shigetomi Shinichi (2004, p.224) proposes seven general roles of environmental NGOs. Those seven roles, which clearly explain the duties of environmental NGOs, are:

- Promoting and disseminating news, data and information on the environment through such media as advertising, television, radio programs, newspapers, magazines and a variety of documents in order to build awareness of and concerns about environmental issues, as well as to promote public participation in conversation
- Building public concern for the environment
- Organizing environmental protection and problem solving campaigns
- Establishing programs aimed at the restoration and conservation of natural resources and the environment
- Developing environmental policies and cooperation with the public to promote new concepts and policies
- Studying and reviewing the development of projects that will affect the environment and natural resources
- Building networks with other partners that have similar missions

Similarly, the major activities of those environmental NGOs include education and training, resource conservation, and tree planting. These activities are beneficial to local communities but public participation is highly necessary (Pednekar, 1995).

2.4. About the Stung Hav Coal Fired Power Plant

2.4.1. Overview Stung Hav District, Preah Sihanoukville Province

Sihanoukville Town was changed to Preah Sihanoukville Province in 2008 (Sub decree, 2008). The province has 3 districts and one town. Stung Hav is a district in Sihanoukville Province that consists of three communes and 10 villages. The total population is 12,326 people, making up of 2,416 families. 315 families live in Kampenh Commune, 726 families live in Or Tres Commune, and 1,375 families live in Tumnup Rolork Commune (MoP, 2008).

A study conducted by EarthRight International (2011) found that Stung Hav district has a smaller population than other districts. This area is located at sea level, which is good for imports and exports. In addition, there is a railway connecting Stung Hav to Phnom Penh which the Asian Development Bank (ADB) is planning to rehabilitate. Additionally, a short cut road from Stung Hav to the highway was built to facilitate the transportation of goods from this district to other places in the country. For these reasons, Stung Hav was designated to be economic zone for Preah Sihanoukville province and chosen as the site of the first coal-fired power plant. This project was initiated in response to the energy demand in Preah Sihanoukville province as a main economic area in Cambodia; its economic activities include industry, tourism, and international trade (EIA, 2010).

2.4.2. Project Information

The coal-fired power plant (CFPP) is being undertaken by Cambodian Energy Limited, a joint venture between Malaysia and Cambodia. The Leader Universal Holding Berhad (LEADER) of Malaysia was established in 1988 as a merger between Leader Cable

Industry Berhad and Universal Cable Berhad, which were the two largest cable companies in Malaysia.

This power project is being developed by Cambodian Energy Limited (CEL), which holds 80% of shares, in a joint venture with LEADER and Cambodia International Investment Development Group Company Limited (CIIDG), which hold the remaining 20% of shares (LEADER, 2009). The joint venture and shareholders agreement was announced on 11 June 2009 (LEADER, 2010). Under the terms of agreement, CEL will build, own and operate the power plant. The power that is generated from this project will be sold to Electricite Du Cambodge (EDC)³ at a concessional rate for 30 years (LEADER, 2009). The cost of this project is \$140 million to \$170 million, and in order to fund this project, CEL obtained a Syndicate Term Loan Facility from several leading banks in Malaysia (IIR, 2010).

This project is located on 20.5 hectares of land in village number 2, Kampenh Commune, Stung Hav District, Sihanoukville Province. The factory will be built about 700 meters from a beach. This project will operate with two units with a generating capacity of 50-52MW per unit. The total generating capacity from this project is 100-104MW. The coal that will be used for this project will be delivered from Indonesia and Vietnam (Ngoun, 2008).

2.4.3. Project Benefits According to the EIA Report

According to the EIA (2010), the CFPP is the first project in Cambodia that will create many benefits for local people. The benefits from this project will be:

- **Cheap Electricity:** Currently, the electricity used in Stung Hav district is brought from Preah Sihanoukville Province. The electricity is sold to a private company in Stung Hav district, causing the electricity in this area to have a higher cost than in

³ Electricite Du Cambodge (EDC) is French for Electricity of Cambodia

other places. A few years ago, the private company provided electricity at a cost of 3000 Riel/KW. Currently, the electricity is transferred from Sihanoukville and it costs 1500 Riel/KW.

- **Full Electricity Supply:** Currently, there is not a large enough supply of electricity in Stung Hav District. The electricity is often cut off for at least one or two hours per day. Sometimes, it is cut off for a whole day. Without sufficient electricity supply, it will impact to business and income.

- **Increased Job Opportunities for Local People:** It is believed that this project will provide jobs to local communities. In the construction stage, the factory will need about 1500 workers, and in the operation stage, between 150 to 200 workers. These job opportunities will create income and raise economic wealth in this area.

- **Taxes to Royal Government of Cambodia (RGC):** This project will pay many taxes imposed Cambodian laws to the RGC, and it will help to reduce poverty in this country.

Based on this EIA report, this project will provide many benefits. However, there is no guarantee how high or low the electricity fees will be. Moreover, it is not clear whether the electricity from this project will remain in this province or be exported to other places in Cambodia. In term of job opportunities, people in the affected community will be working in low positions due to their low educational levels, experiences, and expertise. Finally, tax collection in Cambodia is a source of corruption and will likely be a problem for this project.

2.4.4. Project Impacts According to the EIA Report

According to the EIA (2010), this project will produce not only benefits, but also impacts on health, the environment, and the social life of the community.

- **Health Impact:** These impacts will be caused by:

- **Lack of Hygiene:** This project will employ many workers for during the construction stage, creating a problem of hygiene within the project area. Lack of hygiene can be caused from a lack of clean toilets, a lack of waste management, and other problems.
 - **Diseases and Accidents:** Along with the lack of hygiene, different types of disease can be easily spread in these conditions. Illness and injury can also derive from improper safety controls that do not follow safety standards.
 - **Noise Pollution:** The factory will have significant noise impacts. Workers will encounter loud noises that will impact their hearing. Besides workers, ordinary people will also experience this noise pollution.
 - **Air Pollution:** The emissions from the factory will be a significant contributor to air pollution. This air pollution can cause lung cancer and other respiratory diseases.
- **Environmental Impacts:** These impacts include water pollution, air pollution, and impacts on sea animals.
- **Water Pollution:** This project will need a port to import coal. The port will be built about 466 meters from a beach. During the construction of port, the sea will be polluted. Furthermore, the water from Tomnup Rolo Lake will be used to cool the plant's turbine, so it also will affect the fresh water ecosystem and people's access to fresh water.
 - **Air Pollution:** The land transportation of rock, sand, and cement during construction and operation stage will produce air pollution. Moreover, the emissions of smoke from factory will greatly contribute to air pollution.

- **Impacts to Sea Animal:** The water from the factory will be released into the sea, increasing the temperature of the normal sea water. This may harm sea animals that cannot adapt to the high temperature.
- **Social Impacts:** The environmental and health impacts mentioned above will contribute to social impacts such as:
- **Decline of Income:** Because the project will impact sea animals, it will decrease fishermen's yields of sea animal products.
 - **Increase of Expenses:** Fishermen will have to travel long distances in order to collect sea animals. The long distances traveled will increase fishermen's expenses and consume a lot of gasoline.
 - **Livelihood Impacts:** In the case that the project impacts a whole community, they will all have to move to a new safe place. However, people will have to adapt to the new place and restart their lives.

Although these impacts were studied by the EIA Company, the EIA report (2010) makes it seem like they are manageable and protectable: *“the mitigation measurements will be designed with high technology that could totally mitigate impact.”* However, there is no expert who can prove how much this impact can be mitigated based on this estimation of this impact mitigation measurement.

2.4.5. Project Chronology

The Stung Hav CFPP was initiated in 2006, and operation is expected to begin by the end of 2013. The chronology of this project is detailed as following:

Date	Activities
Late 2006	<ul style="list-style-type: none"> <li data-bbox="570 264 1440 625">- The LEADER Company proposed the coal-fired power plant to the Electricite du Cambodge of the Royal Government of Cambodia, participated in the tender for the development of a 200MW coal-fired power project in Sihanoukville, Cambodia for a period of 30 years. It is a joint bid between LEADER and MKCSS Holdings Co. Ltd. (MKCSS), a local Cambodian company (LEADER, 2006). <li data-bbox="570 701 1440 789">- A joint venture company named Power Synergy Co. Ltd was formed in Cambodia to undertake the project on a 50:50 basis.
21 February 2007	<ul style="list-style-type: none"> <li data-bbox="570 867 1440 1446">- The LEADER Company, jointly with MKCSS Holdings Co. Ltd., was selected as the successful bidder for the development of a 200MW coal-fired power plant in Sihanoukville, Cambodia. This project is on a Build-Own-Operate basis for a period of 30 years, in which the electricity generated will be sold to Electricite du Cambodge (EDC) under a long term Power Purchase Agreement. The Company and MKCSS Holdings Co. Ltd. proceeded to negotiate with the Royal Government of Cambodia and EDC on all the project agreements, including the Power Purchase Agreement and Implementation Agreement (LEADER, 2007).
06 November 2007	<ul style="list-style-type: none"> <li data-bbox="570 1524 1440 1667">- The MoE approved TEAM Consultant and Management Cambodia Co. Ltd to be the EIA expert to conduct the EIA and prepare the EIA report (EIA, 2010).
06-10 March 2009	<ul style="list-style-type: none"> <li data-bbox="570 1745 1440 1885">- The first public consultation on the Environmental Impact Assessment and Hydrological Studies for the 100 MW coal-fired power plant in Stung Hav District, Preah Sihanoukville

Province were conducted in three different places:

- 06 March 2009: In Kampenh Commune, Tomnup Rolok Commune
 - 10 March 2009: In villages number I, III and IV of Or Tres Commune
- There were 124 participants from three communes of Stung Hav District.
- 20-22 March 2009
- The second public consultation was conducted two times.
 - 20 March 2009: public consultation at the district level.
 - 22 March 2009: public consultation at the provincial level.
 - This public consultation was to show the results of environmental study from 3-13 March 2009 in order to seek comments from relevant stakeholders. There were 100 local participants.
- 11 June 2009
- Joint venture and shareholders agreement was lunched.
- 17 September 2009
- A Power Purchase Agreement (PPA) was signed between CEL and EDC, a wholly state owned limited liability enterprise in Cambodia.
- October 2009
- TEAM submitted the EIA report to the MoE for review and comments.
- 25 November 2009
- The third public consultation was held in Stung Hav District to show the results of first and send public consultations, the result of the inter-ministerial meeting, and mitigation measurement.
 - There were 86 participants who consisted of local authorities,

NGOs, heads of communes and villages, deputies of relevant departments and heads of the fishing community.

- 14 December 2009 - The MoE reviewed the EIA report. The MoE found that there were several unclear chapters in the EIA report that required clarification.
- 11 January 2010 - The MoE gave a 2nd round of comments on the EIA report, commenting that TEAM should add suggestions and opinions from the discussions with the fishing community and the fishery administrative.
- 09 February 2010 - The MoE gave a third round of comments on the EIA report, commenting that TEAM should double check vocabulary as well as clarify some technical or experimental results.
- 10 February 2010 - CEL obtained a Syndicated Term Loan Facility amounting to USD 140 million from OCBC Bank (Malaysia) Berhad, Malaysia Banking Berhad, Ambank (Malaysia) Berhad, and Bank of China (Malaysia).
- 11 February 2010 - A ground breaking ceremony was held at the project site in Stung Hav District of Preah Sihanoukville Province.
- 25 June 2010 - The Environmental Management Plan was established.
- 2 July 2010 - Leader Cambodia Limited (LCL), Cambodia International Investment Development Group Company Limited (CIIDG), and Cambodia Energy Limited (CEL) entered into a Supplemental and Collaboration Agreement (SCA) that CIIDG would cease to be a shareholder of CEL and CEL would

become a wholly owned subsidiary of LCL.

- 05 July 2010 - The MoE approved the EIA report.
- 29 December 2010 - Pöyry's Energy Business Group was awarded an Owner's Engineering Services Contract for the planned 2x55 MW coal-fired power plant in Stung Hav, Sihanoukville, Cambodia by CEL. The value of the assignment is about EUR 2.5 million. Under this assignment, Pöyry will perform the design review of the EPC delivery of the power plant and provide construction supervision and project management services to the Client. The duration of the Owner's Engineering services is 33 months (Poyry, 2010).
- 18 October 2011 - The construction of the CFPP was approved by a vote of 71 out of 89 National Assembly lawmakers (The Cambodian Daily, 2011).
- End of 2013 - The factory is expected to be finished and begin operation.

2.4.6. Summary and Knowledge Gaps Identified

To sum up, the term “public participation” is recognized internationally by different international bodies. In Cambodia, the early form of public participation existed since the reign of King Norodom Sihanouk and followed by several national elections and commune council elections. Cambodia still imports a significant amount of electricity from neighboring countries. Additionally, oil and diesel are still used to generate electricity in this country. With the aim of producing its own electricity, Cambodia has approved many hydropower dam projects as well as its first CFPP. Because of its great natural geography, Stung Hav District of Preah Sihanoukville Province will be the location of the first-ever

CFPP, which is expected to produce electricity to fulfill the local and national demands for electricity.

Last but not least, the literature identified gaps in knowledge, such as limited research and publications. In Cambodia, the study on public participation is presently limited due to political pressures and sensitivity of issues. Moreover, some research cannot possibly be published in a country like Cambodia, democratic in principle but not in practice. Without adequate knowledge on this particular issue, one is not able to emphasize or make any constructive criticism to improve the situation.

Moreover, inadequate legal frameworks and guidelines related to public participation in Cambodia create a gap between policy and implementation. There is no guarantee that a good law will lead to good practice of public participation in this country unless the political system is adjusted according to a true democratic framework. To illustrate, the National Congress does not exist in practice today, even though it is stated in the 1993 Cambodian Constitution. Because of these knowledge gaps, there will be many challenges to the implementation of public participation. The gaps between Cambodian legal frameworks and international best practices in public participation, as well as the current practices of public participation in Stung Hav CFPP compared to the Cambodian legal frameworks and international best practices in public participation will be addressed in this study.

Chapter III

Cambodian Laws and Regulations Related to Public Participation and International Best Practices

Legal instruments play an important role in facilitating a smooth public participation process. Cambodia is an independent constitutional monarchy. Under a system in which rule of law is present, everyone respects and abides the law. The constitution is the supreme legal document from which all domestic Cambodian laws, royal decrees, sub-decrees, proclamations (prakas) and circulations follow (OHCHR Cambodia, 2006). There are several laws and regulations that focus primarily on public participation in Cambodia.

This chapter will answer the first research question, “*Are Cambodian laws and regulations related to public participation equivalent to international best practice related in public participation?*” It will be begun by listing all Cambodian laws and regulations related to public participation. I will follow this with an evaluation of actual public participation in the Stung Have CFPP in comparison to these existing legal frameworks and international best practices for public participation.

3.1. Cambodian Laws and Regulations Related to Public Participation

3.1.1. Cambodian Constitution 1993⁴

After Cambodia's first election in 1993, the parliament was formed and the Constitution was established. This constitution was amended in 1999 and some provisions were changed. However, the concept of public participation remained the same. The following are provisions related to public participation extracted from the 1993 Cambodian Constitution:

⁴ The Constitution is the supreme source of law in Cambodia.

- **Article 35:** *Khmer citizens of either sex shall have the right to participate actively in the political, economic, social and cultural life of the nation. Any suggestions from the people shall be given full consideration by the organs of the state.*
- **Article 39:** *Khmer citizens shall have the right to denounce, make complaints or file claims against any breach of the law by the State and social organs or by members of such organs committed during the course of their duties. The settlement of complaints and claims shall reside under the competence of the courts.*
- **Article 41:** *Khmer citizen shall have freedom of expression, press, publication and assembly. No one shall exercise this right to infringe upon the rights of others, to affect the good traditions of the society, to violate public law and order and national security.*
- **Article 128:** *The National Congress shall enable the people to be directly informed on various matters of national interests and to raise issues and requests for the State authority to solve.⁵*

3.1.2. 1996 Cambodian Law on Environmental Protection and Natural Resource Management⁶

This legal instrument was enacted in 1996 and plays a role in governing environmental protection and natural resource management. It requires the Royal Government of Cambodia (RGC) to enact other regulations to smoothly and effectively implement the law. In Chapter 7, which is on public participation and access to information, two articles focus specifically on public participation:

⁵ In the amended 1999 Cambodian Constitution 1999, article 128 is Article 147.

⁶ A law is adopted by the National Assembly and the Senate, and promulgated by the King or the acting Head of State. A law must be in strict conformity with the Constitution.

- *Article 16: The Ministry of Environment shall, following proposals of the public, provide information on its activities, and shall encourage participation of the public in the environmental protection and natural resource management.*
- *Article 17: Procedure for participation of the public and access to information pertaining to the environmental protection and management of the natural resources, shall be determined by a Sub-decree following a proposal of the Ministry of Environment.*

3.1.3. Sub-decree on Environmental Impact Assessments 1999⁷

Sub-decree number 72 on environmental impact assessments was passed in 1999. This regulation mandates the general requirements, procedures and responsibilities of the Ministry of Environment as well as of project owners. This sub-decree states that “*Initial Environmental Impact Assessment (IEIA)/Environmental Impact Assessment (EIA) are required on various kinds and scales of projects.*” Furthermore, Article 1 of this sub-decree states that the EIA process should “encourage public participation in the implementation of the EIA process and take into account their input and suggestions in the process of project approval.”

Therefore, this regulation is an important instrument for linking environmental protection with development planning as well as for maintaining communication between project owners, people and government institutions, particularly the Cambodian Development Council (Sam, 2008). However, this regulation does not lay out a clear process for public participation, which would ensure good practices.

3.1.4. Prakas on Guideline for Conducting Environmental Impact Assessment Report 2000⁸

⁷ A sub-decree is adopted by the Council of Ministers and signed by the Prime Minister. A sub-decree must be in strict conformity with the Constitution and conform to the Law to which it refers.

To comply with laws and other regulations above, MoE issued another Prakas on Guideline for Conducting Environmental Impact Assessment Report in 2000. With a very short regulation of 6 articles, this regulation has no any effective because it did not mention above public participation at all. As a result, MoE issued another Prakas in 2009.

3.1.5. Prakas on Guidelines for Preparing a Report of IEIA and EIA 2009

This proclamation was formed in 2009 by Ministry of Environment. This regulation clearly states the criteria and format for an EIA report. Public participation is one of the main criteria that all project developers need to provide information in EIA report. After long deliberation, public participation was defined as follows:

Annex 1: “Public Participation refers to the discussion between relevant parties such as relevant Ministry/Institution, local authority, relevant departments, company’s owner, project’s owner, consultation, representative of affected people, and NGO on the development project.”

While this law provides a definition of public participation, there are no provisions in that state a clear number of public consultations that should be conducted or an agenda for each consultation.

Although existing Cambodian laws and regulations clearly define the definition and procedures required for public participation, the new 2012 draft law on EIAs, under supported and coordinated by a public law firm, Vishnu Law Group, shows improvement in the legal framework, particularly in terms of its public participation provision. However, this law has yet to enter into force. Therefore, this thesis will not conduct any analysis on this draft law.

⁸ Prakas (proclamation) is a ministerial or inter-ministerial decision signed by the relevant Minister(s). A proclamation must conform to the Constitution and to the law or sub-decree to which it refers.

3.2. Comparison of International Best Practices for Public Participation to Cambodian Laws and Regulations

The International Association for Public Participation (IAP2) established standards on best practices for public participation that consist of seven main points (Heidi & Malek, 2005). These seven main points can be grouped into 3 categories: access to information, relevant stakeholders' participation, and influential suggestions from participants. This section will provide an analysis of how the Cambodian laws summarized in the previous section compare to the standards for international best practices for public participation.

3.2.1. Access to information

IAP2 states that *“the process must explain the interest as well as the benefit of the project. The public participation process provides participants with the information that they need to participate in a meaningful way.”* This emphasizes that people must be able to access to all relevant information related to a project in order to participate actively and meaningfully.

According to Article 16 of the 1996 Cambodian Law on Environmental Protection and Natural Resource Management, *“The Ministry of Environment shall, following proposals of the public, provide information on its activities, and shall encourage participation of the public in the environmental protection and natural resource management.”* Article 17 of this law says, *“Procedure for participation of the public and access to information pertaining to the environmental protection and management of the natural resources shall be determined by a Sub-decree following a proposal of the Ministry of Environment.”* Based on Article 16, it is appears that the Ministry of Environment is obliged to provide information on its activities that relate to the project, but not necessarily the project itself. Therefore, the public cannot easily obtain information related to the project. Without information in hand, it is difficult to reach what is so-called meaningful participation.

Article 17 states that the process for public participation needs to be explained in an additional sub-decree of the Ministry of Environment. In 1999, the Ministry of Environment issued the Sub-decree on Environmental Impact Assessment; however, this sub-decree makes no mention of access to information or public participation.

3.2.2. Relevant Stakeholders' Participation

IAP2's guidelines on best practices for public participation state that *“the process seeks out and facilitates the involvement of people who are potentially affected by the project. The process involves participants in defining how they will participate, which focuses mainly about the structure of public participation process.”*

After more than 10 years, Cambodia officially defined the term “public participation” in 2009 in the Prakas on Guidelines for Preparing a Report of IEIA and EIA. According to this legal instrument, *“public participation refers to the discussion between relevant parties such as relevant Ministry/Institution, local authority, relevant departments, company’s owner, project’s owner, consultation, representative of affected people, and NGO on the development project.”*

The Prakas lists all relevant stakeholders who must attend public consultation. Representatives of affected people are provided the opportunity to join in consultation, which is a positive sign that the government is willing to bring local people into the discussion; however, the number of participants is limited. There will be a problem if there are different groups of affected people such as indigenous, non-indigenous people and so on. A single representative, or small group of representatives, may not be able to represent a variety of groups’ interest.

3.2.3. Influential Suggestions from Participants

The IAP2 guidelines say: *“The public should be able to express their opinion in decision making about actions that affect their lives. The public participation process communicates to participants how their opinion and suggestion will affect the decision. Public participation includes the suggestion that the public's contribution will influence the decision.”* This clearly shows that participants’ opinions and suggestions should be a priority and should be able to influence the decision making process.

Article 35 of the Constitution of Cambodia says: *“Khmer citizens of either sex shall have the right to participate actively in the political, economic, social and cultural life of the nation. Any suggestions from the people shall be given full consideration by the organs of the state.”* This supreme law shows that the basis of Cambodia’s legal system includes respect for freedom of expression and the right to participate. Moreover, the relevant state institutions should take the public’s view into their consideration when conducting their official duties, including planning and approval of development projects.

Article 1 of the 1999 Sub-decree on Environmental Impact Assessment states that the EIA process should *“encourage public participation in the implementation of the EIA process and take into account their input and suggestions in the process of project approval.”*

These two articles are consistent with the international best practices for public participation set out by IAP2. However, they do not mention how public opinion may influence the decision-making process or how people’s views will be acknowledged and their suggestions considered. There should be a mechanism to clarify these two articles to ensure that public messages are met with a response. In addition, it is essential to ensure that public participation is always a two-way communication process so that concerns are raised and feedback will be heard.

3.3. Future Direction of Cambodian EIA Laws and Public Participation Law

There will be two more Cambodian laws relating to EIAs and public participation coming soon: the Law on Environmental Impact Assessment and the Law on Associations and Non-Governmental Organizations.

3.3.1. Law on Environmental Impact Assessment

This law is being drafted by a public law firm called Vishnu Law Group. This law has been being drafted for almost one year as of now. This draft law consists of 14 chapters with 81 articles. Chapter 5 of this draft law is mainly about the public participation process. However, this law does not detail the procedure of public participation yet. It will be detailed in another sub-decree once this law is passed. At present, this law has been distributed to relevant NGOs to comment. Moreover, Vishnu will organize a workshop on this draft law to collect comments from different communities from across Cambodia.

3.3.2. Law on Associations and Non-Governmental Organizations

The Law on Associations and Non- Governmental Organizations, briefly called the “NGO Law,” is also under draft. The whole draft law consists of 10 chapters. However, the latest draft of the NGO law severely restricts freedom of expression and potentially reduces the voice of many organizations that represent and protect marginalized groups including: farmers, labor unionists, land activists, students, sex workers, and the disabled. The NGO law still fails to respect fundamental rights, including freedom of association and freedom of expression. In its present form, the draft law will have a severe, negative impact on local NGOs and associations as well as foreign NGOs.

3.4. Summary

To conclude, the legal framework related to public participation in Cambodia is developing slowly. The existing legal framework on public participation in particular does not a clearly define the procedure and limits the number of participants required in consultations, which serves as a major obstacle to public participation. Moreover, legal

framework alone will not facilitate meaningful public participation if the gap between legal instruments and implementation still exists.

Chapter IV

An Evaluation of Public Participation in the Stung Hav Coal Fired Power Plant

This chapter will introduce the study area, the impact of the Stung Hav CFPP in its construction stage, and the public participation procedure for the Stung Hav CFPP. Moreover this chapter will focus on evaluating public participation in the Stung Hav CFPP in terms of Cambodian legal instruments, international best practices, and the principles of public participation.

This chapter will respond to the second research question: *“What public participation process has been applied in the Stung Hav Coal Fired Power Plant case in comparison to Cambodian legal framework and international best practices in public participation?”* This chapter will: introduce the study area, describe the current impacts of the Stung Hav CFPP in its construction stage, describe the procedure of public participation according to EIA Company, summarize public participation in the CFPP, and evaluate public participation in the Stung Hav CFPP in comparison to Cambodian laws and regulations, international best practices, and the empowerment of the community to participate.

4.1. Introduction to the Study Area

This research was conducted in Kampenh Commune, Stung Hav District, Preah Sihanoukville Province. Kampenh Commune was established in 1983 and consists of two villages: Village I and Village II. It has 283 households. 90% of people in this commune are fishermen who have their own big or small boats. The majority of seafood caught in this area is shrimp, fish and octopus. Big boats can drive to a further sea about three hours away from the shore, where they can catch a lot of shrimp, fish and octopus. The small boats cannot go far from the shore, so they just catch shrimp or crabs nearby shore using traditional fishing methods.

4.1.1. Village I

Geographically, Village I is located in two different areas (see appendix 1). Firstly, part of Village I is connected to Village II in the same area. Villages I and II join directly in between a new construction road and the sea shore. The other part of Village I is separate from this area, and is located where many big boats gather.

There are 132 households in this village. The villagers have mostly been residents in this area for a long time. It faces opposite of the sea and is surrounded by a few petroleum warehouses, a few grocery stores, several restaurants with pool tables, and a tailor shop. The CFPP can be seen clearly from the shore of this village.

4.1.2. Village II

Village II people are comprised of a mix of residents and migrant people from other parts of Cambodia, such as Takeo and Kampot Provinces, who mainly depend on fishing with their small boats. Those migrants spend most of their lives in this area and visit home occasionally. There are 151 households in this village.

Behind Village II, the huge construction area of the CFPP can be clearly seen (see appendix 2). In this village, there are a few grocery stores, two cafés, one kindergarten, one primary school, and one pharmacy. The majority of women stay home while the men always spend time on boat.

4.2. The Local Impacts of the Stung Hav CFPP during the Construction Stage

The construction of the CFPP was approved in 2011 (see section 2.4.4). Since that time there have been a few noticeable impacts happening during the construction period. Those impacts are:

- **Reduction of Sea Animals in 2012:** As previously mentioned, 90% of the people in this commune are fishermen, so their lives are totally dependent on

catching of sea animals based on the season. However, the sea animal population was dramatically reduced in 2012.

➤ **Village I:** The senior resident of Village I revealed: *“With my big boat, I could collect one ton of small fish per night in 2011; yet, I could collect only between 300 to 500 kg for one night in 2012”* (Interview,V1-001, 29.12.2012).

➤ **Village II:** The fisherman said, *“I could catch between 10-40 kg of shrimp per night with my small boat near the project site in 2010. Right now, I can catch 3-4 kg per night since the construction started”* (Interview,V2-003, 26.12.2012). Another fisherman strongly shared his problem: *“I sometimes get only 0.5kg per night this year. It is not even enough for my family. I have never caught such a small amount of shrimp before”* (Interview,V2-004, 26.12.2012).

- **Income Instability:** The reduction of the population of sea animals was the root cause of income instability. However, most of the interviewees did not share information about their income. When the question of income was asked, they just kept quiet or talked about other issues or just gave an unclear statistic. One fisherman provided general information and a question: *“An average monthly income for fisherman in this village is between 3 to 4 million riel. This amount is already decreasing from before. Will this project keep decreasing my income?”* (Interview, V2-005, 27.12.2012).

- **Health Impacts:** As of now, there has not been any health problems associated with the construction of the CFPP. However, the majority of people are very concerned about health impacts. The senior member of the fishing community expressed his strong concerns that *“People in this area will get lung cancer and respiratory problems in the future. I have read about the problem of the Mae Moh coal in Thailand that killed many people. I believe the same health impacts will come to my people as well”* (Interview, V2-002, 09.12.2012). The officer of

ADHOC said, *“If we use coal to cook then we will see that the ceiling become black, because the smoke emissions make us unable to breathe well. So what about the 100 MW coal power plant? I am sure there will impacts like the one I saw with a study tour to Thailand.”* (Interview, NGO-01, 10.12.2012).

- **Village I:** 67% of villagers from Village I had no idea what is going on with their health, but sounded very worried about health issues in the future. A worker on this project said, *“I don’t know about the health impacts because I have no knowledge of this project. However, I heard people talking about potential health problems in the future, such as cancer and so on. I have no idea yet, so I think we should wait and see together.”* (Interview, V1-003, 29.12.2012).
- **Village II:** 88% of villagers from Village II were strongly concerned about their health in the future. A housewife with three children expressed her concern: *“I heard people talking to one another, saying that this project will produce a lot of health impacts on everyone, especially children. I am really worried about my kids' health”* (Interview, V2-008, 27.12.2012).
- **Worker Insecurity:** Workers' security is big concern for this project right now. One worker was died and two were injured because of rockslide at the project site (The Cambodian Daily, 2013). This was not the first incident for this project. In 2010, during the opening ceremony of this project, the company rented a van to transport villagers to join the event. It ran off the road, causing 40 people to be injured; some of them are now disabled (Phnom Penh Post, 2013).

4.3. Local Benefits of the Stung Hav CFPP at Construction Stage

In the construction stage, there have not been many benefits for the community. The only benefit presently is job opportunities (see section 2.4.3). Some of the villagers had a chance to work for the Stung Hav CFPP as workers and security guards. However, the

process of selection is not clear and it is a kind of corruption. Interviews with two workers at project site revealed: “My father helped me to get a job with the Stung Hav CFPP. I started my work when the project started.” The same interviewees also mentioned that *“Besides Khmer workers, there are a lot of Chinese staff members.”*

4.4. Public Participation in the Stung Have Coal Fired Power Plant in Practice According to the EIA Company

The public participation procedure is not yet detailed in any existing Cambodian legal instruments. However, the public participation procedure for this project was organized by TEAM Consulting and Management (Cambodia) Company, called TEAM for short. TEAM is member of TEAM Group, which is responsible for conducting the environmental impact assessment and setting up a monitoring program to minimize the environmental impacts from the Stung Hav CFPP (TEAM, 2009).

For the Stung Hav CFPP, the company conducted three public consultations. Each public consultation consisted of three stages: before, during and after consultation (Interview, EIA-01, 19.01.2013). Each of these three stages was arranged with different methods to make public participation run smoothly. The details of each stage are:

Before consultation: Before the public consultation was held, the project owner or the head of the EIA Company in the project must publicly inform people so that they may join the public consultation. The information can be disseminated through different means, such as radio, letters of invitation, leaflets, or announcements by local authorities. For this project, leaflets and letters of invitations issued by the EIA team were distributed to the people and relevant stakeholders (see appendix 3). The organizer had to look for a good location to organize the consultation.

During consultation: In this stage, the organizer should provide a presentation of the results of the research they conducted in the project area to participants. Participants are free to object to the results, make corrections and give comments. The opinions of local people and relevant stakeholders are most important since they know their home

environment better than others. Expressions of opinion should be free from any intimidation, and people are the owners of their thoughts. Furthermore, local people must give consent about certain aspects of the project, such as who the owner of the project is, where the company is from, what the project is, and other relevant project information.

Participants were invited to ask questions and raise their concerns. Besides a presentation, short questionnaires were distributed to seek people's opinions on this project and whether they accepted this project or not.

After consultation: After the public consultation, people should be informed about the results of the consultation in which they participated. This stage should also provide answers to questions from participants from the consultation. People still have the right to share their opinions or suggestions in this stage. Then, their ideas should be brought up in the national level consultation.

Besides public consultations, TEAM also conducted interviews with key persons in Stung Hav, such as the head of the district, the head of the commune and the heads of the villages. TEAM also surveyed on different topics like electricity fees, income, people's perceptions of the project, and so on.

Following the procedure described above, there were three public participations in CFPP (EIA, 2010).

- **The First Public Consultation:** The first public consultation was held from 06-10 March 2009, and had 124 participants from three communes. The public participation was focused on the Environmental Impact Assessment and Hydrological Studies for the 100 MW Coal Fired Power Plant Project in Stung Hav district, Preah Sihanoukville province.
 - 06 March 2009: At Kampenh Commune, Tomnup Rolok Commune
 - 10 March 2009: At villages number I, III and IV of Or Tres Commune

- **The Second Public Participation:** The second public consultation was conducted 3-13 March 2009; the two consultations were to show the results from the environmental study in order to seek comments from relevant stakeholders. The public consultation at the district level was conducted on 20 March 2009. The public consultation at the provincial level was held on 22 March 2009. There were 100 local participants.

- **The Third Public Consultation:** The third public consultation was held in Stung Hav district to show the results of first and second public consultations, the results of the inter-ministerial meeting, and the mitigation measurements. There were 86 participants consisting of local authorities, NGOs, heads of communes and villages, deputies of relevant departments and heads of the fishing community.

Apart from these three public consultations, there were many inter-departmental meetings within the MoE and inter-ministerial level meetings before construction was approved.

4.5. Evaluation of Public Participation in the Stung Hav Coal Fired Power Plant Compared to Cambodian Laws and Regulations and International Best Practice

This section will be divided into two sub-sections of evaluation. The first sub-section will evaluate public participation in the Stung Hav CFPP against existing Cambodian laws and regulations. The other sub-section will evaluate public participation in the Stung Hav CFPP against international best practices for public participation.

4.5.1. Evaluation of Public Participation in Stung Hav Coal Fired Power Plant Compared to Cambodian Laws and Regulations

The evaluation in this sub-section will be a comparison between the actual practice of public participation in the Stung Hav CFPP to the Cambodian laws and regulations that are currently in force. Those laws and regulations are the 199 Cambodian Constitution, the

1996 Law on Environmental Protection and Natural Resource Management, the 1999 Sub-decree on Environmental Impact Assessment, the 2009 Prakas on Guidelines for Preparing a Report of IEIA and EIA, and other relevant regulations.

The evaluation in this section will focus on public participation, the number of participants, and freedom of expression.

4.5.1.1. Number of Participants

Cambodian Legal Instruments

2009 Prakas on Guidelines for Preparing a Report of IEIA and EIA

Annex 1: *“Public Participation refers to the discussion between relevant parties such as relevant Ministry/Institution, local authority, relevant departments, company’s owner, project’s owner, consultation, representative of affected people, and NGO on the development project.”*

In Stung Hav CFPP

Village I: I conducted interviews with 36 individuals (18 male and 18 female) in 36 households. 4 out of the original 40 interviewees refused to be interviewed because they were not interested and busy with their business. The results showed that 6 out of the 36 interviewees had participated in the public consultations organized by the EIA Company. Members of the other 26 households never participated in the public consultations. Four out of 26 interviews who were surveyed never participated in any consultation about this project. Four rejected my request for an interview, so in total 36 people in Village I were interviewed.

TEAM issued invitation letters to local authorities with names indicated. A local teacher said, *“Not everyone can join the meeting, participants have to be invited.”* (Interview, V1-002, 28.12.2012).

Village II: I conducted interviews with 40 individuals (25 male and 15 female) in 40 households. 7 households out of 40 households had been invited to the public consultation. 30 households out of 40 were never involved in public consultations for this project. The other three interviews were surveyed on different topics such as the impacts of the CFPP, whether or not they want the CFPP, and their income, but had never been invited to any public participation consultations.

The community representative was not invited to the national level consultation. The senior representative of the fishing community said, *“I was invited by NGO Forum to join the national level consultation. I tried to bring a voice on behalf of community to bring attention from the meeting”* (Interview,V2-002, 09.12.2012).

As the number of participants was limited, the only NGO that was invited to join a public consultation at the national level was NGO Forum. Because of this limitation, civil society organizations could not dominate the decision. A project staff member said, *“I shared comments and tried to bring up concerns based on community interest. However, my voice was not powerful enough as a single person.”* (Interview,NGO-03, 24.12.2012).

4.5.1.2. Public Participation

Cambodian Legal Instruments

1999 Cambodia Constitution

Article 35: *“Khmer citizens of either sex shall have the right to participate actively in the political, economic, social and cultural life of the nation. Any suggestions from the people shall be given full consideration by the grant of the state.”*

1999 Sub-decree on Environmental Impact Assessment

Article 1: EIA process should *“encourage public participation in the implementation of the EIA process and take into account their input and suggestions in the process of project approval.”*

Stung Hav CFPP

Village I: According to the interviews with the villagers in Village I, 67% of people who participated in the public consultation asked questions and raised suggestions and comments. The other 33% of participants did not ask questions or raise suggestions and comments because they have no knowledge about coal and have low levels of education which makes it difficult to understand the presentation. One of the interviewees who did not ask questions said that, *“I do not understand all the points because my education is only through grade 10. Moreover, I did not have to ask questions because my leader already asked.”* (Interview, V1-004, 29.12.2012).

Through the interviews, I found that 33% of participants claimed that they completely understood the information. In contrast, 50% of participants admitted that they could understand only some points because the presentation was conducted in Chinese and Thai and translated to Khmer. One participant said *“There were so many difficult words that I could not understand even in Khmer language”* (Interview, V1-005, 28.12.2012). The other 17% of participants did not understand at all.

Village II: In this village, 57% of participants asked questions and raised suggestion and comments. Most of their questions focused on impacts to fisheries, health, and the environment, as well as on how the mitigation measures will work. 43% of the interviewees did not asked any questions because of limited knowledge on the topic and because too many other people asked questions.

85% of participants in this village claimed that they could not get all information. The senior representative of Kampenh Commune said, *“I am not a technician or an environmentalist, so I can't catch up on all terminologies and technical explanations.”* (Interview, V2- 001, 10.12.2012). The other 15% admitted that they could not understand at all due to their levels of education and lack of experiences with coal.

4.5.1.3. Freedom of Expression

Cambodian Legal Instrument

1999 Cambodian Constitution

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

The Stung Hav CFPP

A local leader who was invited to join two public consultations told me, *“The organizer always said that the project was approved by national assembly and senate already. What is more, he said that this project is to fulfill the requirement of Royal Government of Cambodia”* (Interview,V2-006, 26.12.2012). The senior representative of the commune made a similar point: *“With the introduction that the project is a requirement of government, none of us could say 'No' when they asked about our opinions of the project”* (Interview,V2-001, 10.12.2012).

This kind introduction by the public consultation organizer is considered to be intimidation, which is a challenge to freedom of expression. Because the organizer said that the project is a government requirement and is already approved, people feel that it is useless to voice their concerns.

4.5.2. Comparison of Public Participation in the Stung Hav Coal Fired Power Plant to International Best Practices

This sub-section will mainly focus on evaluating public participation in the Stung Hav CFPP against the international best practices for public participation as set up by the International Association of Public Participation (IAP2). The international best practices in

public participation are divided into three main categories: access to information, relevant stakeholder participants and influential suggestions from participants.

4.5.2.1. Access to Information

IAP2 states that *“the process must explain the interest as well as the benefit of the project. The public participation process provides participants with the information that they need to participate in a meaningful way.”* This emphasizes that people must be able to access to all relevant information related to a project in order to actively and meaningfully participate.

- **Village I:** In the case of the Stung Hav CFPP, the information has not been open to the public. In village I, 85% of interviewees gave the same response to my question about the information they have received about the project: *“The Company is from China. It is going to produce electricity from coal and we will have cheap electricity.”* The other 15% of interviewees did not know any information about project. The pharmacist said, *“I know nothing about the project”* (Interview,V1-008, 28.12.2012).
- **Village II:** 88% of interviewees said, *“The Company is from China. The coal is imported from Malaysia that will produce electricity for a cheap price. The tube will be 130 meter height.”* The remaining 12% said that they do not know any information. The woman whose home is located opposite of the factory said, *“I never heard about a coal power plant until I saw this factory in front of me. The only information that I know is that this factory is going to generate electricity”* (Interview,V2-011, 27.12.2012).

Additionally, the EIA report was not publicly distributed to civil society organizations for comments. The project staff of NGO Forum said, *“I got the EIA report for this project just few days before the national level consultation. I got it on Friday and the meeting was held on Monday morning. With a short period of time, I could not comment on every single issue.”* (Interview, NGO-03, 24.12.2012).

The means of dissemination of information about public participation was not open. The local authorities such as the head of the commune, heads of villages, and commune councilors were invited by letter of invitation with their names indicated. The other participants were informed about the consultation by the heads of the villages. A grocery seller reported that: *“I heard people talking about a consultation but I have never seen any leaflets or announcements.”* (Interview, V1-006, 28.12.2012).

The interviews showed that people received wrong information, such as incorrect information about the owner, about the project. Furthermore, people in both villages got information about the benefits of project, such as cheap electricity, full electricity supply, and increased job opportunities; however, they never heard information about project impacts and mitigation measures. Moreover, the EIA report released very late, so it was a very big challenge for NGO Forum to comment fully.

4.5.2.2. Influential Suggestions from Participants

IAP2's guidelines state: *“the public should be able to express their opinion in decision making about actions that affect their lives. The public participation process communicates to participants how their opinion and suggestion will affect the decision. Public participation includes the suggestion that the public's contribution will influence the decision.”* This clearly shows that participants' opinions and suggestions should be priority and should be able to influence the decision-making process.

- **Village I:** In the case of the Stung Hav CFPP, participants will never know whether their suggestions were influential or not because different participants were invited to join different public consultations. In Village I, 66% of the interviewees joined a public consultation once, 17% of them had participated public consultation twice, and the other 17% joined a public consultation three times.

- **Village II:** Similar to Village I, the results from Village II showed that 57% of interviewees joined a public consultation once, 14% joined a public consultation twice, and 29% joined a public consultation three times.

These results reveal that the participants in different public consultations were not the same people. It is a challenge for participants to know whether their suggestions from previous consultations incorporated or their questions answered. Those who were not invited to other consultations would never hear answers to their questions or suggestions. Those who joined consultations three times were a bit confused, since they were invited to join different meetings but not public consultations because community members were not invited to join the national level consultation.

4.5.2.3. Relevant Stakeholders' Participation

IAP2 mentions that: *“The process seeks out and facilitates the involvement of people who are potentially affected by the project. The process involves participants in defining how they will participate, which focuses mainly about the structure of public participation process.”*

In the case of the Stung Hav CFPP, only fisherman had the chance to join a consultation; other people were not invited. The local teacher said, *“I saw there were meetings at the commune and district halls. I really wanted to join, but they did not invite me. So how can I join? Most of the time, they invited school principal.”* (Interview, V2-007, 27.12.2012). The community representative was not invited to the national level consultation. This clearly reveals that the consultation organizers did not facilitate the relevant stakeholders to participate in consultations in order to achieve what so called “meaningful public participation.”

4.6. The Community's Empowerment to Participate

Wallenstein (1992) understands that *“empowerment is a social action process that promotes participation of people, organizations and communities towards the goals of increased individual and community control, political efficacy, improved quality of community life and social justice.”*

The other author, Cheryl (1999) has defined empowerment is *“a multi-dimensional social process that helps people gain control over their own lives...”*

In the case of the Stung Hav CFPP, some of the community members and local NGO workers were invited to join a study tour to the Map Ta Phut in Thailand. This trip was organized by the Thai NGO, Towards Ecological Recovery and Regional Alliance (TERRA), in collaboration with NGO Forum on Cambodia. Upon their return to the community, they all had the duty to share what they learned with the rest of their community. According to an interview with the senior representative of the fishing community, *“After the study tour, I shared what I saw and learned with members of the fishing community in our monthly meeting. I also contributed my experiences on the study tour to other people in this commune whenever and wherever I met them. However, I do not know how much people understand”* (Interview, V2-002, 09.12.2012).

The other two local NGOs that joined that trip were not able to set up this matter in their working agenda, but gave all their efforts to sharing their knowledge and experiences with the local people. They distributed this knowledge as part of a workshop on human rights. Sometimes, the impacts of coal power plants were used as examples of human rights cases.

According to an interview with the senior representative of the fishing community, he feels like the only active man trying to stand for his own community. As a single powerless man, he could never achieve to his goal to say *“No Coal!”* This problem derives from many challenges:

- **Different Interest Groups in Community:** The interviews revealed that there are three different interest groups in this community.

- **“Yes” Group:** The “Yes” group refers to local authorities who are in favor of the project and people who are not dependent on fishing livelihoods. The senior representative of Kampenh Commune, who never joined any trainings or workshops on coal but is aware of the impacts of coal from reading documentation said, *“I have to agree to the project because it is a requirement from the government. I think that the government is our parents, so they have already carefully thought about the impacts on and benefits to their children”* (Interview, V2-001, 10.12.2012). The other fisherman said, *“Most of people at the market gave their fingerprints to support the project because of cheap electricity”* (Interview, V2-009, 27.12.2012).

- **“No” Group:** The head of the fishing community informed me that the majority of fishermen do not agree to the project because they are worried about their lives without fishing. One fisherman said, *“I have migrated here for several years right now. My life is based on fishing, so if there is an impact on fish then I have to return to my homeland and I do not know what I would do there for the rest of my life”* (Interview, V010, 27.12.2012).

- **“No Idea” Group:** This group refers to some villagers who did not share any opinion about whether they want or do not want the project. This group includes fishermen and ordinary people who are not dependent on fishing.

- **Internal Conflict within the Fishing Community:** The internal conflict within fishery community derived from jealousy. Those who were not invited to join the study tour started to have different attitudes toward fishermen who had been on the study tour.

- **Personal Security Threatened:** A local NGO informed me that: *“I heard that most of people who said “No” to the project were threatened to change their minds with phone calls.”*(Interview, NGO-01, 10.12.2012). The senior representative of the fishing community said that: *“I was threatened by phone many times to stop speaking against the project, but I do not who they were. Moreover, an officer from the MoE also came to my house to convince me to change my mind. Sometimes, I was accused of being an opponent party, and that is why they said I was always against the project. However, I still say “No” to project”* (Interview, V2- 002, 09.12.2012).

Although there are some people who have been empowered, this does not mean that their knowledge and experiences could overcome problem of “violation of freedom” (Sen, 1999). Empowerment could help people to build up their awareness; however, the violation of freedom was an obstacle to exercising this knowledge obtained through empowerment. The security threats used in the case of the Stung Hav CFPP clearly illustrate this obstacle to empowerment.

4.7. Summary

To sum up, the practice of public participation, particularly in the case of the Stung Hav CFPP, still call in to question whether or not the practice is designed in accordance with Cambodian laws and regulations. The comparative evaluation between the actual practices of public participation in the Stung Hav CFPP and Cambodian legal instruments on public participation showed that there were a limited number of participants, limitations on freedom, and passive public participation (see section 2.1.2). The comparative evaluation between the reality of the process of the Stung Hav CFPP and the international best practices for public participation found similar results: lack of influence of stakeholders’ suggestions, limited number of participants, and limited access to information.

These evaluations show that there is still a gap between the legal framework and public participation in practice. Moreover, public participation in the Stung Hav CFPP was a top-down process in which the government had already made a decision. Additionally,

violations of freedom of expression were clearly found in this case, stopping empowered people from exercising their knowledge and experiences.

Chapter V

The Role of NGOs in Facilitating Public Participation in the Stung Hav Coal-Fired Power Plant

The growth of NGOs in Cambodia began in the early 1990s and has been increasing every year since. NGOs have different missions based on their resources. Some NGOs work on health support, others on education, others on justice for the poor, even others on the environment and natural resource management, and so on.

In relation to the role of NGOs in Cambodia, this chapter is trying to answer the question, “*What is the role of non-governmental organizations in the public participation process of the Stung Hav Coal-Fired Power Plant?*” To find the answer to this question, I interviewed four NGOs. One of the four NGOs is working on the CFPP as part of its climate change project. Two are local NGOs that are not directly involved in the CFPP. I also interviewed the public law firm that is primarily working on the draft EIA law.

This entire chapter will detail each NGO's mission, the impact of its activities on the Stung Hav CFPP, the impact of its activities on community empowerment, and an analysis of the NGO's strengths and weaknesses related to empowerment and public participation.

5.1. The NGO Forum on Cambodia

5.1.1. Introduction

NGO Forum is an independent, non-profit and non-governmental organization that was established since early 1980. NGO Forum currently serves as the network coordination body of more than 80 NGO members.

NGO Forum is working on three main programs, which are:

- **Environment Program:** The environment program consists of four projects: climate change monitoring, REDD monitoring, agriculture policy and hydropower projects. The Stung Hav CFPP falls under the climate change monitoring project.
- **Land Program:** The land program covers four projects: land rights, resettlement, forestry rights project, and indigenous people.
- **Development Issue Program:** This program also encompasses four projects: aid effectiveness, national budget, development policy and economic policy.

5.1.2. Impacts of Activities Related to Stung Hav CFPP

At present, NGO Forum is the only NGO working on the CFPP. The Stung Hav CFPP is the first CFPP project in Cambodia; however, NGO Forum has not prioritized this project in their agenda because they lack expertise in coal on their staff. Although this project is not high on the agenda, it does not mean that NGO Forum has done nothing about the project (Interview, NGO-03, 24.12.2012). They have conducted several activities related to the CFPP, which follow.

- **Study Tour:** A few years ago, NGO Forum facilitated a study tour to the Map Ta Phut Industrial Zone in Rayong Province, Thailand. Participants with differing roles, such as the head of the fishing community in Stung Hav, program coordinators from local NGOs, and local authorities were invited to join this study tour. The tour was carried out in cooperation with a Thai NGO, Towards Ecological Recovery and Regional Alliance (TERRA). The study tour introduced participants to coal power plant projects and their impact on local people.
- **Press Release:** NGO Forum organized a press release to showcase the results of the study tour. They invited the head of the fishing community to contribute his knowledge and his concerns to media outlets such as The Cambodian Daily newspaper and so on.

- **EIA Review:** NGO Forum had requested that the MoE provide the EIA report for the CFPP. NGO Forum provided many comments on the EIA report and those inputs caused the EIA report to be revised a few times.
- **Join Inter-Minister Meeting:** NGO Forum, which acts as network coordination body, was the only NGO that was invited to join the inter-minister meeting on the CFPP. NGO Forum invited the head of the fishing community to join the meeting to raise community concerns during the meeting.

5.1.3. Impacts of Activities on Community Empowerment

This section divides the impacts into two categories: positive impacts and challenges.

- **Positive Impacts:** Community empowerment results in a major achievement: self confidence. In the case of the Stung Hav CFPP, the result of empowerment was a great positive impact on the head of the fishing community. Because of the NGO Forum, the head of the fishing community had a chance to be a speaker in a press release that mainly focused on the community's concerns about the CFPP. In addition to this main objective, the speaker also shared his knowledge and experiences he gained from the study tour and made the suggestion to the government to reconsider the plant because of the impact of coal on people's lives.

Moreover, this NGO tried to bring the only active member of the community to the national consultation level. The project officer said, *“I observed that the head of fishing community is very active. Therefore, I invited him to join a public participation at the national consultation level to express his concerns”* (Interview, NGO-03, 24.12.2012).

As a result of the study tour, the fishing community knew how to take control over their own decisions. Finally, they decided to say “No” to the project.

- **Challenges:** At present, NGO Forum has not prioritized work on coal because the study tour demonstrated only one case, so they cannot say whether the CFPP project in Stung Hav will produce the same impacts. Besides, this NGO is facing several internal challenges, including:
 - **Lack of Expertise in Coal:** NGO Forum admitted that, *“At present, we have no expert in coal power plants on our staff, so it is our big challenge for this project. We can’t provide any comments on technical explanations in the EIA report”* (Interview, NGO-01, 24.12.2012).
 - **Lack of Community Initiative:** Because NGO Forum is working as a coordination body, they follow their work after the people's initiative. However, people in Stung Hav generally stay quiet about the CFPP because their security is threatened, they have no knowledge about coal, and there are conflicts of interest between different interest groups.

5.2. The Cambodian Human Rights and Development Association (ADHOC)

5.2.1. Introduction

ADHOC is an independent, non-profit and non-governmental organization that was established in December 1991. ADHOC's work aims to address the absence of basic rights, freedoms and liberties in Cambodia by providing people with knowledge and understanding of human rights, law and democracy and of how to defend these rights and freedoms themselves.

ADHOC's head office is in Phnom Penh, and its other branch offices cover 23 provinces in Cambodia. The branch office in Preah Sihanoukville Province is working on:

- The Human Rights Program, primarily focusing on violations of the law by officers or other powerful men.
- Land and natural resource management, covering land disputes involving more than five families and people's and state land; and natural resource management, such as

violations involving national park land and public property. Women's and children's rights, trying to find justice for victims of domestic violence, rape and all sexual abuse crimes.

5.2.2. Impacts of ADHOC's Activities Related to the CFPP

ADHOC is human rights NGO, so the CFPP is not on its agenda. However, this NGO was invited to join the study tour coordinated by NGO Forum and TERRA. So, ADHOC is part of NGO Forum's network. As a member of the network, ADHOC has conducted some activities, such as:

- **Translation of leaflets:** ADHOC is one of the members of the network that helped to translate the leaflet on the impacts of coal in Map Ta Phut and Mae Moh into Khmer language. The documents were prepared to be published, but as of today they have not been published because of funding problems.
- **Distribution of information about coal:** Although this NGO does not work directly on the CFPP issue, they tried to share the information and knowledge about the impacts of coal on local people that they gained from the study tour. The ADHOC project staff said, *"I always tell people at Stung Hav about the impacts of coal and try to bring their attention to say "No" to the project whenever I conduct training or investigate a case."* (Interview, NGO-01, 10.12.2012).

5.2.3. Impacts of Activities Related to Community Empowerment

The Stung Hav CFPP does not fall directly under ADHOC's agenda; however, they have focused on human rights abuses related to this project. So far, this NGO has investigated the monthly wage issue and cases of corruption. This NGO works as a member of NGO Forum's networks, allowing their staff to participate in capacity building trainings. One of those trainings was on reviewing EIAs, which allowed the project staff to be able to comment on the EIA report and understand local concerns.

Although the CFPP project did not fall under ADHOC's agenda, they tried to propagate knowledge within the local community through their human rights workshops. However, ADHOC did not have a chance to express their concerns in any consultations. As the ADHOC coordinator said, *“I have never been to any consultation about this project. They never invited people who know about the negative impacts to join their meeting in order to fight them”* (Interview, NGO-01, 10.12.2012).

5.3. The Cambodian League for the Promotion and Defense of Human Rights (LICADHO)

5.3.1. Introduction

LICADHO is a non-governmental and non-profit organization that was established in 1992. The primary activities of this NGO involve monitoring, intervention, documentation, and advocacy that aim to create accountability from government officials. LICADHO has missions in over 12 provinces in Cambodia.

In Preah Sihanoukville Province, LICADHO is working on monitoring human rights abuses, conducting human rights trainings, providing medical care to prisoners and victims of human rights violations, and promoting women's and children's rights.

5.3.2. Impacts of LICADHO's Activities Related to the Stung Hav CFPP

Not different from ADHOC, the CFPP does not fall under LICADHO's agenda since it is human rights NGO. However, this NGO became a member of NGO Forum and was invited to join the study tour to Thailand. After the study tour, LICADHO has conducted some activities, such as:

- **Distribution of Information about Coal:** the program coordinator of LICADHO distributed what he had learned from the trip to local people during a human rights training and case investigation.

- **Joining the Network Meeting:** as a member of NGO Forum, this NGO joined a regular meeting on environmental issues.

5.3.3. Impacts of LICADHO's Activities Related to Community Empowerment

Not different from the other local NGOs, the CFPP does not fall directly under LICADHO's agenda. However, they are working on human rights violation, including the human rights violations caused by this project. Currently, this NGO is investigating the case of a rock slide at the CFPP that killed one worker and injured two.

Besides this activity, LICADHO has also disseminated their experiences and knowledge gained on the study tour to local people. They have done this through activities such as investigating the case by asking people whether or not they know about impacts of the project, and providing examples related to this case during their trainings on human rights. Though LICADHO has knowledge about coal plants from the study tour, they were never invited to any consultation. A staff member at LICADHO expressed, *“The reason that we are not invited is because we are not an environmental NGO. However, my NGO supported me to observe the process. I also asked questions, made suggestions and shared my concerns on behalf of the NGO.”* (Interview,NGO-02, 11.12.2012).

5.4. Vishnu Law Group

5.4.1. Introduction

Vishnu Law Group is the second public law firm in Cambodia, established in April 2012. Vishnu is a non-governmental law firm that is registered under the Bar Association of the Kingdom of Cambodia. Its aim is to provide legal service and seek justice for the poor in Cambodia and to assist government agencies with legal skill.

Vishnu Law Group is the first law firm in Cambodia to work on environmental issues and policies. The group's work includes:

- An EIA project, which aims to provide legal service for environmental cases and create policies such as the draft EIA law and other legal frameworks.
- Policy that focuses on hot issues of defamation and disinformation. High-profile cases, including cases involving land disputes and freedom of expression. Circulation Number 03, which focuses on temporary shelter, trainings, and in-place development to provide land titles to local people and legal representatives in cases against the local authorities.

5.4.2. Impacts of Vishnu's Activities Related to the Stung Hav CFPP

Vishnu, as a newly born public law firm, has not been involved in any activities related to the CFPP. Currently, Vishnu is working on environmental policy, particularly the draft EIA Law, which is a hot issue in the process of implementing the rule of law in Cambodia by the end of 2011. Vishnu's concerns led this public law firm to meet with a partner that currently works on EIA issues in China. As a result of the discussion, Vishnu developed activities such as:

- **Study Tour to China:** Vishnu has conducted two study tours to China, where there are similar laws and experiences (both negative and positive), as Cambodia. Cambodian CSOs, public law firms, and the Cambodian Ministry of Environment where participants in the most recent study tour. Throughout the trip, participants met different partners, such as CSOs working on environmental issues, government entities in charge of environmental issues, the UN agencies in charge of environmental issues, and other committees. They also visited to the site of a dump area.
- **Research on EIA Law:** After the study tour, Vishnu started to conduct research on the best EIA laws in the world in order to learn and get ideas for the draft EIA law in Cambodia.
- **Cooperation with the MoE:** Upon returning from China, Vishnu visited the MoE to discuss how the law firm can help the ministry. One of the projects requested by

the MoE was the EIA Law. Vishnu requested cooperation from the MoE on the project. The MoE was satisfied with the initiative and began to cooperate with Vishnu.

- **Involvement of Cambodian and Foreign Experts:** Vishnu also invited experts from Australia and America to help with the EIA project. The foreign experts visited the MoE to research all relevant legal frameworks related to EIAs, on implementation problems, and on capacity of human resources. In addition to consulting foreign experts, Vishnu invited local experts, such as senior lawyers, who have many years of experience with development projects, to work on the draft EIA law.
- **Public Involvement in the Draft EIA Law:** Vishnu distributed the draft EIA law to different CSOs for comments. The comments were put into the draft and sent to the MoE. Vishnu's next plan is to organize workshops on the draft EIA law in order to collect comments from local communities around Cambodia. This activity, aimed at sharing with and learning from local communities, is a form of public participation.

5.4.3. Impacts of Activities Related to Community Empowerment

Vishnu's agenda is different from those of the other local NGOs. Instead of working with grassroots level communities, Vishnu works with policy makers. They believe that *“If we have a good policy, then meaningful public participation will be reached. In terms of environmental issues, Vishnu is very new to this work. However, we have tried our best to design a project related to policy issue. With our legal experiences, we are assisting the MoE to draft the law on EIAs”* (Interview, VLG-01, 03.01.2013).

Vishnu works from a different angle from the other NGOs; however, it has the same purpose, which is to achieve rule of law in Cambodia. The combination of work at different levels, from the community level to the policy making level, is able to achieve this goal.

5.5. Analysis of Strengths and Challenges

In Cambodia, NGOs in general work to fill the gap between law and practice by providing capacity building in different forms, facilitating community empowerment, assisting government bodies, and so on (Merla, 2010). This section will analyze the strengths and challenges of each NGO based on community empowerment and public participation.

5.5.1. Strengths of NGOs in Public Participation

In terms of public participation, some NGOs have supported themselves to join in public participation on the CFPP project to raise concerns and suggestions on behalf of NGOs. Moreover, the other NGOs have tried their best to collect people's concerns and push them to join public consultations in order to voice their communities' concerns.

Besides assisting people at the community level to participate in different public consultations, encouraging people to participate at the policy level is also important. Currently, the draft law on EIA is being revised based on comments from various relevant NGOs. This work tries to engage people in the process and allow communities to actively participate through shaping the structure of public participation in the law according to the new draft law itself. With this goal, the draft law will be presented to different local communities in Cambodia for comment.

Therefore, the combination public participation at the community level and at the policy level is very important in order to improve public participation in various sectors, especially in the environmental sector.

5.5.2. Strengths of NGOs for Community Empowerment

Each NGO involved in the Stung Hav CFPP has its own strength in promoting community empowerment.

Some NGOs provided different workshops and trainings such as study tours, EIA review trainings, and so on. Those capacity building trainings are aimed at building awareness, knowledge and practical experiences in the network of community members, so that people can work in their own communities and voice their communities' concerns. However, those trainings were provided to specific groups such as local NGOs, community activists, and network members. The trainings were held in Phnom Penh, not in the community itself.

Some NGOs are not working directly on environmental issue; but rather use their efforts to work on human right issues related to the Stung Hav CFPP. Although they are not environmental NGOs, they believe that environmental issues are human right issues, so they monitor human rights violations caused by this project. After the study tour, they directed their work towards environmental issues. As result, one local NGO is investigating the rock slide accident at the project site that killed one worker and injured two. Another NGO is working on the monthly wage issue. In addition, local NGOs work hard to spread information and knowledge from study tours to the community through their trainings and workshops. Sometimes, the impacts of coal power plants were used as examples in their trainings on human rights issue.

In contrast to environmental NGOs and locally-based NGOs, the public law firm is working on the policy level by assisting the MoE to draft the EIA law. This idea came after a study tour to China when they realized Cambodia was in need of an EIA law. With the empowerment from outside Cambodia, this public law firm was able propose this idea to the MoE and coordinate this work from 2011 until now.

5.5.3. Challenges for NGOs in Public Participation

NGOs face a few challenges in public participation in Cambodia. Those challenges are political pressure, insufficient legal frameworks, a lack of expertise in a particular issue, the issue is outside of working agenda, and lack of experience when working on a new issue.

- **Political Pressure:** The examples of the assassination of a workers union leader in Cambodia and the bombing in 1997 (see section 1.1) show that political pressure is a significant challenge to public participation. Threats to people's personal security and lives have seriously impacted NGOs working on human rights issues.
- **Insufficient Legal Frameworks:** At present, there are not enough legal frameworks related to public participation, and there is still a gap between implementation and the law. There is no law that clearly states the procedure for public participation. This is a big challenge to NGOs that are working directly to monitor and evaluate the public participation process.

In addition, the Cambodian government is working on the NGO Law. As of now, this law still fails to respect fundamental rights, including freedom of association and freedom of expression. So, this will produce yet another challenge to NGOs assisting in the public participation process.

- **Lack of Human Resources:** The biggest challenge for NGOs in public participation is the lack of human resources (see section 5.1.3). Currently, there is no NGO staff member who is an expert in coal power plants who can confirm the mitigation measurement.
- **Issue is Outside of Working Agenda:** Some NGOs are working on human rights issues, so environmental issues are not part of their working agendas. It is difficult to fully observe an issue that does not fall under their working agenda. Since it is not their target issue, they cannot spend more time on this project.
- **Lack of Experience in Environmental Issues:** Some CSOs are new to environmental issues, especially public participation, so it is a challenge to newly established CSOs working this issue.

5.5.4. Challenges for NGOs in Community Empowerment

NGOs that are empowered would challenge to some difficulties such as their limited knowledge and experience, a lack of community initiative, sensitivity of issue and the way NGOs present themselves. These problems would not allow those NGOs to contribute their knowledge.

- **Limited Knowledge and Experience:** NGOs that have been empowered would not broadly contribute their knowledge to a community for two reasons. Firstly, knowledge obtained in short period of time that is very new requires more training to improve their understanding. Secondly, some NGOs that do not work directly on the issue may lack of experience in describing impacts and so on. With this limitation of experience, the mean of contribution of knowledge and experience to the others will be another problem to those NGOs.
- **Lack of Community Initiative:** NGOs aim to raise people's awareness to empower them to initiate work for their community. However, there is no guarantee that an empowered community will be able to voice their concerns. Lack of community initiative became a challenge for community empowerment because of security threats, low education, as well as conflicts of interest between different interest groups within the community.
- **Sensitivity of the Issue:** The Stung Hav CFPP is owned by one of the tycoons in Cambodia who is very powerful in the area. Therefore, it is a challenge for NGOs to provide any training directly on this issue in this community.
- **NGO as Opponent Party:** In the Cambodian government's view, NGOs seem like an opponent party that is against government's agenda. Because of this view, NGOs have to be very being careful with issues that are particularly sensitive, like the Stung Hav CFPP. Presently, NGOs that work for the Stung Hav CFPP are waiting for community initiative so they can provide support according to community activities.

5.6. Summary

To summarize, the NGOs have played an important role in facilitating the process of public participation in the Stung Hav CFPP. While this has not directly affected the course of the project, it has produced a lot of positive impacts. Those positive impacts are derived from empowerment that allowed empowered NGOs and people to raise their concerns and stand on their own. In the case of the Stung Hav CFPP, there are two levels of facilitation: community level and policy level. At the community level, several activities that have been conducted by NGOs related directly and indirectly to the Stung Hav CFPP issue. The policy level is also a key part of the implementation of the project and the process of public participation. Therefore, work at both levels is necessary in order to facilitate meaningful public participation.

NGOs in Cambodia possess their own strengths and challenges to public participation and community empowerment. Different NGOs encounter different problems in working on public participation and community empowerment. However, they will build their own strength to overcome those challenges.

Chapter VI

Conclusion and Recommendations

This chapter begins with conclusions that answer the main research question of this thesis: “*What are gaps between public participation in policy and practice in Cambodia, particularly in the case of the Stung Hav CFPP?*” Following this will be the recommendations to each key actor. Finally, this chapter will suggest topics for future researchers for further study on this project.

6.1. Conclusion

The term public participation is recognized internationally by different international bodies. This term does not appear only in international instruments, but also in Cambodian legal frameworks. In Cambodia, an early form of public participation has existed since the rank of King Norodom Sihanouk and its introduction was followed with several national elections and commune council elections. Now, there are several Cambodian legal frameworks that relate to public participation. However, the legal framework related to public participation in Cambodia is developing slowly. The existing legal frameworks on public participation fail to clearly define the procedure; furthermore, they limit the number of participants required to be present at consultations, which serves as a major obstacle to meaningful public participation. In Cambodia, the gaps in knowledge related to public participation in environmental issues derive from limited research and publication. There are many challenges to implementing effective public participation because of these gaps in knowledge.

Because of the absence of strong Cambodian laws and regulations, the practice of public participation, particularly in the case of the Stung Hav CFPP, is still not well-implemented. The issue of public participation in the Stung Hav CFPP is not a unique problem, but it provides a greater understanding of the negative impacts from development projects that are derived from a lack of adequate legal frameworks and implementation. The

problem of participation in large scale dam in Cambodia, Kamchay Hydropower (Sam, 2008) and the land grabbing of Khon Kaen sugarcane case (CLEC, 2010) clearly illustrate the impacts of the absence of adequate legal frameworks and implementation in public participation. The evaluation comparing the actual practices of public participation in the Stung Hav CFPP to relevant Cambodian legal instruments demonstrate that there were a limited number of participants, as well as limitations on freedom of expression and passive public participation (see section 2.1.2).

The evaluation of the international best practices of public participation found similar results: that stakeholder' suggestions were not influential, that there were a limited number of participants and limited access to information. These evaluations demonstrate that the practice of public participation still fails to comply with the existing legal framework. Moreover, the development of the Stung Hav CFPP is a top-down process in which the community was told that *“this project is a requirement of the government and it is a national development project.”* Additionally, there were clear violations of freedom of expression in this case, which served as a major obstacle to allowing empowered people to exercise their knowledge and experiences. Once the freedom of expression had been violated, people would find it difficult to carry out their activities or organize any training.

In terms of community empowerment, some NGOs provided trainings related to EIA and other environmental issues and facilitated a study tour for community members. The other NGOs helped contribute information about coal power plant to community. Because of conflicts of interest within the community, political circumstances, and the sensitivity of the issue, NGOs empowered individuals within the community, rather than the community as a whole. . However, NGOs have played an important role in facilitating the process of public participation in the Stung Hav CFPP.

In regards to the Stung Hav CFPP, there are two levels of facilitation: community level and policy level. At the community level, several activities were conducted by NGOs directly and indirectly related the Stung Hav CFPP issue. On the other hand, the policy

level is also an important to guideline for implementation of public participation. With their own strengths and weaknesses and collaborative work between the ground level and the policy level, NGOs can successfully facilitate meaningful public participation. NGOs in Cambodia possess their own strengths and as such are able to stand on their own and help the community to be a part of the public participation process. However, according to the results of the comparative analysis between the practices of public participation in this case, Cambodian legal instruments, and international best practices, communities did not meaningfully participate in the Stung Hav CFPP.

To take everything into account, the Cambodian legal frameworks related to public participation are not yet comprehensive. The absence of clear legal frameworks makes it difficult to demand accountability from the implementing agency. Along with the absence of clear legal guidelines on public participation and the gap between policy and practice, we can conclude that the Stung Hav CFPP did not employ an adequate process of public participation that meets the requirements of either Cambodian Laws or international best practices for public participation. NGOs played an important role in facilitating the process and in community empowerment. However, they were not able to fully exercise their knowledge or directly participate in the Stung Hav CFPP because of political pressure, the sensitivity of the issue, and some internal problems such as their lack of human resources, knowledge and experience.

6.2. Recommendations

To ensure that existing policies on public participation are implemented and strengthened, I recommend that:

6.2.1. For the Royal Government of Cambodia

- Should produce adequate legal frameworks such as the Draft Law on EIA and other regulations related to the procedures for public participation that will function as guidelines to conduct quality EIAs. Moreover, those legal frameworks should be

clear, give opportunity to the public to access and serve as a vehicle to guide implementers to follow.

- Should allow people and civil society to be involved in the decision-making process through clear requirements in the draft EIA Law for public participation and information campaigns to advise people their rights as well as to educate developers. So that they can share their opinions on that project and voice their communities' concerns. This involvement is necessary to ensure that there are checks and balances as well as transparency in the decision-making process.
- Should disclose information related to the project to the public so the public will know and can easily access information about projects that will be located in their area.
- Should organize public consultations for local people rather than for authorities, in order to allow every interested individual to freely participate. As the local people, they are a priority and should know what is going on in their homes. Moreover, they are the ones who understand their home environment better than others. So, they have to know what will happen to their place, and they should have a chance to share their experiences, concerns and suggestions.
- Should create an independent grievance required by law to monitor the implementation of public participation particularly in EIA Law.

6.2.2. For Civil Society

- Should cooperate with the Ministry of Environment (MoE), particularly the EIA department, to help comment on the EIA report in order to ensure that all the information is true.

- Should be more actively involved in this project even if there is a lack of community initiative, because sometimes the community may not know where to seek help.
- Should present themselves as a resource for the government so that the government can receive assistance from them on the public participation issue.
- Should keep building a network with communities as well as policy level NGOs in order to improve the rule of law.

6.2.3. For Local People

- Should be actively involved in the public consultations. The absence of their voices will produce impacts on their lives, and they are the ones who will be directly affected by the project. Therefore, actively participating in the meeting is the only good chance for them to express their ideas and concerns about the project, share their experiences, and give insight to their way of life in order to influence the decision makers.
- Should organize the community and select regular representatives in order to strengthen their community to challenge the project.
- Should focus on collective issues rather than individual interests.
- Should share information among community members, such as what they have learned, update on the project, and so on, in order for the community to be able to prepare in advance their strategy against the project.
- Should seek possible ways to access information and be willing to participate in any meetings or consultations on the issue related to their community.
- Should seek assistance to improve their understanding on the issue rather than waiting the information to be provided. For example, people should seek assistance

from local NGOs about updates on information so that they will always be alert about what is going on with the project.

6.3. Direction for Future Research

This thesis primarily covers existing Cambodian legal frameworks that are currently in force. The thesis did not cover new legal frameworks related to public participation in Cambodia. The topics related to this research that I recommend for further study are:

- **Analysis of Cambodian Legal Frameworks related to Public Participation:** At the time of this research, there are two new legal frameworks related to public participation: the Draft Law on EIA and the Draft Law on NGOs. Thus, I recommend that other researchers conduct an analysis of public participation in the upcoming legal frameworks to see how the legal improvements influence development projects and how NGOs participate towards those projects.
- **Project Impacts of the Stung Hav CFPP at Operation Stage:** This research studied the project's impacts in its construction stage, so I also advise that a future researcher conduct a study on impacts of the project during operation.
- **Corporate Social Responsibility:** As the Stung Hav CFPP is a joint venture project, future researchers may also examine in-depth a corporate social responsibility (CSR) policy of foreign company investing in Cambodia.

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Appendices

Appendix 1: List of Questionnaires

Appendix 1.1: List of Questionnaires for Local People

Questionnaires

Informant Information

Gender :.....

Age :.....

Occupation :.....

1. Have you participated in Public Consultation about Coal Power Plant?

Yes No: Why?

.....
.....

2. If yes, how many times did you participate?

One Two Three

3. How did you hear about consultation date?

Informed by head of village By announcement By flyer

Other:.....

4. What was that public consultation about?

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.....
.....
.....
.....

5. What project information did you learn from that consultation?

.....
.....
.....
.....

6. What language is used in consultation?

.....
.....
.....

7. Was it easy to understand?

Yes No

8. Did you understand all information provide?

Yes No: Why?.....

.....
.....

9. Did you ask question?

Yes No: Why?.....

.....
.....

10. Did organizer answer your questions?

Yes No: Why?.....

.....
.....

11. Did you raise your suggestion?

Yes No: Why?.....

.....
.....

12. Were there any feedback?

Yes No: Why?.....

.....
.....
.....
.....

13. Have you joined in any workshop/study tour related to coal power plant?

Yes No

14. If yes, what is the name of workshop/study tour? Who organized?

.....
.....

.....
.....

15. What have you learnt from that workshop/study tour?

.....
.....
.....

16. Did you use your knowledge from study tour/workshop in public consultation of this project?

Yes No

17. Have you shared your knowledge from study tour/ workshop to the other people in your community?

Yes No: Why?.....

.....
.....
.....

18. Do you have any overall comments on a public participation in this project?

.....
.....
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.....

Appendix 1.2: List of Questionnaires for Local People in Khmer

កំរងសំណួរ

ព័ត៌មានពីអ្នកសំភាសន៍

ភេទ :..... អាយុ :.....
អាជីព :..... ភូមិ/ឃុំ :.....

១. តើលោកអ្នក ធ្លាប់ចូលរួមការពិគ្រោះយោបល់ជាសាធារណៈអំពីរោងចក្រវារីអគ្គិសនីដើរ ដោយ
ធូ្យងថ្ម ដែរឬទេ?

ធ្លាប់ មិនធ្លាប់ហេតុអ្វី?

.....
.....

២. ប្រសិនបើធ្លាប់ តើលោកអ្នកធ្លាប់ចូលរួមបានប៉ុន្មានដង ?

មួយដង ពីរដង បីដង

៣. តើលោកអ្នកបានទទួលព័ត៌មានអំពីការពិគ្រោះយោបល់ជាសាធារណៈ ដោយរបៀបណា?

តាមរយៈមេភូមិ តាមការបិទប្រកាស តាមការចែកខិតប័ណ្ណ

ផ្សេងៗ:.....

៤. តើការពិគ្រោះយោបល់នោះនិយាយ ពីអ្វីដែរ ?

.....
.....
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.....
.....

៥. តើព័ត៌មានពីគំរោងអ្វីខ្លះដែល លោកអ្នកបានដឹងតាមរយៈការពិគ្រោះយោបល់ ?

.....
.....
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.....

៦. តើភាសាអ្វី ដែលគេប្រើនៅពេលពិគ្រោះយោបល់ជាសាធារណៈ?

.....
.....
.....

៧. តើការពន្យល់នោះងាយយល់ ដែរ ឬ ទេ?

- ងាយយល់ មិនងាយទេ

៨. តើលោកអ្នក បានយល់រាល់ព័ត៌មានដែលបង្ហាញ ដែរ ឬ ទេ ?

- យល់ទាំងស្រុង យល់ខ្លះៗ
 - មិនយល់ ហេតុអ្វី?
-
.....

៩. តើលោកអ្នក បានសួរសំណួរទេ?

- សួរ មិនសួរទេ ហេតុអ្វី?
-
.....

១០. តើអ្នករៀបចំការពិគ្រោះយោបល់ ឆ្លើយតបនឹងសំណួររបស់លោកអ្នកទេ?

- ឆ្លើយតប មិនឆ្លើយតប ហេតុអ្វី?.....

.....
.....

១១. តើលោកអ្នក មានការស្នើសុំអ្វីខ្លះទេ?

មាន មិនមាន ហេតុអ្វី?

.....
.....

១២. តើលោកអ្នកបានទទួលការឆ្លើយតបនឹងសំណូមពររបស់ លោកអ្នក ឬទេ?

មាន :តើសំណូមពរអ្វីខ្លះ?.....

.....
.....
.....

មិនមាន: ហេតុអ្វី?.....

.....
.....
.....

១៣. តើលោកអ្នក យល់យ៉ាងណាចំពោះ ការពិគ្រោះយោបល់ដែលលោកអ្នកធ្លាប់បានចូលរួម?

.....
.....
.....
.....

១៤. តើលោកអ្នកធ្លាប់ចូលរួម សិក្ខាសាលា ឬ ទស្សនកិច្ចសិក្សា ទាក់ទងនឹងរឿងរោងចក្រវារី

អគ្គិសនីដើរដោយច្បូងថ្មដែរ ឬទេ?

ធ្លាប់ មិនធ្លាប់

១៥. ប្រសិនបើធ្លាប់ តើសិក្ខាសាលា ឬ ទស្សនកិច្ចសិក្សា នោះនិយាយពីអ្វីខ្លះ? នរណាជា អ្នក
រៀបចំ?

.....
.....
.....

១៦. តើលោកអ្នក បានទទួលចំណេះដឹងអ្វីខ្លះ អំពីសិក្ខាសាលា ឬទស្សនកិច្ចសិក្សានោះ?

.....
.....
.....

១៧. តើលោកអ្នក បានយកចំណេះដឹងដែលទទួលបានពី ទស្សនកិច្ចសិក្សា ឬ សិក្ខាសាលា

មកប្រើក្នុងការពិគ្រោះយោបល់ដែរ ឬ ទេ?

- មាន អត់ទេ

១៨. តើលោកអ្នក ធ្លាប់យកចំណេះដឹងពីសិក្ខាសាលា ឬ ទស្សនកិច្ចសិក្សា មកចែករំលែកដល់

ប្រជាជនក្នុងសហគមន៍ ដែរ ឬទេ?

- ធ្លាប់: តើលោកអ្នក ចែករំលែកព័ត៌មានតាមវិធីណា?.....

.....
.....

- មិនធ្លាប់ ហេតុអ្វី?.....

.....
.....
.....

Appendix 1.3: List of Questionnaires for Environmental NGOs/Human Right NGOs/ Human Right Lawyers

Questionnaires

1. Can you tell me about your NGOs?
2. What activities have your NGOs involved in Stung Hav Coal Power Plant?
3. What are results?
4. Do you work with other networks? Who are they?
5. Have you joined a public consultation in this project?
6. How many times have you participated?
7. What is your overall view of those public consultations?
8. Do you have any suggestion to improve the public participation in Cambodia?

Appendix 1.4: List of Questionnaires for EIA Company

Questionnaires

1. Could you tell me about your company? What services do you provide?
2. Since your company is in charge of the Stung Hav Coal Fired Power Plant Project, could you tell me how many times of consultation had been conducted for this project?
3. In order to conduct a public consultation, what are the processes?
4. How many forms of consultation? What forms of public consultation did you use in the Stung Hav Coal Fired Power Plant project?
5. What topic did you present for each consultation?
6. Did you select participants or can everyone join?
7. Were they actively participating in consultation?
8. Did they ask questions?
9. Did you answer all those questions? Did they understand your answer?

Appendix 2: Village I of Kampenh Commune, Stung Hav District, Preah Sihanoukville Province

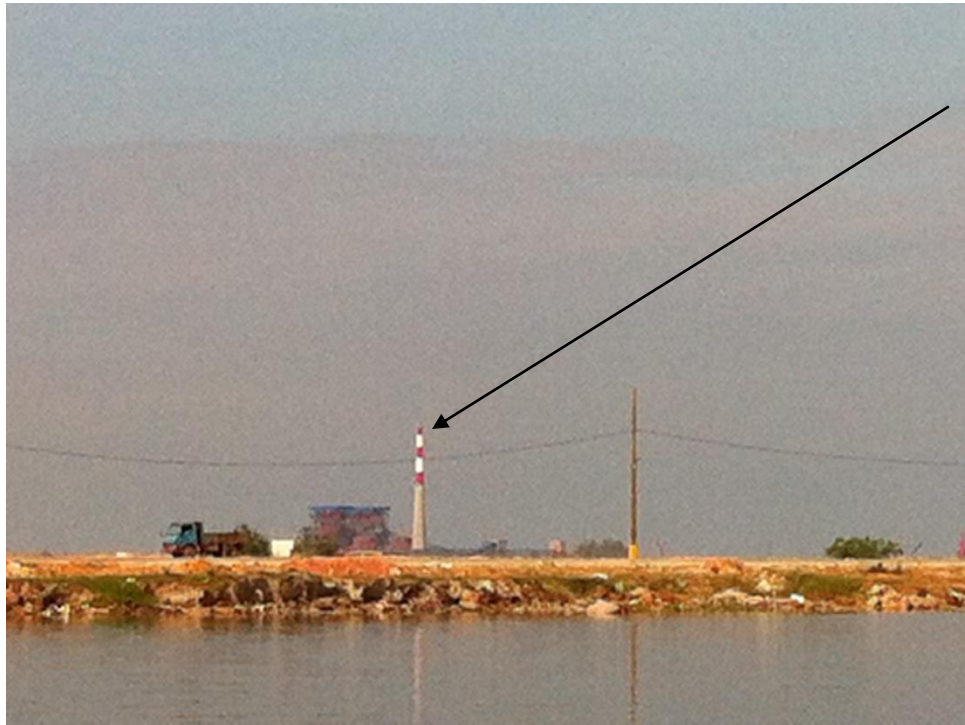


Top Photo: The big boat for fishing at Village I

Bottom Photo: The construction of Stung Hav CFPP from Village I



Appendix 3: Village II of Kampenh Commune, Stung Hav District, Preah Sihanoukville Province



The tube of Stung Hav CFPP

Top Photo: The view of Stung Hav CFPP from village II

Bottom Photo: The view of Stung Hav CFPP from villager house of village II



Appendix 4: Announcement of Public Consultation issued by EIA Company

The First Public Consultation Meeting
On
Environmental Impact Assessment and Hydrological Studies for 100 MW Coal Fired Power Plant
Project in Stueng Hav, Preah Sihanouk province, Cambodia

The meeting will be held in March 06, 2009 at 2:00 pm to 3:30 pm at Kampenh Commune office, Kampenh commune, Stueng Hav district, Preah Sihanouk province, Cambodia

The person whom interested on the above development project were invited to get project information and give comment/recommendation to project design construction and operation to gain good and smoothly result, and avoid any negative environmental impact to natural and social resources in area.

កិច្ចប្រជុំពិគ្រោះយោបល់ជាសាធារណៈលើកទី ១

ការសិក្សាវាយតម្លៃហេតុប៉ះពាល់បរិស្ថាន និង ថលសាស្ត្រ សំរាប់គម្រោងសាងសង់បុព្វហេយច្បងថ្មី តំបន់ថាមពល ១០០ មេហ្គាវ៉ាត់ ក្នុងស្រុកស្ទឹងហាវ ខេត្តព្រះសីហនុ ប្រទេសកម្ពុជា

កិច្ចប្រជុំនេះនឹងត្រូវប្រារព្ធឡើងនៅថ្ងៃសុក្រ ទី០៦ ខែមីនា ឆ្នាំ ២០០៩ វេលាម៉ោង ២:០០ល្ងាច-៣:៣០ល្ងាច នៅ សាលារៀន ឃុំកំពេញ ស្រុកស្ទឹងហាវ ខេត្តព្រះសីហនុ ប្រទេសកម្ពុជា ។

សាធារណៈជនដែលចាប់អារម្មណ៍ នឹងគម្រោងអភិវឌ្ឍន៍នេះ សូមអញ្ជើញចូលរួមដោយសេរី ដើម្បីយល់ជ្រាបជាព័ត៌មាន និងផ្តល់យោបល់ ក្នុងន័យស្ថាបនាផ្សេងៗដល់ការសិក្សា ការសាងសង់ និង ការប្រតិបត្តិការគម្រោងអោយទទួលបានភាពរលូន និង លទ្ធផលល្អ ព្រមទាំងជៀសវាងនូវ ផលប៉ះពាល់ជាអវិជ្ជមានដល់បរិស្ថាន និង សង្គមនៅក្នុងតំបន់ ។

The Second Public Consultation Meeting
On
Environmental Impact Assessment for 100 MW Coal Fired Power Plant Project in Stueng Hav,
Sihanoukville, Cambodia

The meeting will be held in May 20, 2009 at 8:00 am to 11:30 am at Stueng Hav district office, Preah Sihanouk Province, Cambodia

The person whom interested on the above development project were invited to get project information and give comment/recommendation to project design construction and operation to gain good and smoothly result, and avoid any negative environmental impact to natural and social resources in area.

កិច្ចប្រជុំពិគ្រោះយោបល់ជាសាធារណៈលើកទី ២

ការសិក្សាវាយតម្លៃហេតុប៉ះពាល់បរិស្ថាន សំរាប់គម្រោងសាងសង់បុព្វហេយច្បងថ្មី តំបន់ថាមពល ១០០ មេហ្គាវ៉ាត់ ក្នុងស្ទឹងហាវ ខេត្តព្រះសីហនុ ប្រទេសកម្ពុជា

កិច្ចប្រជុំនេះនឹងត្រូវប្រារព្ធឡើងនៅថ្ងៃពុធ ទី២០ ខែឧសភា ឆ្នាំ ២០០៩ វេលាម៉ោង ៨:០០ព្រឹក-១១:៣០ព្រឹក នៅ សាលាស្រុក ស្រុកស្ទឹងហាវ ខេត្តព្រះសីហនុ ប្រទេសកម្ពុជា ។

សាធារណៈជនដែលចាប់អារម្មណ៍ នឹងគម្រោងអភិវឌ្ឍន៍នេះ សូមអញ្ជើញចូលរួមដោយសេរី ដើម្បីយល់ជ្រាបជាព័ត៌មាន និងផ្តល់យោបល់ ក្នុងន័យស្ថាបនាផ្សេងៗដល់ការសិក្សា ការសាងសង់ និង ការប្រតិបត្តិការគម្រោងអោយទទួលបានភាពរលូន និង លទ្ធផលល្អ ព្រមទាំងជៀសវាងនូវ ផលប៉ះពាល់ជាអវិជ្ជមានដល់បរិស្ថាន និង សង្គមនៅក្នុងតំបន់ ។

Appendix 5: Table of Interview Code

Interview Code	Occupation	Gender	Location	Date of Interview
NGO-01	Project Staff of the Cambodian Human Rights and Development Association (ADHOC)	Female	Sihanoukville	10/12/2012
NGO-02	Project Staff of Cambodian League for the Promotion and Defense of Human Right (LICADHO)	Male	Sihanoukville	11/12/2012
NGO-03	Project Staff of The NGO Forum on Cambodia	Male	Phnom Penh	24/12/2012
VLG-01	Lawyer, Vishnu Law Group	Male	Phnom Penh	03/01/2013
EIA-01	Environmental Expert of Team Consulting Company	Female	Phnom Penh	19/01/2013
V2-001	Senior Representative of Kampenh Commune	Male	Kampenh Commune	10/12/2012
V2-002	Senior Representative of Fishery Community	Male	Kampenh Commune	09/12/2012
V2-003	Fisherman	Male	Village II	26/12/2012
V2-004	Fisherman	Male	Village II	26/12/2012
V2-005	Fisherman	Male	Village II	27/12/2012
V2-006	Senior Representative of Village II	Female	Village II	26/12/2012
V2-007	Local Teacher at Kampenh Thmey Primary School	Male	Stung Hav	27/12/2012

V2-008	Housewife	Female	Village II	27/12/2012
V2-009	Fisherman	Male	Village II	27/12/2012
V2-010	Fisherman	Male	Village II	27/12/2012
V2-011	Housewife	Female	Village II	27/12/2012
V1-001	Senior Representative of Village I	Male	Village I	29/12/2012
V1-002	Local Teacher	Male	Stung Hav district	28/12/2012
V1-003	A worker of CFPP	Male	Village I	29/12/2012
V1-004	Senior Representative of Village I	Male	Village I	29/12/2012
V1-005	Commune Council member of Village I	Male	Village I	28/12/2012
V1-006	Glossary Seller	Female	Village I	28/12/2012
V1-007	Pharmacy Owner	Female	Village I	28/12/2012

BIOGRAPHY

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